
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: 25 November 2016

Appeal Ref: APP/R1010/W/16/3155405

Land east of 28 Church Road, Stanfree, Chesterfield, Derbyshire S44 6AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Steve Botham against the decision of Bolsover District Council.
 - The application Ref 16/00076/OUT, dated 23 February 2016, was refused by notice dated 29 April 2016.
 - The development proposed is erection of 7 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline, with all detailed matters reserved for later approval. An indicative layout plan has been provided for illustrative purposes. I have dealt with the appeal on this basis.
3. The site address is taken from the decision notice, with the assigned post code added.

Background and Main Issues

4. Stanfree is a dispersed settlement, with small, isolated pockets of housing separated by open countryside and no identifiable main village. The appeal site is adjacent to one of these areas of housing, at the junction of Church Road and Blackbanks. The housing in this location has become relatively consolidated through two small estates; that at Oxcroft View, a recently built cul-de-sac of 26 private houses, and at East Avenue, which is an earlier development.
 5. This area of housing is bound by the settlement framework defined in the Bolsover District Local Plan February 2000 (BDLP), beyond which open countryside policies apply under Policy GEN 8. The completed new housing at Oxcroft View was a specific housing allocation for the period April 1998 – March 2005 made under BDLP Policy HOU 3.
 6. This proposal would extend an approved housing development currently under construction on the former Oak House farmstead. In the current development, which falls entirely within the settlement framework, the existing farmhouse has been renovated and sold separately, and the original farm buildings cleared
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to permit five houses, four of which front onto the road and are nearing completion.

7. Through this proposal the housing site would extend eastward towards open countryside and partly beyond the settlement framework. The fifth approved dwelling towards the rear of the site would, in the illustrative layout, be replaced by four houses grouped around a courtyard, three of which would be within the settlement framework and the fourth mainly outside of this. The layout shows a driveway extending east from this to serve a further three dwellings.
8. The proposal as illustrated would result in four dwellings outside the settlement framework, which is defined as the countryside in the BDLP and where Policies ENV 3 and HOU 9 would apply. At the time of its decision the Council was unable to demonstrate a five-year supply of available housing land. The Council's reason for refusal had acknowledged this, but held that the small contribution made to housing supply, and to the economy of the area, would not justify the harm to the character of the countryside and from development occurring in an unsustainable location.
9. Based on the above, the main issues in this appeal are:
 - Whether occupants of the proposed development would have reasonable access to services and facilities.
 - The effect of the proposal on the character and appearance of the area.
 - Whether this proposal would contribute to the achievement of sustainable development.

Reasons

Access to services and facilities

10. There is little by the way of services and facilities in Stanfree, nor any located close to the appeal site. From the evidence there is just the Oxcroft Miners Welfare Club and the recreation ground. Although there is a good range of services available in Shuttlewood this settlement is around 1 mile away to the south.
11. Stanfree is equidistant at around 2.5 miles from the larger centres of Clowne to the north and Bolsover to the south, where there are a wider range of services on offer. There is a regular bus service to these larger centres which runs throughout the day, and in the evening, but at a relatively low frequency. The bus stops located on the B6418 would be a significant walking distance of about 500m west from the appeal site, via a lit footpath alongside Blackbanks.
12. Although jobs, schools and regularly required services would be accessible by public transport, the low frequency of buses and the walking distances involved would encourage occupiers of this proposal to rely mainly on private car use to meet daily needs. The paucity of services close to the appeal site would provide very little support to the case made that this site would be a sustainable location for further housing in respect of having reasonable access to services and facilities. This factor would weigh significantly in favour of the general restraint imposed on further housing in the countryside through BDLP Policies ENV 3 and HOU 9.

Character and appearance

13. The area around the appeal site is generally quite sparsely settled and the landscape dominated by gently undulating, well-wooded countryside with mixed farming. The surrounding settlement pattern is mainly of short, unconnected linear developments, and more isolated houses and farms, with no main village with core features, such as a church or village green. This loose arrangement of housing displays no particularly strong or coherent character or style.
14. This proposal would extend housing beyond an area of development, clearly defined by the settlement framework, into open countryside. The mature hedgerows and trees that bound the site, and the local undulating landscape, would however offer some screening to the development from middle and long distance views.
15. The indicative layout would relate organically to that permitted and follow the Council's design guide recommendations to maintain a sense of enclosure by retaining boundary hedges and trees. I can appreciate the intention for the scheme to reflect a group of farm buildings and to be at a low density that respects the transition between existing housing and countryside, rather than imposing the more generic type of suburban development found in Oxcroft View.
16. Nevertheless, I do not consider there to be a unique character to this site such that this scheme would significantly improve the rural environment. The proposed houses would be quite visible from localised views and detract harmfully from the undeveloped rural character and appearance of this area. This would not support an extension of housing into open countryside, contrary to the objectives of BDLP Policies ENV 3 and HOU 9.

Achievement of sustainable development

17. Paragraph 49 of the National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of sustainable development. It goes on to say that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing sites. Where policies are out-of-date in this respect this engages the presumption in favour of sustainable development set out in Paragraph 14 of the Framework. Under the fourth bullet in Paragraph 14 this means permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
18. The actual extent of the current housing supply shortfall, acknowledged in its decision, was requested from the Council. This elicited the submission of the latest five year housing supply forecast reported to the Planning Committee on 12 October 2016. This was provided to the appellant for comment.
19. The Committee report advises that the Council is working to an Objectively Assessed Need (OAN) of 240 homes per year, derived from a November 2013 Strategic Housing Market Assessment (SHMA), to calculate its housing requirements and to form the basis of its emerging Local Plan. The SHMA has a base-date of 2011 from which the annual delivery shortfalls from the housing requirements, based on the OAN, have accumulated onto the overall five year

supply requirement. In the first three years from the 2011 SHMA base-date the Council had recorded a significant under-delivery of housing based on the annual requirement. Although the report shows an uplift in delivery over the last two years this has not offset the shortfall of 241 dwellings which has therefore been carried forward.

20. The Council's assessment adds a 20% buffer to the housing supply requirement to reflect a record of persistent under-delivery. However, based on the expected reduction in the delivery shortfall and the housing permissions coming on-stream, the Council currently considers that there would be a deliverable supply of 2207 dwellings over the period 2016/17 to 2021/22. This would exceed the 1798 dwellings calculated as necessary to meet the Framework's five-year housing supply requirement, including the 20% buffer applied.
21. The saved BDLP Policies ENV 3 and HOU 9 restrict housing in the countryside and are therefore relevant to the supply of housing. As the OAN and housing requirement derived from it have not yet been robustly tested through the local plan process, I acknowledge that the weight than can be afforded to these figures is reduced. However, in the absence of any contradictory evidence, it is the most up to date assessment before me. The Council's current annual assessment of a five year housing supply persuades me that Policies ENV 3 and HOU 9 are up-to-date such that the presumption in favour of sustainable development set out in paragraph 14 of the Framework is not engaged.
22. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
23. Weight is given to the direct economic benefits provided through the construction of the proposed houses, in respect of both employment and investment, and to the indirect benefits of ongoing spending that would support local services and contribute to public funds, via Council Tax and the New Homes Bonus. The proposal might add to the pool of working age people that would further benefit the local economy. The occupiers of the new houses would help also boost the vitality of this rural community.
24. The proposal would help address the overall housing requirement in the District, meeting the general need for a balanced mix of semi-detached and detached family housing identified in the SHMA. This proposal has not demonstrated that it would meet a specific need in this particular location, nor would provide for affordable housing, but limited weight can be given to the support provided to the general supply of residential development.
25. Paragraph 55 of 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. The example given is where, with groups of smaller settlements, development in one village may support services in a village nearby. This proposal would be in a location where there is little by the way of existing facilities, beyond the bus service, but a limited amount of weight is given to these houses supporting services in other villages.

26. The proposal would not comprise isolated homes in the countryside, resisted under Paragraph 55 (above), but would be designed as an organic part of the existing development that would seek to respect the rural character of the location and maintain existing trees and hedges to soften the visual impact on the landscape.
27. The number of houses proposed would be relatively small. Whilst this scheme would contribute positively to increasing the supply of housing, this benefit would be commensurately small. The development would help support the very limited amount of nearby services and the existing bus service, but would not be of a scale likely to support new or enhanced services emerging in Stanfree. Future occupiers would support local services but would remain largely dependent upon private car use to conveniently access these or to reach places of work. Whilst the houses might be designed sympathetically, and be relatively well screened in the wider landscape, this proposal would nevertheless result in environmental harm by development encroaching into the open countryside on the edge of this settlement.

Conclusion

28. Since the Council's decision on this proposal its most recent annual report has demonstrated a five year supply of deliverable housing land. This evidence has not been produced specifically to contest this appeal but has emerged subsequent to it. This latest housing supply evidence has not been the subject of independent examination or a challenge on appeal. Nevertheless, as the current position over housing supply, it should be afforded significant weight.
29. The proposal would be contrary to BDLP Policy HOU 9 which restricts new dwellings outside settlement frameworks unless essential to the operation of agriculture and/or forestry. The proposal would not result in significant improvements to the rural environment to gain the support of BDLP ENV 3, which restricts development outside settlement frameworks unless necessary in such a location or meeting other criteria. These policies reflect the Framework principles to take account of the different roles and character of different areas, to recognise the intrinsic character and beauty of the countryside, 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.
30. The adverse impacts of permitting housing to encroach into the open countryside, in a location where there are few services or facilities and where, despite a regular bus service, future occupiers would be dependent upon private car use to meet regular required needs, would not be outweighed by the benefits put forward. On balance, this development would not contribute to the achievement of sustainable development. Careful regard has been given to the report evidence supporting this proposal, including the various appeal decisions cited in the Sustainability Assessment. However, the benefits put forward would not outweigh the harm found. For the reasons given above, having taken into account all other matters raised, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR