

Appeal Decision

Site visit made on 6 December 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 06 January 2017

Appeal Ref: APP/P3040/W/16/3158562

Land off Hawksworth Road, Screveton, Nottinghamshire

- 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 Redmile Developments Limited against the decision of Rushcliffe Borough Council.
 - The application Ref 16/01466/FUL, dated 7 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is the erection of 6 dwellings with associated new access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 dwellings with associated new access on land off Hawksworth Road, Screveton, Nottinghamshire in accordance with the terms of the application, Ref 16/01466/FUL, dated 7 June 2016, subject to the conditions in the schedule at the end of this decision.

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 location of the proposed development would comply with the development plan;
 - the effect of the proposed development on the character and appearance of the area, including heritage assets and their setting; and,
 - housing land supply and the accessibility of services and facilities from the site.

Reasons

Location of development

3. The development plan for the area consists of the Rushcliffe Local Plan Part 1: Core Strategy ('Core Strategy'), adopted in 2014, and the saved policies of the Rushcliffe Borough Local Plan (RBLP). No policies of the RBLP are relied upon by the Council. The National Planning Policy Framework ('the Framework') is an important material consideration. The Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) is not part of the development plan. Nevertheless, as it is used for development control purposes its policies are a material consideration.
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4. The spatial strategy of the development plan is contained within policy 3 of the Core Strategy. Its aim is to regenerate Greater Nottingham by concentrating new development in urban areas. As Screveton is an 'other village' and not a Key Settlement identified in the Core Strategy development for local needs only is supported. As the notes to the policy explain, the meeting of such needs is supported through small scale infill development, or, for affordable housing only, on rural exception sites.
5. A Local Housing Needs Survey has been carried out on behalf of the appellant. It identifies the need for eight open market dwellings of different sizes in the area over the next five years. It is common ground that the proposed development would meet most of this identified local need and I agree with that position.
6. Screveton is a small village. Development on both sides of the roads is limited to the village core where roads that enter the village meet each other. Hawksworth Road is characterised by linear residential development along its northern side. The appeal site is located on the southern side of the road where, other than occasional development such as Middle Yard Barn, open countryside predominates. In my judgement, the appeal site in occupying part of a wide field between development to the east and west is therefore located on the edge of the village within the open countryside and is not an infill development.
7. Whilst in principle a scheme for affordable housing on such a site would be supported by policy 3 of the Core Strategy, as the proposed development is for open market housing its location would therefore be contrary to the development plan. As the appeal site is located on the southern side of the road, which I have found to be within the countryside and characterised by sporadic development, it would also be contrary to policy HOU2 of the NSRLP. This policy seeks to protect the countryside from ad hoc development.

Character and appearance

8. The appeal site lies within the boundary of the proposed Screveton Conservation Area. As the Conservation Area has not been adopted I have treated it as a non-designated heritage asset. When considering the effect of a proposed development on the significance of a non-designated heritage asset, paragraph 135 of the Framework advises that a balanced judgement will be required having regard to the scale of any harm, or loss, and the significance of the heritage asset.
9. In assessing the significance of this asset I have relied upon the comments received and my own observations. The village contains well designed older buildings. Typically, they are gable ended buildings with a narrow rectangular plan form, one to two storeys in height, brick built with pantile roofs. Farmhouses and 'L' shaped barns are a common feature. The position of buildings within their plots varies, with some set on the back edge of the pavement, and others set further away. Frequent green spaces, including the field that the proposed development would partly occupy, provide views of the surrounding countryside which helps to maintain the connection between the village and its farming origins. The significance of the proposed Conservation Area therefore is historical.
10. Much of the field, of which the appeal site forms a part, is screened from view by tall hedge along Hawksworth Road. Nevertheless, there are brief views

from the road at the point of the proposed access to the site, and by the field gate close to Yew Tree Cottage, that allow its contribution to the character and appearance of the area to be appreciated in public views.

11. The proposed development would result in the loss of more than half of the width of this field, which forms part of the open countryside, to development. However, in my assessment, sufficient of the field would be untouched by the proposal for views of the open countryside in relation to the older core of the village to remain and the proposed Conservation Area not to be adversely affected.
12. The design of the proposed development, in form, layout and scale reflects examples in the village of farmhouses with converted agricultural buildings set back from the road. Subject to the control that could be exerted by condition regarding materials and landscaping, the proposed development would complement the character and appearance of dwellings within the village.
13. Therefore taking the proposed Conservation Area into account as a whole the proposal would not cause harm to it.

Listed building

14. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Paragraph 132 advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building, great weight should be given to the asset's conservation.
15. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced. In essence, if the development proposed could be seen from, or in conjunction with, any of the heritage assets that surround the application site, then there would be an impact on their setting. An assessment is then required as to whether that impact would harm the significance of the asset.
16. The proposed development would be located within the setting of Top Farmhouse on Main Street and its cartshed, pigeoncote, stables and boundary wall. Collectively they are classified as Grade II listed buildings. The house dates from 1702 and the outbuildings from the mid nineteenth century. As good examples of buildings from these periods the significance of the house and its outbuildings is architectural and historical.
17. In views of these listed buildings from Main Street, the elements of their setting that contribute to their significance are their relationship to the street and neighbouring development. In this context, given that the appeal site is located some distance to the rear behind that part of the field which would remain and intervening trees, I consider that the appeal site contributes little, if anything to the significance of these buildings or their setting in views from Main Street.
18. In views from the lane to the rear of the buildings, the relationship of the listed buildings to the lane and development on either side of Top Farm along Main Street also contribute to its significance. Given the location of the appeal site on the opposite side of the lane, separated by a wide gap, in these views the appeal site does not materially contribute to the significance of these buildings or their setting. Taking all these matters into account, I consider that the

development proposed would not cause any harm to the special interest or significance of these listed buildings.

Other non- designated heritage assets

19. Reference has been made to Beans Farmhouse, White Farmhouse and the outbuildings to both, together with the house adjoining Yew Tree Cottage, as non-designated heritage assets. As well designed nineteenth century buildings that are connected to the agricultural heritage of the village their significance is historical. The elements of their setting that contributes to their significance include their relationship to the road and immediately adjacent land and buildings. As the appeal site is separated by a reasonable distance from these buildings, the appeal site does not materially contribute to the significance of these buildings or their setting. Consequently, the proposed development would not cause any harm to their special interest or significance.

Conclusion on character and appearance

20. The proposal would result in the loss of an area of open countryside to development and consolidate sporadic development on the southern side of Hawksworth Road, contrary to policy HOU2 of the NSRLP. However, views of the open countryside on the southern side of Hawksworth Road would still exist and the proposal would be a well-designed development that would complement the overall pattern, layout and scale of development in the village. The setting and significance of the listed buildings, and other buildings identified as non-designated heritage assets, would not be harmed. Similarly, the proposed Conservation Area as a whole would not be adversely affected.
21. The proposed development would therefore pass the statutory test in relation to listed buildings, comply with the Framework, and policies 10 and 11 of the Core Strategy, and policies GP2 and EN4 of the NSRLP. These policies require the protection of the character and appearance of a locality, including heritage assets and their settings, through high quality design that respects local design features.

Housing land supply

22. The Framework states that local planning authorities should have a 5 year housing land supply. The appellant states that based upon the Council's assessment of housing land supply dated 31 March 2016 a 3.4 year housing land supply exists. This has not been refuted by the Council. There is therefore a significant undersupply of housing in the Borough.

Accessibility

23. Screveton is a small rural village with very limited facilities that are insufficient to meet the day to day needs of its residents. Other settlements with a wider range of services and facilities are not within reasonable walking or cycling distance. Although there is a bus service, it is infrequent. In practice, therefore, the appeal site is not what could reasonably be considered to be accessible to a range of services other than by use of the private car. The proposed development would therefore be contrary to policy HOU2 of the NSRLP in this regard.

Other matters

Highway safety

24. Hawksworth Road is a quiet rural road with low levels of on road parking. Vehicles accessing the development would be able to enter and leave the site in a forward gear. In so doing, the proposed access would provide good visibility of oncoming traffic in both directions, as well as providing views of vehicles reversing out of their drives on the opposite side of the road. Eleven off road parking spaces would be provided, one less than two spaces per dwelling. As a result, adequate provision would be made that would not significantly increase on road parking. For these reasons, I therefore concur with the Council that the proposed scheme would not harm highway safety.

Living conditions

25. Two windows within the first floor rear elevation of the proposed house on plot 5 would provide views of the rear of the dwellinghouse at Middle Barn Yard. However, as the separation distance would be over 20m, and the windows serve a dressing room and bathroom which are minor non habitable rooms, material overlooking would not occur. Separation distances between the proposed development and Middle Barn Yard would also be sufficient to prevent the development unduly enclosing the outlook from this dwelling.
26. In relation to housing on the northern side of the road, the proposed dwellings would be separated by distances that are typical of residential development on opposite sides of a road. As a result, material overlooking would not occur and the proposed development would not have an overbearing effect on outlook. I recognise that at present the outlook from the dwellings facing the appeal site is of an open undeveloped field. The loss to development of a significant part of the field would have a minor adverse effect on living conditions. However, given that the occupiers of these houses enjoy good living conditions, the slight harm that would be caused would not result in a standard of amenity lower than that sought by the Framework.

Overall conclusions: the planning balance

27. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
28. In this case, although the proposed development would be open market housing to meet local needs, as the appeal site is on the edge of the village, and is not an infill development, its location would be contrary to policy 3 of the Core Strategy and policy HOU2 of the NSRLP. As these policies restrict the location of development, including housing, in accordance with paragraph 49 of the Framework, they are policies for the supply of housing.
29. It is common ground that the Council has less than a five year supply of housing land. Consequently, it follows that by virtue of paragraph 49 of the Framework, policy 3 of the Core Strategy and policy HOU2 of the NSRLP are to be considered out of date. As the strict application of these policies would prevent improvement to the significant shortfall in the supply of housing I attribute limited weight to them.
30. Where policies are out of date, paragraph 14 of the Framework advises that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. In terms of the environment, the proposal would result in a development that would be mainly reliant on the private car to access services and facilities.

Although it would be well designed and would not harm the setting of the heritage assets in the village, it would also result in the loss of a limited area of countryside to development. Taken together, I attach moderate weight to the adverse impacts described.

32. On the other side of the balance, socially the housing scheme would help address most of the local housing need in the area for open market housing, at a time when there is a notable shortfall in the housing land supply in the Borough. In terms of the economy, new development would create employment and support growth during the construction period. It is a reasonable assumption that the increase in population, and resulting boost in the spending power of the local economy, would also help support services in Screveton and other nearby villages. This latter economic benefit, and the social benefit of additional housing described above, is recognised by paragraph 55 of the Framework, which supports some residential development in rural areas in order to enhance or maintain the vitality of rural communities. In combination, these are noteworthy benefits of the scheme to which I attach significant weight.
33. Overall, the adverse impacts identified above do not significantly and demonstrably outweigh the social and economic benefits. Consequently, the proposal would represent sustainable development as defined in the Framework, and material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan. I therefore conclude that the appeal should succeed.
34. In reaching this decision the views of local residents and the Parish Council have been taken into account. However, important though they are, they do not lead me to a different view on the planning merits of the proposal.

Conditions

35. For the avoidance of doubt and in the interests of proper planning, otherwise than as set out in this decision and conditions, the development needs to be carried out in accordance with the approved plans. In order to ensure that the development complements its surroundings further details on external materials and landscaping are required. To ensure that any planting becomes well established it needs to be well maintained. Trees that are to be retained also need to be identified and protected during construction. In the interests of highway safety, the site access needs to be constructed, properly surfaced and drained. For the same reason, on-site parking needs to be provided together with a suitable refuse collection point within the site.
36. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Planning Practice Guidance.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-001, PL-002, PL-003, PL-004, PL-005, PL-006, PL-007, PL-008a
- 3) Notwithstanding condition 2, no development shall take place until details of the facing and roofing materials to be used on all external elevations and hard surfaces have been submitted to and approved in writing by local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until a detailed landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include the identification of all trees and hedgerows on the land and identify those that are to be retained, as well as details of boundary treatments and hard and soft landscaping. The approved scheme shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No operations on site shall commence until the existing trees and hedges which are to be retained have been protected in accordance with details that have been approved in writing by the local planning authority and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence without the written approval of the local planning authority. No changes of ground level shall be made within the protected area without the written approval of the local planning authority.
- 6) The development hereby permitted shall not be occupied until the vehicular access from Hawksworth Road has been constructed.
- 7) The development hereby permitted shall not be occupied until the private road has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m from behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway, and the parking areas have been provided. These facilities shall thereafter be retained for the life of the development.
- 8) The development hereby permitted shall not be occupied until a refuse collection point has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. This facility shall thereafter be retained for the life of the development.