
Appeal Decision

Site visit made on 22 November 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 14 December 2016

Appeal Ref: APP/W3005/W/16/3158149

High Close, Coxmoor Road, Sutton in Ashfield, Nottinghamshire NG17 5LF

- 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 Mrs J Redfern, Mr J Redfern and Mr T Redfern against the decision of Ashfield District Council.
 - The application Ref V/2016/0376, dated 2 June 2016, was refused by notice dated 29 July 2016.
 - The development proposed is the demolition of 'High Close' and the erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the appeal scheme comprises sustainable development as defined in the National Planning Policy Framework ('the Framework'), having regard to;
 - whether the proposed development would comply with the development plan and the Framework in terms of its location;
 - the effect of the proposed development on the character and appearance of the area; and,
 - housing land supply, accessibility and the social, economic and environmental effects of the proposal.

Reasons

3. The appeal site is a residential property that forms part of a ribbon of residential development within the open countryside. The nearest settlement is Sutton in Ashfield. Consequently, in planning policy terms the appeal site, together with neighbouring properties, is in an isolated location.
 4. The Ashfield Local Plan Review was adopted in 2002 and covered a plan period to 2011. However, as paragraph 211 of the National Planning Policy Framework advises policies of Local Plans should not be considered to be out of date simply because they were adopted prior to publication of the Framework. In my judgement, the policies relied upon in the Council's reasons for refusal, consistent with the Framework, seek to control development within the countryside and ensure good design. As a result, in accordance with paragraph 215 of the Framework, the weight that I attach to them is not reduced.
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Location of development

5. Outside of the main urban areas and named settlements, policy ST4 of the Ashfield Local Plan Review states that permission will only be given for sites allocated for development and for proposals appropriate to the Green Belt or countryside, as set out in policies EV1 and EV2. As the appeal site is not an allocated site, and is not within the Green Belt, the proposal falls to be assessed against policy EV2. This policy identifies the types of development that are appropriate in the countryside and includes, subject to the character and appearance of the area not being adversely affected, the replacement of existing buildings and infill development.
6. At paragraph 53 the Framework advises that local planning authorities should consider setting out policies to resist inappropriate development of garden land. Whilst the Local Plan predates the Framework, policy EV2(g) of the Local Plan recognises that infill development is only appropriate if it does not have an adverse effect on the scale and character of an area. As this policy would apply to proposals for the residential development of garden land it is a policy that resists the inappropriate development of such sites.
7. The Framework is also an important material consideration. Paragraph 55 of the Framework advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The appeal site forms part of an isolated ribbon of residential development rather than part of an identifiable community. As a result, the proposed development would be contrary to the Framework.
8. The question which therefore arises is whether the proposed development would harm the character and appearance of the area and be contrary to policies ST4 and EV2 of the Local Plan. It is to that question that I now turn.

Character and appearance

9. The appeal site consists of a detached bungalow and its garden located within a long line of dwellings that stand alone within the open countryside. The proposed development would involve the replacement of the existing dwelling and the insertion of a second house on the plot.
10. Coxmoor Road, in the vicinity of the appeal site passes through open undulating countryside characterised by large agricultural fields bounded by hedges and a golf course. The ribbon of residential development of which the appeal site forms a part is located along the central section of Coxmoor Road between Derby Road and the edge of Sutton in Ashfield and is only present on its western side. On the approach from the south, residential development, including the appeal site and its neighbours, is characterised by large dwellings on particularly wide and spacious plots. This coarse grain of development retains an important element of the openness and lack of built development that characterises the countryside and gives this section of Coxmoor Road a distinctly grand character. The bungalow on the appeal site, set within a spacious gardens behind a dwarf front wall, makes a positive contribution to the character of the road that is readily apparent in views from the road and its footway.
11. The proposed development would replace the bungalow on the site with a pair of detached houses. On the basis of the information available, each would appear to have a similar floor area to the bungalow that would be replaced. However, in contrast to the existing gaps of approximately 30m on either side

that separate the bungalow from its neighbours the proposed houses would be separated by a gap of less than 10m. Furthermore, within the gap a large detached garage, whose roof would be over half as tall as the houses, would sit. Consequently, the proposed development would result in a far more suburban pattern of development than is characteristic of the southern half of the row. As such it would be out of keeping with the existing pattern of development and have a significant adverse effect on the scale and character of the area and the streetscene of Coxmoor Road.

12. The proposed houses would be of a similar height to neighbouring dwellings and the use of complementary materials could be ensured by condition. However, this would not overcome the significant adverse effect that I have described.
13. In terms of the wider landscape, a footpath next to appeal site provides public views towards the appeal site from within the open countryside to the west. Be that as it may, I agree with the landscape and visual appraisal that the site is sufficiently well screened with evergreen and deciduous trees that in views from this direction, and from the footpath, the proposed development would not be visible in views of the wider landscape from the west. Nevertheless, the absence of adverse effects in this regard does not overcome the cogent planning objections I have identified in relation to public views from Coxmoor Road.
14. Reference has been made to land adjacent to Hebron and Fairway on Coxmoor Road. I saw as part of the site visit that new houses had been built next to these dwellings. However, these plots are located towards the northern end of this long ribbon of development, a significant distance away from the appeal site and out of view from it. They are also located beyond an open break in development which in my assessment denotes the beginning of more closely spaced housing and thus a different pattern of development. As a result, reference to these houses has not altered my findings in relation to this issue.
15. Taking all these matters into account, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area, contrary to policies EV2, HG5 and ST1 of the Local Plan. These policies require the protection of the character and appearance of a locality through high quality design that respects local design features. It would therefore also be contrary to a core planning principle of the Framework which seeks high quality design.
16. In not complying with policy EV2 the location of the proposed development would therefore also be contrary to the development plan.

Housing land supply

17. Where a five year supply of deliverable housing sites cannot be demonstrated paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date. The appellant claims that the Council does not have a five year housing land supply. In support of that position, when the appeal was lodged appeal decisions which date from 2015 and February 2016 have been referred to. At the time that those appeals were determined the Council appears to have accepted that it did not have a five year supply. However, since then the Council has published its Housing Land Monitoring Report 2016 and its position, based on this report, is that a five year supply now exists.

18. The appellant queries whether the full objectively assessed needs for housing (FOAN) can be relied upon if it has not been tested and whether sites can be considered to be deliverable if they do not have planning permission. Nevertheless, in the absence of information demonstrating that the FOAN is flawed, or that sites are undeliverable, I am not persuaded that the appellant has produced sufficiently robust evidence to challenge the Council's position. For the purposes of this appeal therefore, and in the absence of any substantiated evidence to the contrary, I therefore find that the Council has a five year housing land supply.

Sustainable development

19. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. There are three dimensions to sustainable development: environmental, economic and social.
20. In terms of the environment, I have found that the proposed development would demonstrably harm the character and appearance of the area contrary to the development plan. The appeal site at over a kilometre distant by road from the edge of Sutton in Ashfield means the services and facilities that the town has to offer further towards its centre are not within a reasonable walking distance. A public footpath next to the site provides alternative slightly shorter cross country routes into the town. However, its unmade surface and lack of lighting would mean that it would not be suitable for use when dark or by those with pushchairs or using wheelchairs. In terms of cycling, Coxmoor Road is a busy road where the national 60mph speed limit would deter cycling. In terms of the accessibility of services and facilities by sustainable modes of transport, the appeal site is therefore poorly located.
21. Socially, the development of an additional home on the site would make a small contribution to addressing housing need and, contrary to paragraph 55 of the Framework, would not be located within an identifiable rural community. On the other hand economically, the construction of the two houses would generate some employment and the additional house would potentially increase custom for local businesses.
22. Taking all these matters into account, the limited positive aspects of the proposal would not overcome the harm that would be caused to the character and appearance of the area, the poor accessibility of the site and the fact that I have found that the location of the development would be contrary to the development plan. These negative features of the proposal would remain long after the economic benefits of constructing the development have faded. I therefore conclude, based upon the overall balance of considerations, that the proposal would not be a sustainable development.
23. Reference has been made to the Weedon Bec decision¹. It found that just because the Council could meet its housing targets did not mean that more housing should necessarily be refused. It is an established principle that each application is assessed on its merits. In that appeal the Inspector concluded on the overall balance of considerations that the proposal would be a sustainable development, whilst in this case I have not. As a consequence, the two decisions are not directly comparable and reference to it has not altered my findings in relation to this appeal.

¹ Ref APP/Y2810/A/14/2228921, paragraph 43.

Conclusion

24. As I have found a five year housing land supply exists the policies cited in the Council's refusal notice are up to date and the tilted balance in paragraph 14 of the Framework does not apply. The proposed development would harm the character and appearance of the area and it would not be in a location where services and facilities would be readily accessible by sustainable modes of transport. As a result, it would not constitute a sustainable development and would be contrary to the development plan as a whole. For these reasons, and having regard to all other matters raised, the appeal should therefore be dismissed.

Ian Radcliffe

Inspector