



Appeal Decision

Site visit made on 2 July 2019

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 22nd July 2019

Appeal Ref: APP/A3010/W/19/3227557

Hollyhock House, South Street, Normanton on Trent, NG23 6RQ

- 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 Thompson against the decision of Bassetlaw District Council.
 - The application Ref 18/01127/RSB, dated 3 September 2018, was refused by notice dated 15 November 2018.
 - The development is described as proposed new dwelling-R/O Hollyhock House, South Street, Normanton on Trent.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are the: effect of the proposal on the Council's spatial development strategy; and, in the event of conflict, whether there are other material considerations sufficient to outweigh the Policy conflict and any associated harm.

Reasons

3. The proposal involves the erection of a dwelling in the rear section of the back garden of Hollyhock House, which is situated within the village of Normanton on Trent. The appeal site fronts onto South Street; there is neighbouring development to either side and agricultural land to the rear. The new and existing properties within the site would have a shared vehicular access, utilising the existing driveway, which runs from South Street between the southern elevation of Hollyhock House and its southern boundary to a number of outbuildings in the back garden. The proposed dwelling would be around 1.5 storeys in height, with first floor accommodation contained partly in the roof space.
 4. Policy CS1 of the *Bassetlaw Core Strategy & Development Management Policies DPD, 2011* (BCSD) states that the distribution of new development in Bassetlaw, over the period covered by the Core Strategy, will be in accordance with the aims of the settlement hierarchy (i.e. to ensure that the scale of new development is appropriate in relation to the size, function and regeneration opportunities of each tier). Furthermore, until the adoption of the Site Allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside Development Boundaries, subject to certain
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- identified exceptions. These exceptions include that over the plan period, additional permissions may be granted where sites meet the affordable housing or community infrastructure exceptions criteria in Policies CS5-CS9 or where it is demonstrated to the Council's satisfaction that a development proposal will be of benefit in, amongst other things, addressing a shortfall in the District's five-year housing supply.
5. Normanton on Trent, including the appeal site, lies outside of the Development Boundaries identified by the BCSD, in the open countryside. It is identified in Appendix 4 of the BCSD as falling within a group identified as '*All Other Settlements*', which are rural settlements that have limited or no services and facilities or access to public transport and which are unsuitable for growth, where BCSD Policy CS9 applies. Based on the evidence before me, it appears that whilst Normanton on Trent has some services, facilities and access to public transport, they are limited.
 6. BCSD Policy CS9 indicates that proposals for the development of housing within the settlements identified in Appendix 4, other than for conversions or replacement dwellings, will not be supported. The proposed new dwelling would not fit within these exceptions.
 7. The Council's *Five Year Housing Land Supply Statement, October 2018* (HLSS), identifies that there has been a recent change, in that there is no longer a deficit; the level of supply now exceeds five-years of housing against the housing requirements. This position has not been disputed by the appellants. Therefore, the associated BCSD Policy CS1 '*housing supply*' exception identified above does not apply in this case.
 8. The appellants have drawn attention to a number of instances in which planning permission has been granted for residential development in Normanton on Trent. However, at the time when planning permission Refs. 17/01213/OUT (granted on appeal) and 18/00612/RSB were granted there was a shortfall in the District's five-year housing supply and so the identified BCSD Policy CS1 exception was satisfied. Whilst no reference was made to a shortfall in housing land supply in the Officer's report that led to the grant of planning permission Ref. 16/00359/RSB, the decision was taken in 2016 prior to the publication of the HLSS. Therefore, the circumstances in the case before me are materially different from those other cases. They are therefore of little assistance in determining this appeal and I give the existence of those previous planning permissions little weight.
 9. I conclude therefore that the proposal would conflict with BCSD Policies CS1 and CS9. These Policies are consistent with the aims of the *National Planning Policy Framework* (the Framework) to ensure that: sufficient land of the right type is available in the right places and at the right time to support growth; homes are provided with accessible services; and, the number and length of journeys needed for employment, shopping, leisure education and other activities are minimised. Furthermore, to my mind, approval of this scheme without any policy justification could be used to support other similar schemes, and the cumulative effect of such development would be likely to have a much more significant adverse impact on the Council's ability to deliver its spatial development strategy.

Other matters

10. Whilst the appellants have indicated that the Council's decision to refuse their planning application was not consistent with pre-application advice received from its officers, according to the planning application form, that advice was given in 2017, well before the material change of circumstances brought about by publication of the HLSS, which the Council's decision then followed. The appellants take the view that the planning application should have been determined more quickly, before that change of circumstances, and, failing that, the determination should have been based on the circumstances as they were when the application was first made. In support of their views, the appellants have drawn attention to transitional arrangements associated with the Central Lincolnshire Local Plan. However, it does not form part of the Development Plan in the case before me and so is of little relevance. Furthermore, the national *Planning Practice Guidance* confirms that decisions on appeals will be made taking into account national and local policies, and the broader circumstances in place at the time of the decision. Therefore, I give those arguments made by the appellants little weight.
11. The *Draft Bassetlaw Plan: Spatial Strategy: Rural Bassetlaw, January 2019* identifies Normanton on Trent as a settlement suitable for growth. However, I give its provisions in this regard little weight, given this draft plan is at an early stage towards adoption and it identifies that the principles contained within it are not fixed.
12. The proposal would give rise to a number of benefits for the local economy, such as job creation during the construction phase, a New Homes Bonus and expenditure associated with future occupants. However, in relation to a single new dwelling, employment associated with the construction works would be short-lived and additional expenditure limited. I consider that these benefits attract little weight.
13. Whilst recognising the Government's aim to boost significantly the supply of housing, little weight is also attributable to the social benefits of the scheme in terms of adding to the supply of housing, given the current housing land supply situation referred to above and that only one dwelling is proposed. Furthermore, any associated benefits to rural vitality and viability associated with a single dwelling would be likely to be negligible.
14. As I have indicated, the village has limited services, facilities and access to public transport. To my mind, it follows that many of the journeys undertaken by future residents would be made using a car, rather than more sustainable modes of transport. I consider that in this context, the proposal would cause some environmental harm, albeit limited.
15. It would be possible to ensure, through the imposition of conditions controlling matters such as the materials used in the external surfaces of the development, that its effect on the character and appearance of the locality would be acceptable. Furthermore, given the scale of development proposed and the likely separation distances from other properties, I acknowledge that the proposal would be unlikely to harm the living conditions of current or future residents within or local to the site, with reference to either privacy, light or amenity more generally, or the significance of any heritage assets. In these respects, it would accord with the aims of BCSD Policies DM4 and DM8.

16. I understand that the appellants find it difficult to manage the existing rear garden, which is relatively large, and it is their intention to develop the proposed dwelling as their future home. However, personal circumstances seldom outweigh more general planning considerations.

Conclusions

17. The proposal, which would conflict with BCSD Policies CS1 and CS9, would undermine the Council's spatial development strategy and, in my view, the associated harm would significantly and demonstrably outweigh any benefits of the scheme. Notwithstanding compliance with some other Policies, it would conflict with the Development Plan taken as a whole.
18. Having had regard to the economic, social and environmental impacts of the scheme, I conclude on balance that the proposal would not amount to sustainable development under the terms of the Framework.
19. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR