

Appeal Decision

Site visit made on 8 November 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 21st November 2016

Appeal Ref: APP/B3030/W/16/3155876

Land at Clay Barn, Main Street, Maplebeck, Nottinghamshire, NG22 0BS

- 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 P Andrew against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00114/FUL, dated 21 January 2016, was refused by notice dated 9 May 2016.
 - The development proposed is a two-bedroom single-storey dwelling (in replacement of existing independent residential use of building subject of LDC reference 15/00795/LDC).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is accompanied by a completed unilateral undertaking which seeks to ensure that on occupation of the proposed dwelling, independent use of a building subject to the Lawful Development Certificate 15/00795/LDC will cease and revert to ancillary use in association with Clay Barn. The Council have confirmed that they consider the submitted undertaking to be capable of achieving this aim.

Main Issue

3. The main issue for the appeal is whether the proposal would provide a suitable site for housing development having regard to the principles of sustainable development.

Reasons

Background

4. The appeal site forms part of an existing large residential plot relating to the property known as Clay Barn. The site lies on the edge of Maplebeck Conservation Area and on the edge of the village. It is served by an existing vehicular access at the junction between Main Street and The Hollows and an existing field access also serves the appeal site. Open countryside lies to the north and west. The site has established planting along the boundary with The Hollows and has further planting along the site boundary with the road. It is visible in glimpsed views from the highway, with Clay Barn and The Hollows also visible towards the rear of the site. Notwithstanding that the site forms part of
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the large garden to Clay Barn, due to the size of the plot, and its position adjacent to open fields, it has a rural character.

5. As it lies on the edge of the village, some distance from the village's core, I consider the site to lie outside the main built-up area of the village. The *Newark and Sherwood Allocations and Development Management Development Plan Document* (Local Plan) was adopted in 2013 and so post-dates the *National Planning Policy Framework* (the Framework). Policy DM8 relates to development in the open countryside and refers to this being development away from the main built up areas of villages. It therefore follows that the proposal should be considered under the terms of policy DM8.
6. Policy DM8 outlines a number of categories of development which can be considered acceptable in open countryside. These include new and replacement dwellings. The appeal relates to the development of a 2 bedroom detached dwelling. It would be modest in size and its design would reflect the rural appearance of buildings in the wider area. The proposed landscaping to define the new plot would also be simple in form. As a result I agree with the Council's conservation officer that the dwelling's design would not be obtrusive and its appearance would not harm the Maplebeck Conservation Area. Nevertheless, in seeking to assimilate into its environment, the dwelling seeks to emulate the local vernacular, and so is not innovative, or exceptional. Neither could it be said to significantly enhance its immediate setting.
7. The additional dwelling would intensify the nature of development on the plot. I note that the proposal includes the removal of a number of wooden structures on the site. These are currently viewed as ancillary domestic features, which are not particularly prominent in views into the site. In contrast a new dwelling, with associated curtilage, even one which is sympathetically designed and appropriately landscaped, would have an urbanising effect in views into the site. Taking into account the extended size of the existing garden, this would have a moderate but nonetheless harmful effect on the open and largely undeveloped nature of the site which would erode its defining rural character.
8. The new dwelling would sit some distance from the annexe, which would remain in situ. I therefore agree with the Council that it should not be considered to be a replacement dwelling. It is clear to me that the aim of the policy is to control the visual impact of dwellings intended to replace existing housing which is removed as part of the development. This is not the case in this instance.
9. This brings me to the view that the proposal would fail to comply with Policy DM8 of the Local Plan. I note that the appellant disputes whether a 5 year supply of housing is available in the district. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered up to date if a 5 year supply of housing sites cannot be demonstrated. Based on the evidence put to me I am unable to conclude with any certainty whether a 5 year supply of housing land is available at this time. I have therefore adopted a precautionary approach and considered the proposal against the policies in the Framework, taken as a whole.
10. At the heart of the Framework is the presumption in favour of sustainable development, of which the social, economic and environmental dimensions are mutually dependant, and should be jointly sought. Paragraph 14 states that where relevant policies are out of date, planning permission should be granted

unless the adverse impacts would significantly and demonstrably outweigh the benefits.

11. Paragraph 55 of the Framework seeks to avoid isolated new dwellings in the countryside unless there are special circumstances. However, in this case the site is not isolated, as it sits close to the properties of The Hollows and Clay Barn and is not located far from the core of Maplebeck. Therefore, notwithstanding Policy DM8, I accept that given the circumstances of the site, paragraph 55 of the Framework is of limited relevance in this case. Nevertheless, the development would erode the rural character of the site. The Framework directs that new development should recognise the intrinsic character and beauty of the countryside. I therefore attribute this matter moderate weight.
12. The Council have expressed concerns that the proposal would be contrary to the aims of sustainable development outlined in Strategic Policy 3 (SP3) and implicit in the Framework, which seek to avoid a pattern of development which leads to reliance on the private car. An additional dwelling in the proposed location would lead to a small increase in trips by private car. I noted during my visit that the village had limited services, and that as a result future occupiers would be likely to travel further afield for most day to day needs. As part of the proposal an existing independent dwelling, which adjoins Clay Barn would revert to use as ancillary accommodation. Clay Barn lies around 30 metres to the south. The annexe immediately adjoins Clay Barn and is linked by an internal door. This property received a Lawful Development Certificate in 2015 for independent occupation. Nevertheless, its close physical relationship with Clay Barn indicates that it was originally part of the adjoining property and could easily be reused as such.
13. The Council consider that the unilateral undertaking provided would be capable of ensuring that the building was not occupied as an independent dwelling. It follows that if implemented the development would not lead to an increase in residential units on the site. Accordingly, the proposal would make very little difference to the amount of trips made from the site and I consider it to have a neutral effect in this regard.
14. As the proposal would not lead to an increase in dwellings it would not lead to an additional household who could support local services and the local economy. The parties agree that the proposal would not cause harm to the Conservation Area. They are also in agreement that the proposal would not impact on highway safety and I see no reason to disagree with this assessment. These are therefore all neutral factors in the planning balance.
15. I take account of the views of Councillors, that the proposal would lead to an undesirable precedent for similar development in the countryside. However, given the particular circumstances of the case, I am not convinced that the opportunity for similar cases to come forward which would be harmful would be widespread and I give the matter no weight. I have also had regard to the personal circumstances of the appellants, and the support of local residents. However, whilst I have some sympathy for their wish to stay in the village, the proposal would give rise to a personal benefit in this regard and so it is not a matter to which I can attribute any significant weight.
16. The appellant has argued that the proposal would provide an accessible and sustainably constructed dwelling which would contribute to the wider housing

stock. However, the proposal would also lead to the loss of a small dwelling, which also contributes to housing mix within the wider housing stock and so I consider this to be a neutral factor in the planning balance. Furthermore, whilst I note that a reversion of the annexe to ancillary use could improve the amenity of Clay Barn, as both properties are in the same ownership, this benefit could be achieved without the need for the proposed development, and accordingly I attribute the matter no weight.

17. The dwelling would bring some very limited economic benefits to the wider economy during construction, which could be carried out on a self-build basis, and so I attribute this matter very limited weight in favour of the proposal. I have no substantive evidence that the landscaping of the site would bring ecological benefits, and so I attribute no weight to the matter.
18. I take into account the other decisions put to me by the appellants¹. However, having considered the circumstances of these cases, I am satisfied that they do not raise any issues which alter my reasoning in this case.
19. This brings me to the view that although the proposal would lead to no more than moderate harm to the character of the countryside in this location, this would nonetheless significantly and demonstrably outweigh the very limited benefits of the proposal in this case. I therefore conclude that the proposal would not, on balance, comprise a sustainable form of development as advocated within the Framework.
20. Therefore, for the reasons set out above, and having regard to all other matters raised, I dismiss the appeal.

Anne Jordan

INSPECTOR

¹ APP/P3040/A/13/2191142, APP/J1915/A/14/2222126 and Planning Application Ref 16/00509/OUT