
Appeal Decision

Site visit made on 13 June 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 25th July 2017

Appeal Ref: APP/A3010/W/17/3171543

White House Farm, Main Street, Welham, Retford DN22 0SJ

- 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 WHF Partners against the decision of Bassetlaw District Council.
 - The application Ref 16/01697/OUT, dated 5 December 2016, was refused by notice dated 27 January 2017.
 - The development proposed is an outline planning application for the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by WHF Partners against Bassetlaw District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is in outline form with all matters reserved.

Main Issue

4. The main issue is whether the proposal would provide a suitable location for housing with regard to the accessibility of services, and if not, whether this is outweighed by housing land supply and other considerations.

Reasons

5. The appeal site is located in the small dispersed settlement of Welham, which contains no shops and services of its own. It does contain bus stops, the nearest of which lie approximately 150 m from the site and is accessible by a footway. Services from this bus stop operate at broadly two hour intervals, each way, to Retford and Gainsborough, although there is a very limited evening service and no Sunday service. Further services are provided from more distant bus stops, between approximately 750 m to 1.5 km from the site.
6. The larger settlement of Clarborough lies approximately 1.5 km to the north and contains a shop, a school, a public house, a garage and a village hall, amongst its services. Retford is located approximately 2.5 km away, to its town centre, and contains the full range of shops and services that would be expected in a sizeable market town. Areas of Retford towards Welham are

- residential in nature and contain few services. Welham is distinct as a settlement and is not contiguous with the built form of either Clarborough or Retford, with farmland principally separating these settlements.
7. Welham is included within 'All Other Settlements' under Policy CS1 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document' (2011) (DPD), the lowest level on the settlement hierarchy. It does not have a development boundary.
 8. The lack of services in Welham would result in the occupants of the proposed dwelling having to travel to either Clarborough or Retford in order to access local shops and services. Given the distances involved, there would be a reliance on motorised transport and whilst the site is located in proximity to a bus stop, the level of service, in particular during evenings and Sundays, is likely to result in the use of the private car as the primary means of transport. The distance to the other bus stops would also reduce the likelihood of the use of the additional services that serve these stops, compared to the use of the car.
 9. The limited accessibility to services is reflected in Welham's position on the settlement hierarchy under Policy CS1, which is defined as settlements that have limited, or no services or access to public transport and which are unsuitable for growth.
 10. I conclude that the proposal would not provide a suitable location for housing with regard to the accessibility of services, and in this regard the proposal would not comply with Policy CS1 and its settlement hierarchy approach. I consider that Policy CS1 is broadly consistent with the National Planning Policy Framework (Framework) as it seeks to focus housing development to settlements where there are a greater level of accessible services.
 11. The site also lies within the 'made' Clarborough and Welham Neighbourhood Development Plan 2016 – 2031(2017) (NDP). The proposal would not comply with Policy 4 of the NDP as it would not be within a safe walking distance of local services. It would also not constitute an infill plot because the site is not a small restricted gap in an existing frontage, or is within a built up area of the village where the site is closely surrounded by buildings.
 12. Similarly, I also conclude the proposal would not comply with paragraph 55 of the Framework, because the lack of proximity to shops and services would not enhance or maintain the vitality of rural communities. With the distance to Clarborough, it would not appreciably support services in a village nearby, and would be functionally isolated. This would also result in the proposal constituting an isolated home in the countryside and none of the special circumstances to justify it cited in paragraph 55 would apply.
 13. Policy CS9 seeks to restrict the types of development in 'All Other Settlements'. As the proposal would not be a type of development that is listed under policy CS9, it would also not comply with this policy. Whilst I note the disagreement over the relevance of Policy DM3, this has no bearing on my decision. It does not change that the lack of compliance of the proposal with Policies CS1 and CS9.

14. However, the Council accepts it cannot demonstrate a five year housing land supply in accordance with paragraph 47 of the Framework. The shortfall is significant with a supply of 3.4 years, and the level of under supply has not been contested by the Council. Policy CS1, as an exception to restricting development to within defined development boundaries, does permit additional housing where it can be demonstrated it will be of benefit to addressing a shortfall in the five year housing land supply. Paragraph 49 of the Framework states however that relevant policies for the supply of housing cannot be considered up to date if a five year deliverable supply of sites cannot be demonstrated. Policies CS1 and CS9 are relevant to the supply of housing and therefore are out of date. Accordingly, I attach only limited weight to these policies.
15. In these circumstances, following the Supreme Court judgment of 10 May 2017¹, paragraph 14 of the Framework is to be applied, which means that where relevant policies are out of date, granting planning permission unless an adverse impact of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted. It remains however the case that the policies of the Development Plan are the starting point and the Framework is a material consideration. The application of paragraph 14 does not mean that planning permission will be granted in all circumstances.
16. The policies in the NDP can be considered up to date for the purposes of the Written Ministerial Statement concerning Neighbourhood Planning: Written Statement – HCWS346 (2016). However, this does not negate the requirement to demonstrate a five year housing land supply in respect of the District as a whole, and therefore the approach as set out under paragraph 14 of the Framework still applies in relation to the DPD.
17. This proposal would make a contribution to addressing the shortfall, as one dwelling would be provided. Therefore whilst I afford addressing the shortfall great weight, the scheme nonetheless offers a moderate benefit in this regard.
18. In respect of the roles of sustainable development under paragraph 7 of the Framework, the economic benefits arising from the construction and maintenance of a single dwelling would be slight. The proposal would conflict with the social role because, whilst it would make a limited contribution to housing land supply, it would not be providing the supply of housing where there are accessible local services. It would also conflict with the environmental role because its reliance on the private car for accessibility would not mitigate and adapt to climate change. Although design quality and energy efficiency are intended for the proposal, these would not outweigh the unsuitability of the location.
19. The proposal would be acceptable in principle with regard to character and appearance; flood risk; drainage; highways safety; the living conditions of the occupiers of the adjoining property; and the trees on the site. It would comply with DPD and NDP policies in these respects. However, I consider these are neutral matters and therefore do not weigh in favour of the proposal.

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

20. I acknowledge the appellant's comments that the development boundaries under the DPD have led to the lack of housing land supply under Policy CS1. However, as I have set out, I have only attached limit weight to this policy, along with Policy CS9, which is consistent with the appeal decisions at Cottam (APP/A3010/W/16/3155764) and East Drayton (APP/A3010/W/16/3145198). Each case though is still to be determined on its merits, including with regard to suitability of the location with regard to accessible local services.
21. In respect of the planning permission granted by the Council at Land at Canal Turn, Welham Road, Retford, I am not aware of the full circumstances which arose in that case, although I note that the site is located on the edge of Retford with access to local services, which is not the case with the proposal subject of this appeal. I attach very little weight to the Bassetlaw District Council Initial Bassetlaw Local Plan (2016), as it has only reached a very early stage of preparation. In respect of the appeal decision at Coddington (Ref: APP/B3030/W/16/3151592), this lies outside of the Council area and concerns policies from a different Development Plan, so I consider this of limited relevance and therefore also attach very little weight to it.
22. I conclude that when assessed against paragraph 14 of the Framework, the adverse impacts caused by the unsuitable location of the development would significantly and demonstrably outweigh the benefits. I have also identified the proposal is in conflict with paragraph 55 of the Framework, which is clear that sustainable development is to be promoted in rural areas. The proposal would not constitute a sustainable form of development and would not comply, as a whole, with the Framework.

Other Matters

23. It is intended the proposal would be occupied by Mr and Mrs Johnson, who reside currently in White House Farm. However, there would be no control over its occupation and the proposal would remain long after the occupiers may have ceased to live there.
24. I also note comments made about how the Council dealt with the planning application, although this is not a matter for me to comment on in the context of this appeal.

Conclusion

25. I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR