
Appeal Decision

Site visit made on 30 December 2016

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/P1045/W/16/3155019

Orchard View, Yeldersley, Ashbourne, Derbyshire DE6 1LR

- 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 Jackie Thraves against the decision of Derbyshire Dales District Council.
 - The application Ref 16/00206/FUL, dated 17 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is a single storey dwelling on garden/redundant orchard plot.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are whether the development would result in an undue reliance on the private motor vehicle and its effect on the character and appearance of the area, and if harm would be caused by these matters whether that harm would be sufficient to outweigh other material considerations.

Reasons

Reliance on the motor vehicle

3. The appeal site is a grassed garden area to the side of a bungalow called Orchard View in the designated countryside. It is some 4.18km from Ashbourne and I was told of no services nearer, while the closest bus stops are about 1.1km away on the A52¹. Given these distances and despite the few other buildings close by, I consider it to be an isolated location.
4. *Manual for Streets*, which can be applied to lightly trafficked lanes in rural areas, says walking offers the greatest potential to replace short car trips, particularly those under 2km. It then adds that it encourages mixed use neighbourhoods where daily needs are within walking distance of most residents². However, the lanes between the appeal site and the A52 are generally narrow, unlit and with no pavements. When this is taken with the distance involved, although people may be willing to walk to or from the bus stops on an occasional basis I consider it most unlikely they would rely on this arrangement for regular commuting between the new house and the day-to-day services they required. Similarly, those living at or visiting the appeal site would not be likely to walk or cycle to or from Ashbourne on a regular or

¹ The parties have given these distances in miles, saying it is 2.6 miles to Ashbourne and 0.7 miles to the bus stops. I have assumed that a mile equates to 1.609km.

² Paragraph 4.4.1

consistent basis due to the quality of the lanes, the distances involved and the significant hill when leaving the town. Therefore, the advice in *Manual for Streets* is noted, but I consider that if one did not have access to personal motorised transport living at the site would create a sense of isolation, while visiting the site would be difficult.

5. In coming to this view I have noted the appeal decision at Endon Riding School³ to which the Appellant referred. However, in that case a range of facilities, including a post office, a convenience store, a doctor's surgery, a church, a children's nursery, a primary school, pubs, hairdressers, a village hall, shops and leisure facilities were all within 2km of the appeal site, which was much less than the distance between similar services and this current scheme. Although the bus stop is 1.1km from Orchard View, when there one still has to wait for a bus and then travel on to the desired destination, and so its attraction is not as great as the more extensive, albeit more distant, services available in the Endon Riding School case. Therefore that decision concerns a materially different situation to the one before me.
6. I have also had regard to the development proposed on the former airport. That is to be a large housing scheme with ancillary commercial and community facilities including local convenience shopping and a public house, and it would be much closer to the appeal site than Ashbourne. However, I was not told it had as yet been approved, and I had no details of how it would be laid out or the nature of the access from the appeal site to any services that may be available. That scheme has therefore not had a decisive effect on my reasoning.
7. Accordingly I conclude the development would result in an undue reliance on private motorised transport in conflict with the aims of sustainability in the *National Planning Policy Framework* (the Framework).

Character and appearance

8. This site sits in an undulating rural landscape comprising fields that are generally separated by hedges and interspersed with copses, and although it is part of a garden, its nature means it is not now at odds with its surroundings.
9. The proposal would be relatively low, would be concealed to some degree by the boundary hedge, and would be below the adjacent bungalow. I also appreciate that the design incorporates detailing often found on buildings in the countryside. Despite these points though, what is proposed would have a clear domestic character, and this would mean it would be an encroachment of discordant built form into this location. As a result it would diminish the rural nature of the surrounding landscape. Whilst I accept the site is a garden already, I have nothing before me to show any future use of the land in connection with Orchard View would have a comparable impact on the area.
10. Accordingly I conclude the proposal would constitute an encroachment of discordant built form that would erode the rural character of the surrounding landscape thereby conflicting in this regard with Policies SF5 and NBE8 in the *Derbyshire Dales Local Plan* and the Framework.

³ Appeal APP/B3438/W/15/3140510 dated 12 May 2016 concerning Endon Riding School, Coltslow Farm, Stockton Brook, Stoke-on-Trent ST9 9LH

Other matters to outweigh the harm

11. The Framework says local planning authorities are required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their housing requirements with an additional suitable buffer⁴. It adds that if this cannot be demonstrated relevant policies for the supply of housing should not be considered up-to-date⁵. Moreover, where the relevant policies are out-of-date planning 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 whole⁶.
12. At the time the application was determined the Council said it could not identify a 5 year supply of deliverable housing sites. While the scale of this shortfall was not stated it is of note that the Appellant did not say it was great. However, by the time it wrote its appeal statement the Council contended it could show the required supply, though scant evidence was submitted in support of this and, as far as I am aware, this contention had not been tested independently. Therefore, on balance I am not in a position to assume a 5 year supply of housing sites now exists, and so I share the Appellant's position and shall determine the appeal on the basis that there is still a shortfall. I shall also assume that shortfall is only small or moderate.
13. Furthermore, although Local Plan Policies NBE8 and SF5 are not directly related to housing to my mind their requirement for development to protect or enhance the countryside or local landscape in effect restricts the locations where housing could (and could not) be developed. I have therefore treated those as being out-of-date.
14. The proposal would go some way to addressing any such shortfall. This is a benefit of the scheme that should be given significant weight, and such a view has been taken by other Inspectors in decisions cited by the Appellant⁷. However, numerically any such contribution from the provision of one house would be very limited and so, while I have noted the Inspector's views in the appeal at Rookery, in my opinion this can be only a moderate benefit at most. In my opinion, the significant weight I can afford to this moderate benefit is outweighed by the harm I have identified.
15. Moreover, while the Appellant has said this bungalow would assist in addressing the needs of housing for the elderly that contention does not sit comfortably with her view that the bus stop 1.1km away is within reasonable walking distance. To my mind given how far the dwelling would be from services and facilities this is a poor location for such housing and so that matter has not been afforded significant weight.
16. No other special circumstances to justify housing here have been offered and so, even if taken together I find any benefits from the factors given are significantly and demonstrably outweighed by the harm identified.
17. I am also aware of the emphasis in the Framework to approve sustainable development. While I accept this scheme would offer some slight economic

⁴ Paragraph 47

⁵ Paragraph 49

⁶ Paragraph 14

⁷ APP/B3438/A/14/2217581 dated 20 October 2014 concerning Equestrian building at Mount Pleasant Farm, Well Lane, Gillow Heath, Staffordshire ST8 6QR and

APP/P3420/A/14/2222484 dated 22 October 2014 concerning 48 High Street, Rookery, Stoke-on-Trent ST7 4RL

benefits resulting from the construction process and the purchasing power of the occupiers, my concerns about its location and its impact on the surroundings mean it would not address the environmental aims of sustainability and, by impacting on those who did not have access to personal motorised transport, it would also be contrary to the social role of sustainability. Therefore, given the scale of these concerns, I consider this scheme would not fall under the definition of sustainable development contained in the Framework.

Conclusions

18. Accordingly I conclude this scheme would be in a location that resulted in a reliance on private motorised transport, and it would detract from the rural character of the location. This harm would significantly and demonstrably outweigh the benefits cited and so the scheme would be in conflict with the Framework when taken as a whole.

J P Sargent

INSPECTOR