
Appeal Decision

Site visit made on 29 March 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 1st June 2017

Appeal Ref: APP/B3030/W/16/3165580

Land Adjacent Bar Farm, The Bar, Laxton NG22 0NT

- 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 & Mrs W Wagstaff against the decision of Newark & Sherwood District Council.
 - The application Ref 16/01582/FUL, dated 27 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location would be consistent with the objectives of local and national policies relating to housing in rural areas, with particular regard to access to everyday facilities by a range of means of transport.

Reasons

3. Spatial Policy 1 (SP1) of the Newark and Sherwood Core Strategy (2011)(CS) identifies the settlement hierarchy for the district. The village of Laxton, to which the appeal site is most closely related, is not specifically identified in this hierarchy and would thus be considered as an 'Other Village' by the policy.
 4. There is dispute between the main parties as to whether the site should be considered within or outside the main built-up area of the village. There is no defined settlement boundary and so an element of judgement is required. The site is a shallow rectangular open grassed paddock enclosed by hedgerows on three sides. The site forms part of a larger L-shaped plot, which contains a small detached storage building.
 5. The site is located on a road known as The Bar, which is made up of a number of loose-knit dwellings and agricultural buildings which stretch out for a short distance from its junction with Main Road and High Street. When exiting the village along this road, the site is clearly located beyond the last dwellings in the village. The last dwelling on the southern side of the road currently establishes a clear and definitive edge to the built form of the settlement. The only other building that can be seen beyond this is a storage building, which is itself detached from the village.
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6. While gaps in dwellings are not necessarily uncharacteristic of the pattern of development in Laxton, the development itself would not constitute any kind of infill or rounding off of the village, but would simply represent an extension of the built form into the open countryside.
7. I have noted the historic siting of a dwelling on the site and the comments of the Council's Conservation Officer who concluded that the site was historically within the built-up area. Nevertheless, the extreme and prolonged passage of time since this dwelling was demolished means I have given only minimal weight to the argument that this demonstrates the site falls within the current main built-up area of the village. Whilst the site is within the Laxton Conservation Area (LCA), as this also appears to encompass areas of agricultural land it is not convincing evidence that the site is part of the main built-up area.
8. There are agricultural buildings directly opposite the site, but these are set well back from the road, are not visually well related to the appeal site and are themselves in a peripheral location. There is also nothing to suggest that the boundaries of the built-up area must be parallel or symmetrical and thus they are of limited relevance.
9. In light of the above, I do not consider that the site can logically be seen as part of the main built-up area of the village. In such circumstances, CS Policy SP3 states that housing will be strictly controlled and restricted to uses which require a rural setting, such as agriculture and forestry. Policy DM8 of the Newark & Sherwood Local Development Framework Allocations and Development Management Development Plan Document (2013)(ADM) also states that development outside the main built-up areas will be strictly controlled subject to a list of exceptions. There is no suggestion that the development would be required for a rural worker and it is not a replacement dwelling. The design of the dwelling would be broadly in keeping with the character of the wider area, but it would not be of such an exceptional or innovative design to meet the requirements of the policy. The site is therefore located in the open countryside and does not conform to any of the exceptions set out in policies SP3 or DM8.
10. My attention has also been drawn to paragraph 55 of the National Planning Policy Framework (the Framework). This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that isolated homes in the countryside should be avoided unless they meet one of a number of listed 'special circumstances'. Policies SP3 and DM8 remain broadly consistent with the Framework in this regard, particularly in terms of focussing development into areas with good access to facilities.
11. Little information has been provided in relation to the range of services and facilities available within Laxton itself. Nonetheless, that it is not identified as a Principal Village in the CS is suggestive that it does not contain the range of services necessary to meet day-to-day needs. I observed a sports pitch, church, pub and visitor centre, but there is no evidence before me of any shops, banks, schools or such things as medical facilities in the village. Based on this, it would be reasonable to assume that future occupants would need to travel beyond Laxton to access most of their needs.

12. The appellants have made reference to the development being able to support facilities in Newark and Ollerton, but there is little detail relating to this in terms of the distances people would need to travel or how accessible these locations are by a range of means of transport. Reference is made to bus services from the village to other settlements, but again there is nothing before me relating to the frequency or regularity of services or what facilities the other settlements may offer. It is therefore not possible to conclude with any certainty that the site is well served by public transport or that it would provide realistic or reasonable alternatives to the car. Taking this and the apparent lack of facilities within Laxton into account it is reasonable to assume that the majority of trips would be made by car.
13. It may not be unusual for there to be a greater reliance on the car in rural areas, but the Framework still encourages development to be located where it can make the fullest possible use of public transport, walking and cycling. The effect of allowing development in such inaccessible locations would be likely to increase the cumulative number of less sustainable journeys made. The likely dependency on the car would also not suggest any functional link or connection between the development and any particular settlement or set of services delivering everyday needs. Therefore, the benefits to the vitality of any individual settlement in the context of paragraph 55 would be negligible. As such, I do not consider the development would meet the requirements of the first part of paragraph 55. In addition, the appellant has not sought to argue that the development would meet any of the 'special circumstances' listed in the paragraph.
14. In conclusion, I find that the development would not have good access to everyday facilities by a range of means of transport and does not conform to any of the exceptions listed in CS Policy SP3 or ADM Policy DM8 for development in the countryside. As such, there would be conflict with these policies which seek, amongst other things, to focus development into sustainable locations and control development in the countryside. Moreover, there would be conflict with paragraph 55 of the Framework, which seeks to locate development where it would maintain or enhance the vitality of villages.

Other Matters

15. The provision of one additional house would contribute positively to the Council's housing land supply. Whilst the Framework aims to boost significantly the supply of housing, the scale of development is such that it would provide only limited benefits. I also recognise that the development would provide some scope for additional expenditure within the area to support business. Short term benefits during construction would exist and the development would be subject to a Community Infrastructure Levy (CIL) charge. However, a single dwelling would result in limited economic benefits.
16. The appellants have argued that the dwelling meets an identified local need in that it would provide accommodation for themselves and an elderly parent. It is also argued that there is no other suitable accommodation in the village and that the appellants' existing property cannot be extended. In relation to policy SP3, the appellants have drawn my attention to two appeal decisions¹ where Inspectors concluded that the needs of individuals could meet the requirements

¹ Appeal reference: APP/B3030/A/12/2187941 and APP/B3030/A/12/2176688

of the policy. However, a more recent appeal² also considered this issue and concluded that both the policy and planning system more generally, operate in the public rather than private interest. I understand the desire of the appellants to provide accommodation that would allow a parent to return to the village. However, such personal circumstances seldom outweigh general planning considerations and, having considered the details of this particular case, I do not consider this to be evidence of a local housing need in the context of Policy SP3.

17. I agree with the Conservation Officer's view that the development would have a neutral effect on the LCA and would thus preserve its character and appearance. It would not, however, lead to any enhancement. The evidence provided does not lead me to conclude that the previous dwelling was of such importance either to the history of the village or its built form that a replacement would provide any particular enhancement to the LCA. While there would be no harm to heritage assets, there would also be no environmental benefits associated from the development in this regard.
18. The appellants have drawn my attention to a previous permission on the site from 1990. However, the decision letter provided refers to a site on Egmonton Road, which differs from the given address for the site. Nevertheless, I have noted from the Council's officer report that permission was granted in 1989 for a retirement dwelling on the site. No details have been provided relating to this permission. Even if the appellant is correct in relation to the 1990 permission, since this and the 1989 permission were granted event, the national and local policy context has now changed. I do not consider that any previous permission provides significant weight or justification for an additional dwelling under current policies.
19. The appellants have also referred to a permission in Newark³ as an indicator that the delivery of one dwelling was seen by the Council as a positive factor in the planning balance. Whilst I do not have all of the details of this proposal, it would appear from the report that the development met the requirements of the development plan. This is therefore a clear difference in context to the proposal before me.

Conclusion

20. I have found that the proposal would conflict with CS Policy SP3 and ADM Policy DM8 and that the development would be in a location with poor access to everyday facilities by a range of modes of transport. Balanced against this is the contribution to the supply of housing, to which only moderate weight can be given. None of the other factors in favour of the proposal carry any more than limited weight in its favour.
21. The appellant disputes the Council's assertion that they have a five year supply of deliverable housing sites. Even if I were to conclude that there is a shortfall in five year supply of the scale suggested by the appellants and that the relevant policies for the supply of housing should not be considered up-to-date, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of a single dwelling when considered against the policies of the Framework when taken as a whole. As a result, the

² Appeal reference: APP/B3030/W/16/3158075

³ Application reference 16/01861/OUT

application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal does not represent sustainable development.

22. In the circumstances of the appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR