The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 2nd August 2017

Appeal Ref: APP/A3010/W/17/3172614
Land adjacent to the village hall and recreational ground at The Drive, Barnby Moor DN22 8QU

- 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 Martyn Elliot against the decision of Bassetlaw District Council.
- The application Ref 16/01675/OUT, dated 4 January 2017, was refused by notice dated 27 January 2017.
- The development proposed is the erection of a detached dwelling with associated access arrangements.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a detached dwelling with associated access arrangements at land adjacent to the village hall and recreational ground at The Drive, Barnby Moor DN22 8QU in accordance with the terms of the application, Ref 16/01675/OUT, dated 4 January 2017, subject to the following conditions:

    1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

    2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

    3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

    4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:2500, which shows the red line planning application boundary extending to Great North Road, but only in respect of those matters not reserved for later approval.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration except for the means of access. An amended version of the site

location plan was submitted, which showed that access would be taken off Great North Road. I have had regard to this in determining this appeal. I have treated any details relating to the reserved matters as being illustrative only.

Main Issue

3. The main issue is whether the proposal would provide a suitable location for housing with regard to the accessibility of services.

Reasons

4. The appeal site is located on the edge of the settlement of Barnby Moor, in between a recreation ground and paddock areas with associated buildings. Barnby Moor contains a number of services. These include two public houses and a separate restaurant, which are found between 300 to 500 m from where the proposed dwelling would be located. As well as the recreation ground, the village hall also lies in close proximity to the site.

5. The nearest bus stops are approximately 300 m from the site, accessed via The Drive, which is a shared surface, and then by footways. Bus services are at least hourly during the day to Retford and Doncaster, although with a limited evening service and no Sunday service. Retford, which is about 5 km away, contains the full range of shops and services that would be expected in a sizeable market town.

6. Barnby Moor 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. Policy CS1 is broadly consistent with the National Planning Policy Framework (Framework) as far as it seeks, as a whole and in principle, to focus housing development in larger settlements.

7. The occupants of the proposal would benefit from the accessibility of the site to the local services in Barnby Moor, which are within easy walking distance. The proximity of the bus stops would also mean they would have ready access to services in the larger settlements of Retford and Doncaster by use of the regular services. This would lessen reliance on the use of the private motor car.

8. There would be a reasonable level of accessibility to services, especially with the use of public transport, although I accept that there would be conflict with Policy CS1 as the settlement hierarchy approach means that Barnby Moor, despite the services and access to public transport it has, is unsuitable for growth under the policy.

9. 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 not comply with this policy. Policy DM3 does not have a bearing on my decision, although this does not change the lack of compliance of the proposal with Policies CS1 and CS9.

10. 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.

11. In these circumstances, following the Supreme Court judgment of 10 May 2017[1], 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.

12. This proposal would make a contribution to addressing the significant level of the shortfall, as one dwelling would be provided. This would therefore be a further benefit of the scheme that must be given weight, albeit a moderate one.

13. The proposal would comply with paragraph 55 of the Framework because its location gives it the potential to support local services and thus it would enhance or maintain the vitality of a rural community. It would also not constitute an isolated home in the countryside, with its location on the edge of Barnby Moor and, as such, special circumstances, as set out in paragraph 55, do not need to be demonstrated to justify the proposal.

14. In respect of the roles of sustainable development under paragraph 7 of the Framework, the construction of the proposal, together with the longer term maintenance and the support for local services, would constitute a moderate economic benefit. It would also make a moderate benefit in respect of the social role, with its contribution to housing land supply and where there are accessible local services. Its location on the edge of the settlement, with the paddock and the buildings beyond, would not harm the character and appearance of the area, and with the location also allowing for some public transport use, any conflict with the environmental role would be limited.

15. I conclude that the proposal would provide a further house in a district with a shortfall of housing land, and it would be in a suitable location for housing with regard to the accessibility to services. When assessed against paragraph 14 of the Framework, the harm resulting from a conflict with the out of date development plan policies would not significantly and demonstrably outweigh the benefits, and to my mind this is a material consideration that justifies a decision that is not in accordance with the development plan.

Other Matters

16. The proposal would maintain access to the other residential properties along The Drive and there is no substantive evidence that would lead me to believe this access would be damaged during the construction of the proposal. I note comments made about covenants controlling the use of the access although I attach very limited weight to this issue in my decision as this is a private

[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

matter. In respect of the potential future use of the access, the proposal is for a single dwelling and I have determined the appeal on this basis.

Conditions

17. I have imposed conditions necessary for reserved matters, timescales and plans, in the interests of certainty. The approved plans condition is also imposed as it is necessary for vehicular access, in ensuring highways safety.

Conclusion

18. I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR