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## Appeal Decision

Site visit made on 15 August 2017

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 31<sup>st</sup> August 2017**

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**Appeal Ref: APP/A3010/W/17/3173833**

**Land adjacent Treswell Road, Rampton, Nottinghamshire DN22 0HX**

- 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 Miss L Farrar against the decision of Bassetlaw District Council.
  - The application Ref 16/01782/RSB, dated 21 December 2016, was refused by notice dated 1 February 2017.
  - The development proposed is a residential development including the means of access for one new dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. 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

3. The appeal site comprises part of the side garden of 'Allison Dene', a residential property. On the opposite side of the site, and to its rear, is the car park associated with the Sundown Adventureland amusement park. A further dwelling is found opposite the site, and there are a number of other isolated dwellings along Treswell Road. The site lies outside of the development limits of any settlement under the Bassetlaw Core Strategy and Development Management Policies Development Plan Document' (2011) (Core Strategy), and is classed as within open countryside. This is regardless of its proximity to Sundown Adventureland.
4. The nearest settlement is Rampton, the edge of which lies approximately 750m away along Treswell Road. Further into the village, Rampton contains a number of services, including a small convenience store and an associated garage, a public house and a children's play area. The village is also served by bus routes. There is no footway along Treswell Road from the site to Rampton. Rampton is classed as a Rural Service Centre under Policy CS1 of the Core Strategy, although as the site is located well outside of its development limits, the associated Policy CS8 which seeks to control the type and scale of development in the village is only of limited relevance.

5. The occupants of the proposed dwelling would have to travel to Rampton to access local services and bus services to other destinations with a greater range of services. The absence of a footway along Treswell Road would result in a likely reliance on the private car as the primary means of transport. The use of the Public Right of Way across the field from Treswell Road to Rampton is unlikely to offer the same convenience, particularly during inclement weather or during the evenings or at night. This limited accessibility to services is also reflected in the site's location in countryside, under the Core Strategy.
6. 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 of the Core Strategy as it seeks to distribute new development on the basis of a 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.
7. The proposal would also not comply with Policy DM3 of the Core Strategy because although it would constitute re-use of previously developed land in a rural area, it would not represent any of the types of development that are permitted under Part B of the policy. Policy DM3 is also broadly consistent with the Framework. The site does not fall within the list of 'all other settlements' under Policy CS9 of the Core Strategy. Nevertheless, this does not change the lack of compliance with Policies CS1 and DM3.
8. 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 and this 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 DM3 are relevant to the supply of housing and therefore are out of date, as are Policies CS8 and CS9 as far as they can be considered to be of relevance to this appeal. Accordingly, I attach only limited weight to these policies.
9. In these circumstances, following the Supreme Court judgment of 10 May 2017<sup>1</sup>, 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.
10. The proposal would make a contribution to addressing the shortfall in housing land supply, as one dwelling would be provided. Consequently, this would be a benefit of the scheme that must be given weight, albeit a moderate one.
11. The proposal would not though comply with paragraph 55 of the Framework, because with the lack of proximity to services it would not enhance or maintain

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

the vitality of rural communities. With the limited accessibility to Rampton, 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. Whilst the Framework does recognise that rural areas can provide housing, as paragraph 55 demonstrates, suitability of the location with regard to the access to local services is an important consideration.

12. 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, including spend by its occupiers, would be slight. The proposal would conflict with the social role because, whilst it would make a limited contribution to housing land supply and cater for family type accommodation, 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.
13. The proposal would not cause unacceptable effects with regard to character and appearance, with its siting in between the existing dwelling and the car park, although as this would be expected from a development, this is neutral and therefore does not weigh in its favour. I acknowledge the letters of support from the local community, although I have to determine the appeal on the basis of an assessment of all the relevant planning matters before me.
14. The Treswell with Cottam Neighbourhood Plan is at a draft stage, and the allocation of sites in the area under the Bassetlaw Plan is at a very early stage. As both may change, I only attached limited weight to these in my decision. The introduction of permitted development rights for the conversion of agricultural buildings to housing in certain instances is not of direct relevance to the appeal, as the proposal constitutes a new build dwelling which is subject to the provisions of the Framework, as well as the development plan. None of these matters alter my conclusions.
15. 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.

### **Conclusion**

16. For the reasons set out above, I conclude the appeal should be dismissed.

*Darren Hendley*

INSPECTOR