The Planning Inspectorate

Appeal Decision

Site visit made on 10 January 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 03 February 2017

Appeal Ref: APP/B3030/W/16/3158081
Land adjacent to Old Farm House, Pingley Lane, Staythorpe, Newark, Nottinghamshire NG23 5RH

- 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 Mr and Mrs Chris and Paula Hall against the decision of Newark & Sherwood District Council.
- The application Ref: 16/00996/FUL, dated 20 June 2016, was refused by notice dated 16 August 2016.
- The development proposed is a detached 3 bedroom bungalow.

Decision

1. The appeal is allowed and planning permission is granted for a detached 3 bedroom bungalow at Land adjacent to Old Farm House, Pingley Lane, Staythorpe, Newark, Nottinghamshire NG23 5RH in accordance with the terms of the application, Ref: 16/00996/FUL, dated 20 June 2016, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matter

2. For reasons of clarity, I have shortened the description of development to remove unnecessary wording for the purposes of this appeal.

Main Issues

3. Spatial Policy 3 (SP3) of the Newark and Sherwood LDF Core Strategy DPD 2011 (CS) states, among other things, that development outside 'Principal Villages' will be considered against five criteria: location, scale, need, impact and character. As Staythorpe is not a Principal Village these criteria apply. The Council has found that there would be no significant harm relating to scale, impact and character but that it would not be in a sustainable location and thus contrary to SP3. Whilst the Council did not refuse the proposal on the grounds of local need this matter was raised by the Parish Council. Consequently, the main issues of this appeal are whether the proposed development would be in a sustainable location and meet an identified, proven local need.

Reasons

4. The appeal site is situated in the dispersed settlement of Staythorpe within a cluster of residential dwellings to the north of Staythorpe Road. It comprises a small paddock that is bounded on three sides by residential development. The site frontage runs parallel to a small road, Pingley Lane, which is a residential cul-de-sac serving a small number of dwellings to the north. The proposed

development is a 3 bedroom bungalow situated towards the rear of the plot that would utilise an existing access point at its north-western corner. A loosely arranged, self-sown hedgerow with large gaps would be removed and replaced with more formalised boundary features.

5. I accept that the future occupants of the proposed development would have a degree of reliance on private motor vehicles and that there are no local services in Staythorpe. However, the Government recognises that sustainable transport solutions will vary from urban to rural areas and that development in one village may support the services in another village. Although the nearest village of Averham only has a primary school and theatre I observed that these, albeit limited, services would be readily accessible through alternative transport modes and potentially gain some support from future occupants. This is because they are linked by a pedestrian walkway, with street lighting, as well as by a regular bus service.

6. A bus stop is in close proximity to the appeal site that not only provides regular access to services in surrounding villages but also a full range of services and amenities in Newark, Mansfield and Nottingham. Moreover, I note that the frequency and timing of the service is such that it could also be used for commuting purposes, especially given the regular link that it provides to the nearby rail stations at Fiskerton and Rolleston. Potential also clearly exists for more distant, onward journeys given the link to the East Coast Mainline via Newark. As a result I find that the proposal would be situated in a sustainable location that would, in a small way, help to maintain the vitality of surrounding villages.

7. Despite being in a sustainable location, I have no substantiated evidence before me to demonstrate that the proposal would meet a proven local housing need. As the Parish Council rightly point out, a local need must be of benefit to the local community and not simply for the benefit of an individual. This should be clearly demonstrated through an objective analysis of the facts, as might be found in a housing needs survey. In the absence of any such evidence, the proposal would conflict with policy SP3 of the CS and not be in accordance with the development plan.

8. However, SP3 is a policy relevant to the supply of housing and paragraph 49 of the National Planning Policy Framework (the Framework) advises that such policies cannot be considered up-to-date if the Council cannot demonstrate a deliverable five-year housing land supply (5-year HLS). The Council has an emerging plan that is at an early stage and supporting evidence suggests that a full objectively assessed need (FOAN) in the region of 454 dwellings per annum, using a 2013 baseline, is appropriate. The Council maintains that a 5-year HLS can be demonstrated if it is based on this FOAN.

9. However, another Inspector recently concluded that the annual requirement figure should be higher and that a 5-year HLS could not consequently be demonstrated (Ref: APP/B3030/W/15/3006252). I acknowledge that the Council do not agree with that decision and that supporting information will be made available as part of an emerging local plan review. However, no specific reasoning to support the Council's position is before me or any new evidence that would lead me to question the findings of the previous Inspector. I also note that the Council accepts that full weight cannot be attached to their preferred FOAN until such time that it is tested through public examination.

Moreover, it is not for an Inspector to seek to carry out some sort of local plan process as part of determining the appeal under S78 of the Town and Country Planning Act 1990 (as amended).

10. Given the above, I am not satisfied that the Council has robustly demonstrated a deliverable 5-year HLS for the purposes of this appeal. Consequently, policy SP3 cannot be considered up-to-date. As a result, there is a 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 of the Framework as a whole or where specific restrictions apply. Bearing in mind the fact that it would not lead to an isolated home in the countryside and that no harm would arise from the proposal, other than a failure to meet an identified local housing need, I am satisfied that the proposal would be consistent with paragraphs 14 and 55 of the Framework. Consequently, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits which in this instance would be an, albeit small, boost to the 5-year HLS within the District.

Other Matters

11. The Council is of the opinion that the development would set a precedent for additional housing units in similar locations but also points out that the functional linkages between villages may differ as well as the range of services that are offered. As each application must be considered on its own merits and the evidence submitted I am satisfied that a precedent would not be set even if other applications were to come forward in Staythorpe.

12. Additional concerns raised by objectors to the proposed development, particularly with regard to highway safety, hedgerow removal, scale, overlooking, noise, character and flooding, are acknowledged. These matters were considered in the case officer's report and I support the view that the concerns raised do not warrant the refusal of the scheme. Consequently, these matters were not determinative in the conclusion I reached.

Conclusion and Conditions

13. For the above reasons and having regard to all other matters raised I conclude that, subject to appropriate conditions, the appeal should be allowed.

14. I have considered both the wording and grounds for the conditions suggested by the Council in accordance with the tests set out in paragraph 206 of the Framework.

15. In addition to the standard time limit condition (1), a condition requiring development to be carried out in accordance with the plans is necessary for the avoidance of doubt and in the interests of proper planning (2).

16. Conditions relating to the use of building materials, the replacement hedge and potential replanting are necessary in the interests of protecting the character and appearance of the local area (3-5).

17. Conditions relating to the provision of a new verge crossing, hard landscaping, surface water drainage system and visibility splays are necessary in the interests of maintaining vehicular and pedestrian safety (6-7).

CONDITIONS

1) The development hereby permitted shall begin no 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 plan: 2016-101 REV A.

3) The development hereby permitted shall be implemented according to the submitted details.

4) The dwelling shall not be occupied until details of the height of the proposed beech hedge shown on the approved plan (Ref: 2016-101 REV A) has been submitted to and approved in writing by the local planning authority. The hedge shall be maintained in accordance with the approved details and retained thereafter.

5) All planting shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants that die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with trees or plants of a similar size and species.

6) A means of access for vehicles and pedestrians shall be constructed in accordance with a specification submitted to and approved in writing by the local planning authority. This shall include details of a dropped vehicular verge crossing, all bound surfaces and a drainage system that will prevent unregulated discharge of surface water onto the public highway. No other development shall occur until these works have been completed in accordance with the approved details. They shall be retained thereafter for the lifetime of the development.

7) The dwelling shall not be occupied until the visibility splays shown on the approved plan (Ref: 2016-101 REV A) have been provided. The area within the defined splays shall be kept free of all obstruction, structures or erections exceeding a height of 0.6 m for the lifetime of the development.