
Appeal Decision

Site visit made on 25 April 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/P3040/W/17/3168280

Stone Croft, Main Road, Hawksworth NG13 9DD

- 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 Gale against the decision of Rushcliffe Borough Council.
 - The application Ref 16/02097/FUL, dated 17 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is residential redevelopment (incorporating the demolition of the existing bungalow) to create 2no. 'live-work' dwellings.
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Decision

1. The appeal is dismissed.

Relevant Policies

2. The development plan comprises of the Rushcliffe Local Plan Part 1: Core Strategy (CS), adopted December 2014 and five saved policies of the Rushcliffe Borough Local Plan (RBLP), adopted 1996. No policies of the RBLP are relied upon by the Council. The National Planning Policy Framework (the Framework) is an important material consideration.
 3. Reference is also made to the Rushcliffe Borough Non Statutory Replacement Local Plan (RBNSLP) which was adopted by the Council but does not form part of the statutory development plan. It was prepared in accordance with the Development Plan Regulations in force at the time and had been through the full scrutiny of the Public Local Inquiry process in 2005. The Council use the RBNSLP to determine planning applications and it is expected to serve until the Local Plan Part 2: Land and Planning Policies is adopted. Accordingly the policies contained in the RBNSLP are capable of being material considerations in so far as they are consistent with the Framework.
 4. In accordance with the Planning and Compulsory Purchase Act 2004 s38(6), this case must be determined in accordance with the development plan, which for the purposes of this appeal is the Core Strategy, unless material considerations indicate otherwise. The Framework and the policies contained in the RBNSLP, so far as they are consistent with the Framework, are material considerations in this appeal.
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Main Issue

5. The main issue is whether the appeal site is an appropriate location for new residential development, having regard to national and local policies relating to new housing in rural areas.

Reasons

Location of development

6. Hawksworth is a small settlement set within an agricultural landscape. The historic core of the settlement is focused around the church and as such the built up area is around Main Road and Town Street. Main Road continues south-westwards away from the built up area and includes occasional dwellings, including the appeal site on the eastern side, and a small isolated group of properties on the western side of Main Road.
7. The appeal site is a rectangular parcel of land that is physically and visually separated from the main built up area by a large field and an unnamed highway. The existing property is a modest sized single storey bungalow sitting unobtrusively within a large garden with some mature trees and hedges on boundaries. It is a pleasant setting in the countryside.
8. The CS contains no policies relating to the principle of new housing development in the countryside. Paragraph 14 of the Framework says that, where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted except in either of two identified circumstances. In this appeal the development plan is silent. I therefore turn to the circumstances.
9. The first circumstance identified by paragraph 14 is that in which any adverse impacts of development would significantly and demonstrably outweigh the benefits of development, when assessed against the policies in the Framework taken as a whole. The second circumstance is that in which specific policies of the Framework indicate development should be restricted. Both of these circumstances apply to this appeal.
10. Paragraph 55 of the Framework identifies that housing should be located where it will enhance or maintain vitality of rural communities and that (with certain identified exceptions) local planning authorities should avoid new isolated homes in the countryside.
11. The Framework does not define "isolated," therefore I rely on the everyday definition of the word as meaning lonely or remote. The appeal site is detached from the built up area, it sits alone, without adjoining neighbours and is remote from the main built up area of Hawksworth. It is physically, visually and functionally separated from the existing settlement, this would therefore lead to harm from the intensification of development in this countryside location. Accordingly it would be contrary to the aims of the Framework in respect of dwellings in the countryside.
12. Although RBNSLP Policies HOU6, EN19 and EN20 are not contained within the statutory development plan, I apply the principle set out in paragraph 215 of the Framework (that the closer the policies in question are to the policies in the Framework, the greater the weight that may be given to the policies in

question). I therefore give moderate weight to the policies of the RBNSLP which seek to restrict new housing development in the countryside.

13. The appeal proposal involves the demolition of the existing bungalow and the erection of 2 new two-storey dwellings. One new dwelling (Unit A) will occupy the western portion of the appeal site which is currently garden. The other new dwelling (Unit B) is to be sited on the eastern portion of the appeal site, approximately where the existing bungalow is positioned. Unit A encompasses a main dwelling and two ancillary buildings. Unit B is a large L-shaped dwelling.
14. RBNSLP Policy HOU6 does allow for replacement dwellings in the countryside. This proposal would increase the number of dwellings on the site (from 1 to 2) and as such is not within the spirit of the policy which seeks amongst other things, no net increase in the number of dwellings. As the proposed dwellings are not specifically supporting rural activities of agriculture and forestry, or addressing exceptional local needs housing the appeal proposal would not satisfy any of the exceptions in RBNSLP Policy EN20.
15. The existing dwelling is an unobtrusive structure within a large plot which is not visually prominent. Although the proposed design of the new dwellings would not be out of keeping with the style of properties within Hawksworth, this does not outweigh the harm that I have identified in relation to the principle of development in this location. The appeal proposal would substantially increase the scale and mass of built development in this countryside location which would detrimentally impact on the rural character of the area. This would be contrary to CS policy 10, RBNSLP policies GP2 and EN19, and paragraph 17 of the Framework.

Other matters

16. I understand the wishes of the appellants to provide additional and separate accommodation for their family. However, these personal circumstances are not sufficient to outweigh the harm that I have identified.
17. I have had regard to the potential benefits of the scheme identified by the appellants, including the "live-work" nature of the proposal. However, this does not change the harm arising from the principle of development in this countryside location.
18. The appellant also makes reference to the existing dwelling being one of three weaknesses identified in the Hawksworth Conservation Area Appraisal (HCAA). I have not been provided with the HCAA or any other details of the Conservation Area. However, I do not find the existing property to be harmful to the character of the surroundings.
19. It is not disputed between parties that there is no 5 year housing land supply. However, I have concluded that the site is located within the countryside and the presumption in favour of sustainable development and any other benefits of the proposal are significantly outweighed by the adverse impact of the proposal.
20. My attention has been drawn to a number of other appeal decisions, including one at Willoughby on the Wolds¹. I did not find them to demonstrate

¹ APP/P3040/A/13/2191142

sufficiently similar characteristics to this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conclusion

21. I conclude that the appeal proposal represents inappropriate development by virtue of its location within the countryside. The appeal proposal would also substantially increase the scale and mass of built development which would detrimentally impact on the rural character of the area.
22. The appeal proposal is therefore contrary to the Rushcliffe Local Plan Part 1: Core Strategy Policy 10 regarding conserving the landscape character; Rushcliffe Borough Non Statutory Local Plan Policies GP2 regarding amenity and design; EN19, EN20 and HOU6 concerning housing in the countryside and the approach of the Framework taken as a whole.
23. For the reasons given, the appeal is dismissed.

Rachael A Bust

INSPECTOR