
Appeal Decision

Site visit made on 20 December 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 18th January 2017

Appeal Ref: APP/P2935/W/16/3159644

West Lodge, 1 Rothley Hall Track, Rothley, Northumberland NE61 4JX

- 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 Ms Sylvia Herrick against the decision of Northumberland County Council.
 - The application Ref 16/01004/FUL, dated 21 March 2016, was refused by notice dated 20 May 2016.
 - The development proposed is erection of 1 no cottage with new access and garden to the rear (intended annexe to West Lodge, Rothley) (amended description).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether there would be acceptable access to services for future occupiers of the cottage whilst taking into account the relationship between the proposed building and the donor property.

Reasons

3. Rothley comprises a dispersed hamlet, with a small number of dwellings aligned along the main road. It is not recognised as a sustainable location within the settlement hierarchy, defined in Policy S1 of the Alnwick District Local Development Framework Core Strategy 2007 (CS). Accordingly it is regarded as part of the countryside.
 4. There are no everyday services and facilities in Rothley and there is an absence of roadside footpaths and street lighting on the routes leading away from the site. Because of the distance involved it would be unrealistic to expect that future occupiers of the proposed cottage could conveniently and safely gain access on foot to essential services required on a daily basis. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, it is undisputed by the parties that future residents would be likely to rely on private transport to reach various everyday services and facilities. The development may help to support the small number of services available in the settlement of Scots Gap to the south, however any contribution in this regard would be extremely limited due to the single unit involved. Poor sustainable travel choice and service accessibility are part of the reason for the CS exercising strict restraint over new residential development in the countryside.
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5. However, it is the appellant's case that the cottage would not amount to an independent dwelling, but rather would provide an annexe to West Lodge with occupation restricted to elderly relatives. This arrangement would, according to the appellant, allow for independent living with the benefits of family members being close at hand to allow for convenient care as and when the need arises. It is argued that a condition could be imposed to limit the use of the cottage in this way.
6. The proposed building would be situated immediately adjacent to the donor property. I acknowledge that there is case law indicating that even if the accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling¹. Rather this would be a matter of fact and degree depending on the circumstances of the case.
7. The appellant states that the use of water, electricity services and a septic tank would be shared between the two properties. However the cottage would incorporate a range of accommodation including a living room, kitchen, bathroom and bedrooms with garden and amenity space to the front and rear. It would also be served by an independent vehicular access from the main road to the front of the property and would be separated from the donor property by a continuous side boundary fence. The donor property constitutes a relatively small existing dwelling within an extensive plot enabling the formation of what would be a substantial domestic plot in its own right.
8. To my mind, the aforementioned characteristics give the property the key visual and functional hallmarks of an independent dwelling. It seems to me that, with minimal adaptation, the property could function entirely independently of the donor property, West Lodge. I conclude, therefore, that the proposed cottage would, in essence, form a separate planning unit.
9. In any event, the effect of the development in terms of being poorly related to essential facilities and services would be the same irrespective of whether the occupiers of the proposed unit and the donor property are related to one another. The use of a condition to restrict the occupation of the property would not therefore be reasonable. I conclude that it would not, therefore, meet the tests for conditions as set out in Planning Practice Guidance.
10. Whilst I understand the benefits of accommodating relatives nearby to allow for convenient care arrangements, there is no information before me to suggest that this could not be done within existing nearby accommodation and / or in settlements with better access to everyday services and facilities. I accept that the immediate proximity of the site would serve to eliminate the need to undertake car journeys to visit those relatives. However, this benefit would be outweighed, in my view, by the additional private journeys that would be required to access services compounded by the likelihood that in the long term the cottage would function as a completely independent dwelling, therefore losing its relationship with the donor property.
11. The appellant has cited cases where the Council has granted planning permission on local housing need grounds. I have been provided with little information about these cases, however the argument that the proposed development would satisfy a local housing need, benefitting the personal

¹ Uttlesford D.C. v Secretary of State for the Environment [1991] E.G.C.S. 29 (QBD)

circumstances of the appellant and not forcing her to relocate away from the area and nearby place of work is, for the above reasons, not compelling in this case.

12. I am unable to conclude that the economic, social or environmental benefits to the area from the development proceeding would clearly outweigh its sustainability shortcomings. As such, the proposal would not meet the exceptional circumstances required for new residential development in the countryside as set out in the CS. It would be in conflict with policies S1, S2, S3, S11 and S14 the CS insofar as they seek to focus development in settlements with services and facilities in order to minimise the need to travel by private car. Policy S4 is concerned with the phased release of housing land and is not therefore relevant to this decision.
13. The appellant, however, further argues that the Council's housing supply policies should be regarded as out of date on the basis that it cannot demonstrate a deliverable five year supply of housing land. This is disputed by the Council. If the appellant is correct, in accordance with the National Planning Policy Framework (the Framework) it would be necessary to consider the proposal in the context of the presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
14. In terms of promoting sustainable development in rural areas, the Framework is clear that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that new, isolated homes in the countryside should be avoided unless there are special circumstances.
15. As I have already concluded, the site is not readily accessible to services and facilities by sustainable transport means. It is, therefore, within a functionally isolated location. From my visit and the information before me, it is evident that the cottage would occupy an infill site between the donor and adjacent properties. In this context and due to its limited scale, the proposed cottage would not appear visually isolated. However in the broader context, as one of a small group of dwellings, surrounded by a large expanse of open countryside, the development would have the sense of being in a physically isolated location.
16. My overall finding, therefore, is that the appeal site is both physically and functionally isolated. Leading on from this, I do not consider there to be special circumstances (paragraph 55 of the Framework) to justify the erection of an isolated dwelling in the countryside, including those cited in the Framework namely that it would be essential for a rural worker; would secure the future of a heritage asset; would re-use a redundant or disused building or would be of exceptional quality or design.
17. I acknowledge that whether the Council is able to demonstrate a five year supply of housing land is in dispute. However, if it cannot, the development proposed would contribute only a single small unit to the supply of housing and whilst it may help to support services in the wider area such a benefit would be extremely limited given the single unit involved.

18. Therefore, the adverse impacts associated with the site's isolated location and conflict with the Framework would significantly and demonstrably outweigh the limited benefits I have identified, such that the proposal would not constitute sustainable development for which the Framework states there is a presumption in favour. The appellant has referred to an appeal decision in relation to a different site where it was concluded that reliance on the car would not necessarily make development unsustainable. I have not been provided with any further information on this case and I am not aware of the detailed circumstances that gave rise to this decision which in any event does not alter the above findings.
19. I therefore conclude that there would not be acceptable access to services for future occupiers of the cottage whilst taking into account the relationship between the proposed building and the donor property.

Conclusion

20. For the aforementioned reasons, and having had regard to all other matters raised, including that there have been letters received in support of the development, I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR