

Appeal Decision

Site visit made on 10 October 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 4 November 2016

Appeal Ref: APP/B3030/W/16/3151491

**Adjacent to Sherwood Forest Lodge, Main Road, Kings Clipstone,
Nottinghamshire NG21 9BT**

- 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 Keith Laver against the decision of Newark & Sherwood District Council.
 - The application Ref 15/02109/FUL, dated 25 November 2015, was refused by notice dated 22 January 2016.
 - The development proposed is construction of a single dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether planning policy would support the principle of a new dwelling in this location;
 - The effect of the development on the character and appearance of the area;
 - Whether future occupiers would have reasonable access to services and facilities;
 - Whether an identified, proven local need would support a new dwelling here.

Reasons

Principle of a new dwelling in this location

3. Kings Clipstone is a small village, mainly linear in form, with the spine of development running west to east. There is an area of more consolidated housing in the western part, comprising the main core of the village, with frontage development continuing east alongside the B6030 until this reaches an embankment crossing a flood plain. The flood plain creates a significant gap in development beyond which is the Dog and Duck public house, and a small area of housing to its north along Archway Road. The railway embankment which then runs north-south provides the clear limit to the eastward extent of this village.
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4. The proposed dwelling would be immediately beyond Sherwood Forest Lodge, sharing the same access onto the B6030, and be sited close to the road embankment. The appeal site falls directly adjacent to the eastern limit of the main built-up part of the village. Newark and Sherwood Core Strategy¹ (CS) Spatial Policy 3 states that development away from the main built-up areas of villages, in the open countryside, will be strictly controlled. The supporting text refers to villages often containing outlying development and states that housing resulting in these coalescing with the main built-up parts would normally be resisted. However, it leaves the identification of built-up areas to later Neighbourhood Plans, and one of these has yet to be progressed for Kings Clipstone.
5. Because of differing interpretations, mainly on appeal, the Council produced the Spatial Policy 3 Guidance Note (GN) in September 2013 to provide clarification of how this policy should be applied. Based on the GN, this proposal would not be the infilling of a gap within the main built-up part of Kings Clipstone, but of a larger gap beyond this, towards the more isolated pocket of housing to the east, and therefore be an extension of ribbon development into the countryside.
6. On this basis the proposal would be contrary in principle to Policy DM8 of the Allocations and Development Management Development Plan Document² whereby the dwelling would need to be of an exceptional quality or innovative nature of design, or meet the other criteria for development to be acceptable in the open countryside.
7. However, the GN is not part of the Council's adopted development plan and this proposal should be considered on its own merits. I accept the appellant's argument that further to the north and east is flood plain which would provide a barrier to the main part of the village extending much further and coalescing with the outlying development in the vicinity of the Dog and Duck public house.
8. 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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.*
9. The dwelling would be just outside the main built-up part of the village so would not be a new isolated home in the countryside as referred to in the Framework. Therefore, this proposal should also be considered against the criteria in CS Spatial Policy 3 which apply to development in *Other Villages in Rural Areas*, such as Kings Clipstone.
10. The CS Spatial Strategy is to steer the majority of new housing to the Sub-Regional Centre, Service Centres and Principal Villages, whilst allowing a limited amount of housing elsewhere to meet local need. The intention of CS Spatial Policy 3 is to strike the right balance between protecting the countryside and supporting rural communities. Based on these policy

¹ Newark and Sherwood Core Strategy Development Plan Document – adopted March 2011.

² Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document – adopted July 2013.

intentions, the further relevant considerations are the effects of this proposal on the character and appearance of the area, whether future occupiers would have reasonable access to services and facilities and whether an identified, proven local need would support a new dwelling.

Character and appearance

11. The appeal site is within an attractive area of open space on the edge of the village. This is accessible to the public via footpaths, bridleways and cycle paths and offers wider views and appreciation of the surrounding countryside, including the remains of King John's Palace, a Scheduled Monument. The dwelling would be of a modest-scale and low-height, where it would be screened by the road embankment and relatively unobtrusive in the street-scene.
12. Viewed from the east, across the watercourse, the dwelling would be set against the more prominent Sherwood Forest Lodge. It would replace a rather unattractive cabin which is ancillary to the existing touring caravan site. Whilst low-key in scale the proposal would lead to development encroaching further into an area of countryside which, whilst not subject to any special protective designation, is attractive, relatively unspoilt and visually accessible to the public.
13. Although this proposal would result in only a limited extension to the built-up part of the village, where the flood plan would provide a barrier to further development, it would nonetheless result in harm by the new dwelling, and its associated garden space and domestic paraphernalia, eroding part of an area of attractive, undeveloped countryside and detracting from the open landscape setting of the village.
14. Consequently, the proposal would be contrary to CS Spatial Policy 3 as it would be a new development that has a detrimental impact on the character of the location and its landscape setting. The scheme would not be supported by the core principles of the Framework which require that planning-decisions always seek to secure high quality design that takes account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

Access to services

15. CS Spatial Policy 3 aims to focus new development where it would support existing village services and limit the reliance of private car journeys to access these. The evidence is that there are few services within the village and future residents would depend on accessing those available elsewhere.
16. The dwelling would be close to a bus stop and there is a quite frequent service which would enable future occupiers to reach the wider range of services available in the nearby larger settlements of Ollerton, Edwinstowe and Clipstone. In addition, internet retailing means that people these days are less reliant on having a range of shops nearby.
17. However, whilst the Dog and Duck public house is close by, the lack of shops, schools and other facilities in Kings Clipstone would, despite the bus service available, be likely to encourage future occupiers to rely mainly on journeys by private car to access regularly required services. Although the small bungalow proposed would generate fewer car trips than a larger dwelling, it would

nonetheless conflict with CS Spatial Policy 3 over new development generating excessive car-borne traffic from out of the area. This policy is consistent with paragraph 37 of the Framework in that it aims for a balance of land uses within the area that encourages people to minimise journey lengths for employment, shopping, leisure, education and other activities.

Local housing need

18. The proposal would meet the appellant's personal needs for a smaller dwelling located where it would enable the continuing management of the adjacent caravan site and the tending of horses and livestock.
19. The appellant refers to the Council's Housing Market and Needs Assessment 2014 (HMNA) and that 40.5 percent of the resident's within the Clipstone ward as a whole could in the future require a bungalow, equating to 232 units. However, the HMNA does not specify need down to village level and, whilst I do not doubt that this might overlook the needs of particular settlements, it offers no firm evidence of a general need for the bungalow proposed in Kings Clipstone.
20. Consequently, this proposal would not be supported under CS Spatial Policy 3 in meeting a proven local housing need.

Other Matters

21. I have noted that the Council has consulted on an Issues Paper in respect of the Newark and Sherwood Plan Review, and I am aware that there has been a recent consultation on its Preferred Approach to consider views over whether more housing might be appropriate to support the vitality of settlements below Principal Village status. However, progress in this review is not yet at a sufficiently advanced stage for this to be given any significant weight in this appeal.
22. The Council makes a notional allowance for 200 dwellings that would arise in the Rural Area during the plan period, although the GN makes it clear this figure is not a threshold or a target. The proposal would not gain any support therefore in making a contribution to this, although weight is given to the general support to the Council meeting its overall housing supply targets.
23. The bungalow would incorporate high-level insulation and energy efficiency, as well as other sustainable features, and account has been given to this. It is recognised that this scheme has been altered to reduce its visual impact by a revised design and smaller plot of land, extending less far south, compared to an earlier refused proposal. Consideration has been also given to the letter of support to this scheme from a local County Councillor, in respect of this proposal freeing up additional visitor accommodation to further support local tourism.

Conclusions

24. The Council's policies seek to restrict new housing in the countryside and limit this to within the main built-up parts of villages, where there are local services and access to larger centres. The intention is to protect the character and appearance of rural settlements and the countryside, to ensure car-reliant development is avoided and to focus housing where it would benefit from and

support services. This is consistent with the aims of the Framework to contribute to the achievement of sustainable development.

25. Although the dwelling would be adjacent to the main built-up part of Kings Clipstone, this village has few services and, despite a bus service, future occupiers would be overly reliant on private car use to access their needs. Although the flood plain provides a natural limit to the extent of housing, this proposal would lead to the further encroachment of ribbon development into an undeveloped gap which would harm the character and appearance of this area. Weight is given to the dwelling meeting the personal needs put forward. However, these would not outweigh the harm found and, as a consequence, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR