
Appeal Decision

Site visit made on 21 February 2017

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 16th March 2017

Appeal Ref: APP/B3030/W/16/3161098

**Land adjacent to Ivy Cottage, Hawksworth Road, Syerston, Newark
NG23 5NE**

- 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 S Walker against the decision of Newark & Sherwood District Council.
 - The application Ref 16/01130/OUT, dated 13 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is described as "erection of two detached dwellings with a single point of access off Hawksworth Road. Off street parking to be provided".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters except access reserved. I have taken the description of development from that given on the planning application form.

Main Issue

3. The main issue in this case is whether or not the proposed development would support a sustainable pattern of development and amount to sustainable development in the countryside.

Reasons

4. The adopted housing target in the Newark and Sherwood Core Strategy Development Plan Document 2011 (CS) is derived from the East Midlands Regional Plan Strategy which has now been revoked. It also predates advice in the National Planning Policy Framework 2012 (Framework) and the housing requirement in the CS was not derived to meet the full objectively assessed need (OAN). Therefore the housing requirement in the CS is out of date.
 5. The Council's reason for refusal cites CS Policy SP3. This Policy restricts new housing in rural areas to sustainable accessible village locations and states that beyond the Principal Villages new housing will be restricted to that which meets identified proven local need. In this way Policy SP3 stems from and reflects the housing requirement in the CS and is a policy that controls the supply of housing. Consequently it cannot be considered to be up to date and the weight I attach to it is limited.
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6. 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. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
7. Paragraphs 29 and 30 of the Framework include advice that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
8. Syerston is a small village with a limited number of dwellings arranged broadly as short ribbons of development along the lanes. The appeal site has two boundaries directly adjoining dwellings and other dwellings face the site on Hawksworth Road. It falls within the built up area of the village and is not in an isolated location.
9. Syerston has only one road in an out. In this way it feels quite cut off and remote. The village has some farms, a church and village hall. The appellant advises that the village also has a fresh milk and newspapers service, a farm selling eggs and local produce, that all major supermarkets deliver to Syerston and that there are other businesses including the appellant's accountancy business. Nonetheless I am not persuaded that Syerston has the services and facilities to meet the general day to day needs of residents.
10. I visited the adjacent settlement of Elston and observed a community shop, village hall and primary school and I visited Flintham which also has a primary school. The route to reach these adjacent settlements required returning to the main road and included a section of the Fosse Way/A46. I found that the route made these settlements feel more distant from Syerston than they appear on the map. There is little evidence to say that either of these settlements could be reached by foot or cycle without following this main road route. The appellant informs me that there is a bus from Syerston to the school at Flintham, but otherwise I noted that the nearest bus stop for Syerston was some distance outside of the village on the Fosse Way/A46.
11. Written submissions to the appeal by third parties state that the bus stop is too far away for those with young children, the bus services to Newark and Nottingham are infrequent and that they are reliant upon a private motor vehicle to access services, including children's play facilities in Flintham and Elston. This information is largely without evidence and the weight I attach to it is limited. Nonetheless, it reinforces my conclusion that it is likely that the occupiers of the proposed dwellings would rely upon use of private motor vehicles to meet their day to day needs.
12. The appellant draws my attention to another recent appeal decision in the District¹ where the Inspector found that a development would support services in another village, but in that case the Inspector found that a good walkway with lighting provided a link.

¹ APP/B3030/W/16/3158081

13. I am not persuaded that the proposed development would be located where it would enhance or maintain the vitality of rural communities or where it would reduce reliance on private motor vehicles or support aims to reduce greenhouse gas emissions and congestion.
14. I conclude that the proposed development would not support a sustainable pattern of development and would not amount to sustainable development in the countryside. The proposal would also conflict with the aim of Policy SP3 which, amongst other things, seeks to restrict new housing in rural areas to sustainable accessible village locations, although for the reasons already given I attach very little weight to this conflict.

Other Matters

15. The appellant refers me to a decision of another Inspector dated 7 January 2016 and relating to a site at Farnsfield. In that case² the Inspector concluded that the Council did not have a five year land supply. The appellant's statement of case also includes a facsimile of an email from an Officer of the Council stating that the Council does not have a 5 year housing supply. The appellant informs me that since the adoption of the CS not one house has been built on three proposed Sustainable Urban Extension sites around Newark which, collectively, are intended to provide for several thousand dwellings.
16. Against this, the Planning Officer's report advises that the Council has produced a Strategic Housing Market Assessment (SHMA) which has produced an Objectively Assessed Need (OAN) of 454 dwellings per annum. The Council submits that it can demonstrate a five year supply on the basis of this OAN.
17. As the OAN has yet to be tested through the Local Plan Review process the weight I attach to it is limited. I attach some weight to the conclusions of my colleague, but find that there is insufficient evidence before me to enable me to conclude that the Council does not have a five year housing land supply. However, as I have found Policy CS3 to be otherwise out of date, this matter is not determinative in this case.
18. The appellant draws my attention to a reference to comments by the Secretary of State for Communities and Local Government at the Conservative Party Conference in the National Guardian, 7 October 2016. On 7 February 2017, the Government published the Housing White Paper entitled "Fixing our broken housing market". The proposals in the White Paper set out how the Government intends to boost housing supply and, over the long term, "create a more efficient housing market whose outcomes more closely match the needs and aspirations of all households and which supports wider economic prosperity." However at this stage the proposals do not yet form Government policy and many are subject to further consultation. This limits the weight I attach to such matters in this appeal.
19. Advice in the Framework seeks to boost significantly the supply of housing and deliver a wide choice of high quality homes. The proposal would contribute two dwellings. Although there is nothing to say so, one or both of the dwellings could potentially be suitable for the young or elderly, or purchased by persons working within or with local connections to the village. The development would generate some employment during construction and the additional two

² APP/B3030/W/15/3006252

households would result in a minor increase in local spending power. I attach a limited amount of weight in favour to these small social and economic gains.

20. The Church of All Saints and Montague House on Church Lane, Low Farm House and The Barn at Low Farm, Moor Lane are all Grade II statutorily Listed Buildings (LBs). Having regard to the location of this site, the location of the heritage assets, and the listing description for the LBs, I conclude that careful consideration of the scale, design and detailing of the development at the reserved matters stage would be able to secure the preservation of the setting of heritage assets within the locality.
21. There is nothing to say that the quality of the development would not be high. The proposal would fill a gap between existing built form. The settlement is characterised by ribbons of development and the present gap affords some views to the rear or sides of existing domestic curtilages. The proposal would not be harmful to the character and appearance of the settlement.
22. The application is in outline and does not specify dwellings with four bedrooms. I am satisfied that indicative layout plan 'Proposal B' demonstrates that appropriate separation distances could be achieved between the proposed and existing dwellings to prevent overbearance and overshadowing. Detailed design could address overlooking and privacy. I am not persuaded that there is evidence to say that two dwellings on the site would have detrimental impacts upon the living conditions of the occupiers of adjacent dwellings.
23. There is little evidence about a development at Flintham so the weight I attach to this is very limited. I have considered this proposal on its own merits in relation to the specific circumstances of this case. In this way I do not consider the decision would set a precedent for other cases one way or another.

Conclusions

24. The proposal would not support a sustainable pattern of development and would not amount to sustainable development in the countryside and I attach substantial weight to this harm. The proposal would also conflict with the aims of Policy SP3 although I attach little weight to this conflict with the development plan.
25. Overall, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited social and economic benefits, when assessed against the policies in the Framework taken as a whole. Therefore, and having taken all other matters into consideration, I conclude that the appeal should be dismissed.

Helen Heward,

PLANNING INSPECTOR