

Appeal Decision

Site visit made on 30 August 2016

by D M Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/R1038/W/16/3150325

**Land to north side of Locko Brook, Church Lane, North Wingfield,
Derbyshire S42 5HS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Wright against the decision of North East Derbyshire District Council.
 - The application Ref 15/01017/FL, dated 9 October 2015, was refused by notice dated 9 December 2015.
 - The development proposed is the erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues are:
 - 1) Whether the proposed dwelling is appropriate in principle in such a location in light of national and local policy concerning new housing in the countryside and sustainable development, and;
 - 2) The effect of the development on highway safety.

Reasons

3. Saved Policy GS1 of the "*North East Derbyshire Local Plan 2005*" (the LP) seeks to restrict development outside Settlement Development Limits unless '*overriding exceptional circumstances*' can be demonstrated. There is no dispute between the parties that the site is located outside the settlement boundary for North Wingfield and is therefore within the countryside. A residential dwelling would not meet any of the specified exemptions and accordingly it would be contrary to Policies H3, GS1 and GS6 of the LP.
 4. However, the Council accept that it does not have a five year supply of housing land and in such circumstances Paragraph 49 of the "*National Planning Policy Framework*" (the Framework) states that the relevant policies for the supply of housing should not be considered up to date. Accordingly this reduces the weight I attach to the LP policies. In response to its land supply position, the Council adopted an *Interim Housing Policy* in March 2010 which relaxes the criteria for new development located outside settlement boundaries. However, this policy pre-dates the Framework by some margin and is somewhat inconsistent with advice of paragraph 55 thereof. Consequently on this
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particular issue I agree with the Appellant that the more recent Framework outweighs the LP.

5. The Framework states that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking and that there are 3 dimensions to sustainable development: *economic, social and environmental*. Section 6 sets out policy in respect of housing in rural areas so that housing provision reflects local needs and is sustainable development. Paragraph 55 states that new isolated homes in the countryside are to be avoided unless there are special circumstances such as the enhancement of the immediate setting.
6. Whilst the term '*isolated*' is not defined by the Framework, there is little doubt that the site is geographically divorced from the built-up section of the village. Although those dwellings located along Church Lane are visible from the appeal site, they are some distance to the north. The appeal site is seen in the context of the open countryside surrounding it and consequently I consider that the development would be seen as isolated at least in visual terms.
7. I also consider that regard should also be had to accessibility to services and facilities given that paragraph 55 seeks to restrict housing in rural areas to locations where housing will enhance or maintain the vitality of rural communities. In this regard, I consider the appeal site to be poorly located. There are no shops or community facilities within convenient walking distance of the site. Although there is a bus stop nearby, no timetables have been submitted and I have no detailed information on the times when these services run. Therefore, whilst it might be possible for some carefully planned journeys to be undertaken by bus, I am not persuaded that this represents a viable alternative to car based travel. Moreover, the access track which connects Church Lane to the appeal site is steep in places, unlit and would not be conducive for walking or cycling particularly in the winter months.
8. Based on the foregoing, I find that the balance of probability is that for most journeys, for most purposes, in most seasons of the year, the transport mode of choice, and in most cases necessity, would be the private car. For these reasons, the proposal would conflict with one of the core principles of the Framework which is stated as; '*to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable*'.
9. The erection of the dwelling and the residential occupation of the land around it is likely to lead to the introduction of car parking, residential boundary treatments and other paraphernalia which would give the land a domestic appearance. The proposal would read as an isolated, obtrusive and visually prominent encroachment into the open countryside and accordingly there would not be any significant enhancement to the area.
10. Whilst I note the appellant's view that the enhancement of the hedges would mitigate any impact on the landscape, the dwelling would be located at the bottom of a hill and overlooked from a number of public vantage points in the area. As a result, I am not persuaded that effective screening could be provided. I accept that dwelling would to some extent be seen alongside the existing barn nonetheless the dwelling would be located some 17 metres to south on what is currently an open paddock area. The dwelling would be clearly visible and would impose an extent of discordant built development

upon the open countryside. It would therefore be contrary to the Framework's aspirations for planning to recognise the intrinsic character and beauty of the countryside, and to promote local distinctiveness and high quality design.

11. I have found no evidence of any identified local need or a significant contribution to the enhancement or maintenance of the rural community. The dwelling is not for a rural worker and would not re-use a redundant building nor lead to an enhancement to the immediate setting. Consequently, I conclude that the proposal would not amount to sustainable development and would conflict with advice in paragraph 55 of the Framework as well as Policies H3, GS1 and GS6 of the LP and the Interim Housing Policy.

Highway safety

12. The Council argue that the development would result in a significant intensification of traffic movements to/from the site. However, the number of movements generated by a single dwelling would not be significant and I noted when I visited the site that the existing mobile home and stable already generate a certain number of traffic movements in their own right. Therefore whilst there might be some increase in vehicular trips, I am not persuaded that the Council's view regarding the scale of those movements has been substantiated.
13. No evidence has been adduced to demonstrate a particular safety problem exists either with the site access or this stretch of Church Lane more generally. Nor is there any evidence from the Highway Authority regarding the existing sightlines or the speed of traffic on Church Lane. Without this it is impossible to objectively assess whether the existing arrangements are substandard.
14. I accept that growth within the highway verge and adjacent hedge especially in the summer months can impede visibility in the critical direction. However, at the time of my visit the vegetation had been trimmed back thus allowing adequate visibility to the east. I saw nothing on my site visit to suggest third party land is required to maintain these sightlines. Accordingly, I conclude that the development would not compromise highway safety and would accord with Policies T2 and H12 of the LP which collectively seeks safe access to the highway network.

Other Matters

15. In support of the scheme, the Appellant's has referred at length to a number of other appeal decisions. In this regard, whilst recognising the importance of consistency in planning decisions, the particular planning circumstances of all cases will be different and each balance of judgement will vary accordingly. It is however pertinent that none of the decisions cited are proximate to the appeal site or even within the same administrative area. That being the case, there is little to suggest they are comparable to the scheme before me. I have therefore afforded them little weight and assessed the appeal before me on its own merits in the light of the particular circumstances which apply in this case.

Overall Planning Balance

16. I accept that the development would make a contribution to meeting the Council's housing needs. Furthermore, the house would be constructed to high environmental standards and would have a positive effect on local economy through the purchase of materials and services in connection with the

construction of the dwelling. These benefits, although modest, weigh in favour of the scheme particularly given the Council's housing land supply position. There would also be personal benefits to the Appellant in terms of increased site security and the provision of enhanced living accommodation for his son who has autism.

17. In summary, the scheme would offer some benefits consistent with the Framework particularly the delivery of one dwelling for the applicant and his family in a District which is unable to demonstrate a five-year housing land supply. Nevertheless, the adverse impacts, arising from unsustainable travel patterns and the harm to the character and appearance of the area would significantly and demonstrably out-weigh these modest benefits. Therefore assessed against the Framework as a whole, the appeal scheme would not constitute sustainable development.

Conclusion

18. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector