
Appeal Decision

Site visit made on 7 November 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 24 November 2017

Appeal Ref: APP/A3010/W/17/3179903

Sunnyside, Mill Lane, Rockley, Retford DN22 0QN

- 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 Ransford against the decision of Bassetlaw District Council.
 - The application Ref: 17/00580/FUL, dated 20 April 2017, was refused by notice dated 15 June 2017.
 - The development proposed is improvements to existing entrance and formation of driveway to serve existing dwelling and fields and stopping up of existing entrance.
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Decision

1. The appeal is allowed and planning permission is granted for improvements to existing entrance and formation of driveway to serve existing dwelling and fields and stopping up of existing entrance at Sunnyside, Mill Lane, Rockley, Retford DN22 0QN in accordance with the terms of the application, Ref: 17/00580/FUL, dated 20 April 2017, subject to the conditions in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr & Mrs Ransford against Bassetlaw District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

4. The A638 is a 50mph road, which from observations made during the site visit, is a busy, heavily trafficked road. The A638 has no pedestrian footways or street lighting, and average speed cameras were evident along the highway. Whilst not a reason for refusal within the Council's decision notice, the concern in regard to highway safety by the appellants is acknowledged. As a consequence of the improved visibility onto the A638 that would result from the proposal, the Highway Authority has confirmed their support for the proposal.
5. The appeal site is located to the rear of an approximately 5 metre grass verge and mature hedgerow which act as a boundary to the A638. Currently, the main existing vehicular access is located at the front of the associated appeal

dwelling. The parking area is partially hard surfaced and offers space for at least two cars to park and manoeuvre. The detailed planning history of the site is noted, including the dismissed planning and enforcement appeals¹.

6. The field, which is used as grassland and pasture, located to the north of the dwelling contains relatively extensive tree planting and a hedgerow. Both of these features afford a good level of screening into the appeal site from the A638. At the time of the site visit, a gate opening into the field had been installed in the hedgerow, approximately 65 metres north of the appeal site. The gate offers access into the field and leads to the dwelling.
7. The proposal is to formalise the access, with the introduction of a tarmac hardstanding for approximately 5 metres into the entrance of the site. The remainder of the driveway would be constructed from hard core and have a granular topping. Including the proposed turning area, the driveway would have an approximate length of 127 metres. The existing access would be formally stopped up at the front of the dwelling and the hedgerow reinstated.
8. The site is separated from village of Rockley, which is approximately 180 metres to the north. Furthermore, although there is a scattering of houses and a commercial unit in proximity to the site, the area is predominately rural in character.
9. The dispute between parties with regard to the location of the site in terms of the Bassetlaw Landscape Character Assessment Sherwood Policy Zone 56: Kirton River Meadowlands (SPZ56) is noted. From the submitted evidence it is considered that the site is located Sherwood Policy Zone 54: West Drayton and Rockley Village Farmland (SPZ54). SPZ54 has a landscape analysis of good, with moderate landscape sensitivity. The main overarching actions for this zone are to conserve mature vegetation and restore arable land to pasture.
10. It is accepted that the proposal would result in a change of use of the site from grassland and pasture to that of a driveway. Due to the proposed location, the main gated access to the site would be visible from short stretches of the A638. Nonetheless, given the level of existing screening on site it is not considered that the proposal would have a significant visual presence within the immediate locality.
11. In order to ensure that the existing quality of the landscape is maintained, if I were minded to approve the appeal I would consider it necessary to control the use of materials via a planning condition. With such a control in place, it is not considered that the introduction of the proposed driveway would be so intrusive as to cause significant harm to the immediate surroundings or the wider landscape character.
12. In their decision notice, the Council made reference to the site being outside the development boundaries. Policy CS9 of the Bassetlaw District Local Development Framework: Core Strategies & Development Management Policies DPD 2011 (the CS) states that the village of Rockley is defined as a settlement with limited or no community services or facility provisions. The village is therefore reliant on other settlements in terms of the main services and facilities required for daily living.

¹ Appeal references: APP/A3010/A/11/2165691, APP/A3010/C/12/2177815, APP/A3010/C/12/2177816 and APP/A3010/C/12/2177817

13. The supporting text to Policy CS9 of the CS confirms that it is not considered appropriate to encourage more housing within such locations as this would result in an increase in the number of unsustainable journeys being made to access basic services. In addition, exceptions in terms of housing development, economic development and community infrastructure are also listed within Policy CS9.
14. The underlying core principle of Policy CS9 of the CS is to ensure that development occurs in the most sustainable locations. It is accepted that the site is outside the development boundaries for the purposes of both national and local planning policy. Nevertheless, due to the nature of the proposal, no additional journeys would be generated if planning permission was granted.
15. I have considered all the matters that have been raised in the submitted evidence, as well as the previous appeal decisions in relation to this site. However I have found nothing to cause me to alter my own decision.
16. I am therefore satisfied that the development would maintain the strong verdant character of the area, and given the level of screening on site, would not appear as a stark isolated built-form. Furthermore, no additional journeys to access basic services and facilities would be generated. Accordingly, the proposal would therefore comply with Policies CS1, CS9, DM4 and DM9 of the CS and paragraph 61 of the National Planning Policy Framework (the Framework). When taken together these policies, amongst other things, seek to ensure that development respects and conserves the existing landscape character.

Conditions

17. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by the Planning Practice Guidance (the PPG). The majority have been found to be reasonable and necessary in the circumstances of this case; although amendments to the wording of some have been necessary in the interest of clarity and precision.
18. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty. A condition to secure appropriate materials for the hard surfaces is necessary in the interests of the character and appearance of the site. This is specified as a pre-commencement condition which is justified as it covers an important aspect of the development which requires consideration and control before any development commences
19. Conditions relating to the location of the access gate, use of approved materials and the closure of the existing vehicle access are necessary in the interest of highway safety.
20. A condition to remove permitted development rights from the appeal site in relation to buildings and structures is not considered necessary. The PPG states that conditions restricting all permitted development rights 'will rarely pass the test of necessity and should only be used in exceptional circumstances'. A clear justification for the removal of all permitted development rights has not been demonstrated.

Conclusion

21. For the above reasons it is therefore concluded that, subject to conditions, the appeal should be allowed.

Helen Cassini

INSPECTOR

SCHEDULE

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Except where modified by the conditions of this consent, the development hereby permitted shall be carried out in accordance with the following approved plans: OS Site Plan and Site & Block Plan Dwg No. 1.
- 3) Notwithstanding the submitted details, no development shall take place until a schedule of materials and finishes to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out only in accordance with the details so approved and thereafter retained.
- 4) The development hereby permitted shall not be brought into use until:
 - The existing unauthorised access which crosses the highway verge has been re-surfaced in accordance with the Highway Authority's specification.
 - A minimum of the first 5 metres of the proposed driveway within the site, measured from the rear of the highway verge, has been surfaced in a hard, bound material as agreed with the local planning authority within the schedule of materials.
 - Any access gates associated with the access to the driveway has been re-sited to a minimum of 5 metres within the site boundary.

The above works shall thereafter be retained in the approved form.

- 5) Within 1 month of the development hereby permitted being brought into use, the existing vehicular access located in front of the residential dwelling shall be permanently closed off in the manner detailed on approved plan Site & Block Plan Dwg No. 1. All works within the public highway shall be completed in accordance with the Highway Authority's specification.