

Appeal Decision

Site visit made on 30 August 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 30 September 2016

Appeal Ref: APP/A2470/W/16/3151850

Land adjacent to 10 Toll Bar, Little Casterton, Rutland PE9 4BB.

- 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 and Mrs Cliff and Mary Hillyer against the decision of Rutland County Council.
 - The application Ref 2016/0080/FUL, dated 19 January 2016, was refused by notice dated 9 March 2016.
 - The development proposed is dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling on land adjacent to 10 Toll Bar, Little Casterton, Rutland PE9 4BB in accordance with the terms of the application, Ref 2016/0080/FUL, dated 19 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, 16/960/01, 16/960/02, 16/960/03.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. Whether occupiers of the proposed dwelling would have reasonable access to shops and services.

Reasons

3. Toll Bar comprises a relatively short stretch of frontage housing that runs alongside either side of the minor road to Little Casterton from its junction with the B1081. Whilst falling within Little Casterton Parish, this settlement is closer to the neighbouring village of Great Casterton.
 4. The proposal is for a three-bedroomed chalet bungalow on the infill plot provided by garden space on the south-west side of No 10. There was a
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previous permission for a dwelling on this site, granted in 2003¹, that the appellant has inadvertently allowed to expire. Since then the Council has adopted the Rutland Core Strategy² (CS) in which Policy CS4 directs development to the most sustainable locations. These are based on the settlement hierarchy established in CS Policy CS3, which classes Toll Bar as a restraint village. Under Policy CS4 proposals for housing in restraint villages are treated in the same way as those in the open countryside, which limits these to cases of essential need, such as rural worker's accommodation or affordable housing.

5. Because this proposal does not meet any of the exemptions that might permit a dwelling in this location it would be contrary to CS Policy CS4, which seeks to direct development towards the most sustainable locations and to restrict it in the countryside, other than in the circumstances set out in Policy SP6 of the Site Allocations and Policies Development Plan Document³ (SAPDPD).
6. The Council is at an early stage of revising the settlement hierarchy in line with the national Planning Policy Guidance (PPG) on rural housing. A background paper⁴ proposes a two-mile buffer zone around the larger settlements, such as Stamford, based on a convenient walking/cycling distance. Within this zone, Toll Bar would be classed as an *Accessible Village with Limited Facilities* and might accommodate limited new development. This policy is at a very early stage and presently can be afforded only limited weight.
7. Paragraph 55 of the National Planning Policy Framework (the Framework) states that, *to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.* This proposal would provide accommodation that is a short walking distance from a range of facilities in the nearest village of Great Casterton, where it would support the schools, pub and other services there. Being within a small settlement the dwelling proposed would not be a new isolated home in the countryside that the Framework seeks local planning authorities to avoid, unless there are special circumstances.
8. The PPG supports the Framework and the Council clearly recognises that its emerging policies should reflect its advice that *blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.* In this respect, CS Policy CS4 and SAPDPD Policy SP6, as they apply to this proposal, are not considered to be entirely consistent with the Framework/PPG and therefore are out-of-date.
9. Where relevant policies are out-of-date would mean following paragraph 14 of the Framework and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweighed the benefits, when assessed against its policies taken as a whole.

¹ FUL/2003/0455

² Rutland Local Development Framework – Core Strategy Development Plan Document - adopted July 2001.

³ Rutland County Council – Rutland Local Plan Site Allocations and Policies Development Plan Document – adopted 13 October 2104

⁴ Rutland County Council – Rutland Local Plan Background Paper 'Sustainability of Settlements Assessment' October 2015

10. The occupiers of the proposed dwelling would have reasonable access to nearby village shops and services. The wide range of services in nearby Stamford would also be accessible by a regular bus service running every hour. This proposal would be supported by the Framework in promoting sustainable development in rural areas, and enhancing and maintaining the vitality of rural communities. The single dwelling would make a small contribution to the Council's supply of housing. Although this proposal is contrary to CS Policy CS4 and SAPDPD Policy SP6 there would be no adverse impacts arising that would significantly and demonstrably outweigh the small benefits provided by this single dwelling.

Conclusion

11. For the reasons given, having taken into consideration all matters raised, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR