

Appeal Decision

Site visit made on 28 February 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/P3040/W/16/3162248

20 Landcroft Lane, Sutton Bonington, Nottinghamshire LE12 5PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Finney against the decision of Rushcliffe Borough Council.
 - The application Ref 16/00330/OUT, dated 5 February 2016, was refused by notice dated 13 May 2016.
 - The development proposed is the erection of one detached dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one detached dwelling at 20 Landcroft Lane, Sutton Bonington, Nottinghamshire LE12 5PD in accordance with the terms of the application, Ref 16/00330/OUT, dated 5 February 2016, subject to the conditions in the attached schedule.

Procedural matters

2. The application was made in outline with all matters other than access and layout reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access and layout.
3. The appeal site previously had temporary planning permission for use for the siting of a static mobile home and a touring caravan for a single gypsy and traveller family. The permission has expired and the site is currently unoccupied. No party has raised any concerns regarding the redevelopment of the site in relation to local or national policies for the provision of sites for gypsies and travellers. Based on the evidence before me I see no reason to disagree with this stance.
4. The site address on the submitted application and appeal forms differ. I have used the address adopted by the Council which appears most accurate.

Main Issues

5. The main issues are (i) the effect of the proposed development on the character and appearance of the area and (ii) whether the proposal would accord with the spatial strategy as set out in the relevant policies.
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Reasons

Character and appearance of the area

6. The appeal site comprises an open parcel of land that forms part of a cluster of development within the open countryside to the east of the village of Sutton Bonington. It lies within a gap in the built frontage between a site currently being redeveloped as a holiday let and a permanent residential site for gypsies and travellers. These neighbouring uses have a visible presence along the road. A further residential dwelling lies to the east and a well-established ribbon of residential dwellings lies opposite and to the north. There is a range of bungalows and two storey properties that provide a diverse mix of house types and variety in the design and appearance of the dwellings in the area.
7. The proposal would entail the construction of a detached L shaped dwelling with associated parking and garden area set back from the road behind a grass verge and boundary hedgerow. It would be positioned on the hard surfaced area previously used for the siting of the static mobile home and touring caravan on the front section of the site broadly in line with the adjacent properties, including the existing bungalow at No. 24 Landcroft Lane. The indicative details show a one and a half storey dwelling with a rear outrigger, pitched roof and dormer extensions on the rear elevation to provide living accommodation at first floor level.
8. The proposal would not therefore be isolated and having regard to the character of the surrounding development in this location, both in the way this addresses the road, and in the way both adjoining plots are enclosed, the appeal scheme would infill a gap in the developed frontage.
9. I note the Council's arguments regarding the larger scale and prominence of a permanent dwelling on the plot as compared to the static mobile home that previously occupied the site on a temporary basis. Whilst the proposed development would increase the built form on the appeal site, given the siting and layout of the development on the front part of the site with a smaller footprint and reduced curtilage in comparison to the dwelling considered as part of the previous planning appeal on the site¹, I consider that the proposal would sit relatively unobtrusively within the streetscene as an infill development. It would reinforce the distinctive characteristics of the established pattern of development on the south side of the road and would address the concerns raised by the previous Inspector regarding the excessive footprint and curtilage of the dwelling previously proposed. This leads me to the view that the development would not lead to significant harm to the established rural character of the area.
10. Consequently, I conclude that the proposal would have no significant harm on the character and appearance of the area. The development would accord with Policy 10 Part 1 (a), Policy 10 Part 2 (a), (e) and (f), Policy 10 Part 4 and Policy 10 Part 5 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (CS) which I consider are the most relevant development plan policies. These policies, amongst other things, seek to ensure that development is designed to make a positive contribution to the public realm and sense of place and that the

¹ APP/P3040/W/15/3128718

design, scale, massing and layout of the proposal takes into account the neighbourhood buildings, local context and landscape character.

11. In addition, the proposal would accord with the National Planning Policy Framework (the Framework) that development should seek to respect the local character (paragraph 58); to promote or reinforce local distinctiveness (paragraph 60) and improve the character and quality of an area and the way it functions (paragraph 64).

Spatial Strategy

12. The Council's Spatial Strategy is set out in Policy 3 of the CS and seeks to restrict new housing development outside certain Key Settlements to housing for local needs only. Paragraph 3.3.17 of the supporting text states that this will be delivered through small scale infill development or, on exception sites, although it does not define the term "infill". No evidence has been submitted that the proposed dwelling would be for a specific local need in this instance.
13. The policy reflects the aims of the Framework, which seeks to protect the countryside from unnecessary development and to resist isolated new dwellings in the countryside. The Framework also states that new residential development is most appropriate in locations where there is access to alternative modes of transport other than the private car (paragraph 30) and where journey lengths to services and opportunities for employment can be minimised (paragraph 37). These aims are reflected in Policy 10 Part 1 (e) of the CS which seeks development that reflects the need to reduce the dominance of motor vehicles and are also implicit in the Spatial Strategy outlined in Policy 3 of the CS.
14. Sutton Bonington is not identified as a Key Settlement in the CS. It is linear in form with the main part of the village separated by the railway line from the cluster of development around the university campus. The appeal site sits within a further cluster of development, separated from the campus by open fields, at the end of Landcroft Lane.
15. There are a small range of services available in the village, sufficient to meet some of the day to day needs of residents. The distance from the appeal site to the services available in the village would necessitate a walk of around a mile, less in the case of the closest bus stops along College Road providing access to a relatively good bus service by rural standards. This was acknowledged by the Inspector for the previous appeal on the appeal site in 2015 and there is no indication that there has been a change in this service in the intervening period. As such, although future residents would be likely to depend on the private car to reach the essential services and employment available in nearby higher order settlements, some day to day trips could be undertaken by sustainable means. This factor, and the fact that the proposal is for a single house, would limit the extent to which the proposal would increase the number of journeys made and this leads me to the view that the development would not lead to significant harm in this regard.
16. Consequently, whilst the proposed development would accord with Policy 10 Part 1(e) of the CS and the guidance within Framework which seek to resist isolated development in the countryside and to achieve a sustainable pattern of development, it nonetheless would conflict with Policy 3 of the CS as the proposal would not be for a specific local need.

Planning balance and conclusion

17. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Policy 3 of the CS seeks to impose a restriction on housing development in the open countryside. It acts as constraints to future housing supply by presuming against new housing development outside certain Key Settlements. Paragraph 49 of the Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a five year supply. It follows that, for the purposes of paragraph 49 of the Framework, Policy 3 of the CS is to be considered out of date.
18. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Sustainable development is identified as having social, economic and environmental roles.
19. I have found that there is likely to be some reliance on the private car to access services and facilities outside of peak times when bus services are not likely to be as frequent. I have also found that there would be limited impact on the open rural character of the appeal site arising from the increased built form. In combination, these adverse impacts carry moderate weight.
20. Set against this the proposal would be accessible and provide some social and economic benefits through contributing to the supply of housing, local services and to the vitality of this rural community, although a single dwelling would make a limited contribution in this instance. I have found above that the development would not cause significant harm to the area's character and appearance.
21. Overall the adverse impacts identified above do not significantly and demonstrably outweigh the scheme's benefits. Consequently the proposal would represent sustainable development as defined in the Framework.
22. Bringing together my conclusions on the main issues, I have found that the outline proposal forms an acceptable form of infilling that would not cause significant harm to the character and appearance of the area. Whilst the proposal would not accord with the Council's Spatial Strategy, this conflict is considered in the context of the lack of a five year housing land supply in the area and that the relevant housing policy in the development plan is considered out of date.
23. Consequently, I conclude that the adverse impacts identified do not significantly and demonstrably outweigh the scheme's benefits and the proposal would represent sustainable development in context of paragraph 14 of the Framework. This and the compliance with the design aims of the development plan and the Framework as set out above are material considerations sufficient to outweigh the compliance with Policy 3 of the CS.
24. I have noted the support from the Sutton Bonington Parish Council and local residents to the proposal. However, in light of my findings on the main issues of the appeal, there is no necessity for me to consider these matters further.

Conditions

25. Having regard to the Framework and in particular paragraph 206, the conditions I shall impose are based on those suggested by the Council but with some variation to the wording in the interests of precision or clarity. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. Those conditions relating to the reserved matters and detailing of the appearance, scale, landscaping, boundary treatment, hedge retention, tree survey and tree protection are necessary as they would safeguard the living conditions of neighbouring properties and the character and appearance of the area. I agree that conditions relating to bin storage facilities, access and parking/turning area arrangements are necessary in the interests of highway safety. A condition relating to the foul and surface water drainage is necessary to ensure that adequate drainage facilities are provided in connection with the development.

Overall Conclusion

26. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision, and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14.3046.03A in respect of the 1:1250 Location Plan; 1:500 Proposed Block Plan and the 1:200 Proposed Site and Roof Plan but only in respect of those matters not reserved for later approval.
- 3) No development shall take place until details of the appearance, landscaping and scale ("the reserved matters") for the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 4) The Reserved Matters application(s) shall be accompanied by the following details (as appropriate);
 - (a) boundary treatments and means of enclosure; and
 - (b) bin storage facilities including an area for 3 wheeled bins for the dwelling.

The development shall thereafter be implemented in accordance with the details approved and shall not be occupied until the above works are completed in accordance with the approved details.

- 5) No operations shall commence on site until a tree survey in accordance with BS5837 including a plan detailing the existing trees and hedges which are to be retained and which trees and hedges are to be removed has been submitted to, and approved in writing by, the Local Planning Authority. The tree survey should also include an arboricultural method statement detailing how retained trees and hedgerows will be protected during construction in accordance with BS5837. Thereafter the development and the protection shall be carried out in accordance with the approved details and the 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 any protected area, nor is any excavation work to be undertaken within the confines of the tree protection areas and no changes of ground levels shall be made within the protected area.
- 6) With the exception of the works to improve the entrance to the site as detailed on the 1:200 proposed site and roof plan element of drawing number 14.3046.03A, the existing hedge located on the northern boundary of the application site fronting onto Landcroft Lane shall be retained and any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Local Planning Authority, within one year of the date of any such loss being brought to the attention of the Local Planning Authority.
- 7) The development shall not be brought into use until the proposed access and parking/turning area have been constructed in accordance with details to be first approved by the Local Planning Authority and these facilities shall be retained for the lifetime of the development.
- 8) The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage shall be installed and maintained in accordance with the approved scheme.