
Appeal Decision

Site visit made on 4 July 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: 10 August 2017

Appeal Ref: APP/A3010/W/17/3173384

Orchard Lodge, Sturton Road, South Wheatley DN22 9DL

- 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 and Mrs L Bathgate against the decision of Bassetlaw District Council.
 - The application Ref 16/01535/OUT, dated 4 November 2016, was refused by notice dated 28 December 2016.
 - The development proposed is 1no. dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved. A layout plan was submitted to indicate a potential position of the dwelling together with vehicular access. I have treated this information as illustrative only.
3. This appeal proposal follows the refusal of an outline planning application for a 3 bedroom bungalow on the same site which was dismissed on appeal on 29 October 2014¹. I have had regard to this previous appeal decision, but in any event I have determined this appeal upon the evidence before me and on its own merits.
4. The Council in their reason for refusal has referred to Policy CS9 of Bassetlaw Core Strategy and Development Management Development Plan Document. This policy applies to the category of 'all other settlements' as defined in the settlement hierarchy contained in Policy CS1. North and South Wheatley are jointly defined as a 'Rural Service Centre' and Policy CS9 is not the relevant accompanying policy. Accordingly I have not had regard to Policy CS9 in my determination of this appeal.

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.

¹ APP/A3010/A/14/2223478

Reasons

Location of development

6. The appeal site is located outside of the development boundary of South Wheatley as defined within the Bassetlaw Core Strategy and Development Management Policies Development Plan Document (the DPD), adopted 2011. The Council's approach to the location of new development is set out in Policy CS1 of the DPD. This policy sets out a settlement hierarchy whereby new development will be restricted to the area inside the defined development boundaries. As such the appeal site is classed as being within the countryside; this is not disputed by the parties. Consequently the appeal proposal would be contrary to Policy CS1 of the DPD, unless demonstrated that a proposal would be of benefit in addressing the Council's housing land supply deficit, amongst other things.
7. Policy DM3 of the DPD addresses general development in the countryside. This policy gives support to proposals for replacement buildings, re-use of previously developed land in rural areas and agricultural/forestry and domestic equine facilities.
8. The appellants suggest that the appeal site constitutes previously developed land and meets the Policy DM3 Part B sub-criterion of being 'the redevelopment of the site for the existing permitted use.' The appeal site is the garden land to the existing property known as 'Orchard Lodge.' Even if I were to accept that the land was previously developed, the proposal is for an additional dwelling on land that excludes 'Orchard Lodge.' Therefore having regard to the intention of the policy the appeal proposal would not be a redevelopment scheme. Accordingly, the appeal proposal would be contrary to Policy DM3 of the DPD.
9. There is no dispute between the parties that the Council cannot demonstrate a 5-year housing land supply. Therefore having regard to paragraphs 14 and 49 of the National Planning Policy Framework (the Framework) the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.
10. Policy CS1 anticipates the circumstances to be applied in the event of an absence of the required demonstrable housing land supply. It therefore identifies an exception to be applied allowing development outside of the defined development boundaries in these circumstances. I attach weight to this exception in my determination of this appeal. However, this exception needs to be applied in the context of the Framework. In addition the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged.
11. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated dwellings in the countryside unless there are special circumstances. The Framework does not define "isolated," therefore I rely on the everyday definition of the word as meaning lonely or remote.
12. 'Orchard Lodge' and the appeal site are detached from the built up area, they sit alone without any adjoining neighbours and are remote from the built up

area of South Wheatley. The surrounding character is defined by the gently undulating farmland enclosed by established hedging and hedgerow trees. It is an attractive open and rural setting. Whilst from the appeal site another property, known as 'The Loose Box' is visible, it is similarly detached, without adjoining neighbours and surrounded by farmland. 'The Loose Box' and 'Orchard Lodge' are not sufficiently close enough to form a relationship and be considered as a cluster or group. The views across the intervening field to the next nearest property of 'Tavistock House' and then onto the edge of the built-up area beyond, are filtered by the range of existing trees and hedges. Consequently, the appeal site is physically and visually detached from the village.

13. I find that the appeal proposal would be contrary to the locational strategy set out in Policy CS1 of the DPD and would not constitute sustainable development having regard to the principles set out in the DPD and the Framework. Intensification of development in this countryside location does not meet any of the exceptions in paragraph 55 of the Framework or in Policy DM3 of the DPD. Accordingly it would be contrary to their respective aims regarding new dwellings in the countryside.

Other matters

14. I appreciate the appellants' wish to downsize but remain within South Wheatley. However, these personal circumstances do not outweigh the conflict with national and local policies to control development in the countryside.
15. I have had regard to the suggested potential benefit of the release of an existing dwelling to bring in a new household to support local services and facilities. However, this is not significant enough to outweigh the harm that I have identified from development in this location.
16. The Sturton Ward Neighbourhood Plan (SWNP) is now part of the development plan and carries full weight in decision making. Whilst Policy 1 of SWNP does indicate general support for proposals that provide new homes of the type and mix required by local people, this is in the context only of development that accords with all of the policies of the SWNP. Given the wording of Policy 1, I have been provided with the entire SWNP document. Having regard to the SWNP as a whole, for example, Policy 11 which deals with housing for older people, it is clear that the SWNP seeks to only permit housing development within or adjoining the existing settlement boundaries. Consequently, I find that the SWNP does not support this appeal proposal.
17. The appellants have made reference to the approval of 2 dwellings in North Wheatley in January 2017 despite being outside of the development boundary and being contrary to the SWNP. Full details of the circumstances that led to this development being deemed acceptable have not been provided to me. I am unable to be sure that it represents a direct parallel to this appeal proposal. In any case, I have determined this appeal in relation to the evidence presented and on its own merits.
18. My attention has been drawn to an appeal decision at Willoughby on the Wolds². That appeal lies outside of the Council area and concerns policies from a different development plan. I do not find that proposal to demonstrate

² APP/P3040/A/13/2191142

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

Balancing and conclusion

19. In considering the potential benefits of the proposal, I note that the new dwelling would contribute to the Council's 5-year housing land supply as required by the Framework. I recognise that individual dwellings cumulatively contribute to housing land supply figures. However I have to consider this appeal on the basis of its own merits and a net increase of one dwelling would be a small contribution. I afford this benefit only limited weight.
20. I have had regard to the appellant's suggestion that the appeal proposal would be a self-build project, for which there has been a lack of provision in the District to date. No detailed evidence has been provided to substantiate this claim. However, in any event self-build is not identified as being an exception which would permit a new dwelling in the countryside. Therefore I afford this benefit only limited weight.
21. Given the small scale of the development, the contribution to the local economy from the spending power of future occupants is unlikely to be significant. I therefore give this benefit limited weight.
22. The proposed development would be visually and functionally isolated resulting in the harmful effects I have already identified. The impacts of the development would significantly and demonstrably outweigh the limited benefits when assessed against national and local policies when taken as a whole. Consequently the proposal is not sustainable development for which the Framework carries a presumption in favour. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael A Bust

INSPECTOR