
Appeal Decision

Site visit made on 16 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/A3010/W/16/3154531

Land between Bothamsall Hall and Fourwinds, Church Lane, Bothamsall, Retford DN22 8DN

- 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 Stan Moody against the decision of Bassetlaw District Council.
 - The application Ref 16/00454/OUT, dated 2 April 2016, was refused by notice dated 7 June 2016.
 - The development proposed is an outline application with all matters reserved for one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development seeks outline planning permission with all matters reserved and the description of development as it appears on this Decision is taken from the planning appeal form. This differs slightly from that shown on the planning application form but, following clarification from the parties, most accurately describes the development to which the appeal relates. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether or not the principle of the proposed development is acceptable with specific regard to its location.

Reasons

4. The appeal site is currently in use as an allotment, sited to the north east of the built up area of the village. It is generally open and undeveloped save for some small timber and glass buildings in the northwest corner. The appeal site is, by definition and in planning terms, in the open countryside. Bothamsall is a small village which is rural in its character and has some small businesses and farmsteads; it has no specific local service provision. This is confirmed by Policy CS1 of the Core Strategy and DMP DPD¹.
5. Whilst not isolated in the true sense as there are other dwellings nearby, the appeal site is nevertheless remote from any essential services on which a new dwelling would rely for day to day living. I have no evidence before me

¹ Bassetlaw Core Strategy and Development Management Policies Development Plan Document

detailing functional or practical links between the appeal site and such services by either public transport or public rights of way. The site is detached from the village in any event by a single width, unmade and unlit track without any segregated footway. It is highly likely therefore that any future occupiers would rely wholly on the use of the private car.

6. Policies CS9 and DM3 of the Core Strategy and DMP DPD reinforce the assertions of the Framework² that development in the open countryside should be restricted in the interests of maintaining sustainable patterns thereof. They set out exceptions to this in respect of housing specifically, but these are limited to the conversion of existing buildings and dwellings associated with agriculture, forestry and rural business. The proposed development would not fit with any of these expressed exceptions.
7. As a new and independent dwelling in the open countryside therefore, outside of a small rural settlement without adequate service provision, the proposed development would not comply with Policies CS1, CS9 and DM3 of the Core Strategy and DMP DPD. These Policies seek to limit new housing development within and outside of small rural settlements as well as the open countryside (with the exception of those listed above) in the interests of promoting sustainable patterns of development. A principle which is reflected by the Framework.
8. Furthermore, there have been no other circumstances presented that would justify a departure from this principle.

Other Matters

9. The appellant states that the development of the appeal site would represent a form of infill. Whilst it may be the case that there is built development either side of the appeal site, the 'gap' created by it is substantial and in character terms is more related to the open countryside than perhaps an infill gap in the true sense which would be part of an otherwise built up or at least semi built up area.
10. The appellant also suggests that since the appeal site has been used as a garden plot for over 40 years that it should be considered as a brownfield site. In terms of the use of the site as a 'garden plot' it is clear from the evidence before me and on site that this is a garden plot in the sense of it being an allotment and not associated with a dwelling. As an allotment, the use of the site is for horticulture, a purpose which is defined by section 336 of the Act³ as being included in agriculture. As agricultural land, the site has not been previously developed and therefore it cannot be considered brownfield.
11. The Council have alluded to the resistance of the proposed development on principle planning grounds for the reasons set out notwithstanding their own situation with regards housing supply. Whilst I have no further evidence before me pertaining to the Council's housing supply and how precisely it sits alongside the Framework's requirement for a five year deliverable supply, the proposed development would be a single dwelling and thus unlikely to make a strategic difference to an undersupply, if indeed there is one.

² The National Planning Policy Framework 2012.

³ Town and Country Planning Act 1990

12. Furthermore, even if the Council is currently under supplied with housing, this would not automatically mean a planning permission would be forthcoming for a single dwelling in the open countryside given that there are other policies contained within the Framework that would explicitly restrict it.
13. I accept that through reserved matters or a detailed planning application in the future, a well-designed building that can utilise and enhance boundary landscaping could be achieved. However, this would not be sufficient to justify a new dwelling on the appeal site given that the principle of it would be unacceptable for the reasons set out above.

Conclusion

14. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR