The Planning Inspectorate

Appeal Decision

Site visit made on 9 July 2019

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/A3010/W/19/3227195
Land to the North of Meadow View, Birdcroft Lane, Walkeringham DN10 4JB

- 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 Ron Arkless against the decision of Bassetlaw District Council.
- The application Ref 17/01090/FUL, dated 14 August 2017, was refused by notice dated 9 November 2018.
- The development proposed is described as erection of 3 new dwellings with attached garages to be accessed via a widened existing access.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 new dwellings with attached garages to be accessed via a widened existing access at land to the North of Meadow View, Birdcroft Lane, Walkeringham DN10 4JB in accordance with the terms of the application, Ref 17/01090/FUL dated 14 August 2017, subject to conditions contained within the schedule attached to this decision.

Procedural Matter

2. Amended plans were submitted to the Council prior to the determination of the application comprising: Drawing No's: 1710_P2_00 revision D - Proposed Site Plan; 1710_P2_03 - Proposed Plot B Plans & Elevations; 1710_P2_04 Revision A - Proposed Plots A & C Plans & Elevations; 1710_P2_34 Revision A - Proposed Elevations and 1710_P2_11 Revision E. I have considered this appeal on the basis of the amended plans received prior to the determination of the planning application as this is what the Council based its assessment on.

Main Issue

3. The main issue in this case is the effect of the character and appearance of the area.

Reasons

4. The appeal site is located outside of the Walkeringham Development Boundary and forms part of the garden to Meadow View. The site is bounded to the north and south by residential properties and gardens, Birdcroft Lane with residential properties beyond bounds the western boundary and open countryside lies to the east. As such, the site lies close to but outside the development boundary of the village and for the purposes of development plan policy, lies within open countryside.

5. Policy CS1 of the Bassetlaw District Local Development Framework, Core Strategy and Development Management Policies DPD (2011) (the LDF) provides the locational strategy for development, and supports development within defined Development Boundaries. Walkeringham is defined as a 'Rural Service Centre' in policies CS1 and CS8 of the LDF, which is defined as rural settlements offering a range of services and facilities, and access to public transport which makes them suitable locations for limited rural growth.

6. Policy CS1 requires development outside of settlement boundaries to be sites that meet affordable housing or community infrastructure exceptions criteria in policies CS5-CS9. I have not been provided with substantive evidence to demonstrate that there is a locational need for the development which meets affordable housing or community infrastructure exceptions criteria to comply with Policy CS1.

7. Policy CS8 requires residential development to be within the Development Boundary and to contribute towards affordable housing targets. Planning Practice Guidance (the PPG)[1] is clear that contributions for affordable housing or tariff style planning obligations should not be sought from developments of 10-units or less, subject to maximum floorspace criteria. The proposal is for a development of 3 houses, below 1,000 square metres which complies with the circumstances contained in the PPG where planning obligations should not be sought. As the proposed development would lie outside of the settlement boundary there is conflict with Policy CS1 and CS8 of the LDF which amongst other things defines settlement boundaries and provides a settlement strategy for the district.

8. Policy DM3 allows for development outside of defined settlement boundaries, the proposed development does not meet the criteria outlined within this policy. There is conflict with Policy DM3 of the LDF.

9. Section 38 (6) of the Act requires that if regard to the development plan is to be had then determination of an appeal must be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework also makes it clear; the development plan is the 'starting point for decision making', not its end.

10. The cornerstone of the Council's case is that the proposed development would be outside of the development boundary and would be physically divorced from the built-up part of the village which is defined by a linear form of development fronting onto main highways. The layout proposes a development not of linear form and as already established above is outside of the development boundary.

11. The village has a rural character; however, the site is clearly distinguishable from the countryside due to the strong natural verdant boundary which runs north/south from Station Road between the site and a neighbouring residential property and the adjacent field. The site is currently devoid of buildings; nevertheless, the proposed development would be located within a residential area.

12. The appellant has drawn my attention to two planning approvals for residential development in the immediate area[2]. Both of which appear to be located outside of the Walkeringham Development Boundary. The location,

[1] Paragraph: 023 Reference ID: 23b-023-20190315
[2] 15/01611/RSB & 17/01520/RSB

development and approval dates provided have not been disputed by the Council. I have not been provided with substantive evidence relating to each site, however I do note that the site to the north-east was approved for up to 32 dwellings on the 27 July 2016 and would have been subject to conditions including a timescale for implementation. No substantive details have been provided to confirm that this permission is extant. I therefore give the approval of development on this site limited weight.

13. Planning permission was granted on the 7 November 2018, for residential development on a site directly to the south of the appeal site. This was approved on the same day that the Delegated/PCG Report was signed by Council Officers for refusal of the appeal proposal. The adjacent site was approved for a development of up to 25 houses on land to the south of the appeal site. Whilst in outline form development on this adjacent site would extend the built form into an area which is open countryside.

14. In comparison the proposed development would be located on a site which is currently used as a residential garden and would not visually encroach into the countryside. Overall, the proposed development would relate well to the existing residential dwellings and the settlement in general, particularly in light of the approval of residential development on the adjacent site which I give significant weight.

15. The proposed development would be contrary to Policies CS1, one of the key strategic policies of the LDF. In the context of a plan-led system, and an up-to-date plan, this must weigh against the proposal. However, I do not consider that the proposed development would undermine the Council's settlement strategy and find that the proposed development would not harm the character and appearance of the area. The proposed development would appear as a natural location for development which would visually be read as being within the village.

16. There is no conflict with Policy DM4 of the LDF which amongst other things seek to ensure developments are appropriate to their surroundings having regard to the local context. There is also no conflict with the National Planning Policy Framework (2019) (the Framework) which supports good design which is sympathetic to the surrounding built environment and landscape setting.

Other Issues

17. Objections have been submitted against the proposal, relating to highway concerns, refuse arrangements and sewerage. The Council have not raised concerns relating to these issues and based on the information I have before me I do not disagree.

18. The Council confirm that the proposed development would be within the setting of a Grade II Listed Manor House, which is located near other listed buildings, In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Manor House and other listed buildings are separated from the appeal site by Beckingham Road and Birdcroft Lane, both the Manor House and appeal site are within mature verdant settings with limited views of one another.

19. Paragraph 192 of the Framework indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. The Council confirm that the proposal would not harm the setting of the listed building, I do not disagree.

20. Meadow View is a non-designated heritage asset. Substantive evidence has not been provided by the parties with regard to its local, historic or architectural interest. Notwithstanding this I noted during my site visit that the building comprises a pair of two storey cottages featuring red brick facades with pantile roof. The proposed development would be in close proximity to the non-designated asset however due to the positioning and detailing proposed which respects features of the adjacent cottages the proposed development would not diminish the visual appearance or setting of the adjacent cottages.

21. The site lies on the eastern edge of the historic core of Walkeringham and it is understood that the Historic Environment Records record a partially water filled ditch to the east of the proposed development. The Council have not raised the potential presence of archaeological interest as an issue which would preclude development and have suggested a planning condition relating to a scheme of investigation should planning permission be granted.

22. I note that the village has services and facilities to meet some of the day to day needs of residents and acknowledge that the proposed development is of a modest scale. Notwithstanding this I have no substantive evidence to persuade me that the proposed development would not assist in sustaining existing facilities.

Conclusion and Conditions

23. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.

24. I have imposed a standard condition relating to the commencement of development. I have included a condition specifying the relevant plans as this provides certainty. In the interest of safeguarding the character and appearance of the area I have imposed conditions relating to details of the external materials and boundary treatments.

25. In the interests of highway safety, I have imposed conditions relating to highway restrictions and improvements, onsite vehicle parking and turning area and refuse collection points. In order to safeguard archaeology interest, I have imposed a condition relating to site investigation. In the interest of conserving the natural environment I have included a condition relating to the provision of bird/bat boxes.

26. For the reasons given above I conclude that the appeal should be allowed.

C Pipe

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the approved plans: Drawing No's: 1710_P2_00 revision D - Proposed Site Plan; 1710_P2_03 - Proposed Plot B Plans & Elevations; 1710_P2_04 Revision A - Proposed Plots A & C Plans & Elevations; 1710_P2_34 Revision A - Proposed Elevations; 1710_P2_11 Revision E - Proposed Highway Plan 2 and 1710_E1_SLP - Existing Site Location Plan.

3) No development shall take place until all external facing materials have been submitted to and agreed in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details.

4) No development shall take place until a written scheme of investigation is submitted to and agreed in writing by the local planning authority, and should include the following:
(a) A programme and methodology for site investigation and recording;
(b) A programme for post investigation assessment;
(c) Provision to be made for analysis and reporting;
(d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
(e) Provision to be made for archive deposition of the finds and records from the site investigation, and;
(f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

   The development shall then be carried out in accordance with the approved Scheme.

5) Notwithstanding the hereby approved plans the development shall not be first occupied until details of the i) boundary treatments; ii) bird/bat boxes to be provided onsite; and iii) refuse bin collection points; have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved as part of this condition before first occupation and retained as such thereafter.

6) The development hereby approved shall not be commenced until the highway works to be first submitted and approved in writing by the local planning authority as shown indicatively on drawing number 1710_P2_11 revision E are substantially complete. For the avoidance of doubt, the works include a one-way traffic regulation order and improvements to visibility.

7) The development hereby approved shall not be occupied until the access has been provided in a hard-bound material for a minimum distance of 5 metres from the back of the highway, with suitable drainage to prevent the discharge of surface water to the highway. The access and drainage shall then be retained for the life of the development.

8) The development hereby approved shall not be occupied until the highway works shown on drawing number 1710_P2_00 Revision D have been provided and retained for the life of the development.

9) On-site vehicle parking and turning area shall be provided in accordance with the details shown on drawing number 1710_P2_00 Revision D prior to the occupation of the hereby approved dwellings and retained for the life of the development.