
Appeal Decision

Site visit made on 23 July 2019 Scott Britnell MSc FdA

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/A3010/W19/3228417

Chapel Farm Bungalow, 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 outline planning permission.
 - The appeal is made by Mr & Mrs C Rushby against the decision of Bassetlaw District Council.
 - The application Ref 18/01206/OUT, dated 18 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is residential development of land to create 3 bungalows.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The above description of development has been taken from the planning application form. The description subsequently appeared on the Council's decision notice as "Outline application with all matters reserved for residential development of 3 bungalows". The appellants confirm that they agree with this change of description and I have assessed the appeal on that basis.
4. The application sought outline planning permission with all matters reserved for the erection of 3 bungalows across two physically separate plots of land, which the appellant has referred to as Site A and Site B. For consistency and ease of reference I shall use the same terms in my reasoning. Site A is located on the north side of South Lane, to the east of Chapel Farm Bungalow, and permission is sought for two bungalows on this land. Site B is located off Weston Lane to the west of the dwelling at Angolo Vista and one bungalow is proposed here.

Main Issue

5. The main issue in this matter is whether the proposal would provide a suitable location for housing, having particular regard to the accessibility of services and facilities.

Reasons for the Recommendation

6. Policy CS1 of the Bassetlaw Core Strategy and Development Management Policies DPD 2011 (BCS) states that the distribution of new development in Bassetlaw, over the period covered by the BCS, 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 defined Development Boundaries. Policy CS1 contains certain exceptions, including 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 will be of benefit in, among other things, addressing a shortfall in the District's five-year housing supply.
7. Normanton-on-Trent falls under the category 'All Other Settlements' in the settlement hierarchy. These are settlements with limited or no services and facilities or access to public transport and which are unsuitable for growth, and where Policy CS9 of the BCS applies. This policy indicates that proposals for housing within "All Other Settlements" other than for conversions or replacement dwellings will not be supported. The proposal for 3 new dwellings in this case would not meet these exceptions.
8. The Council advise that there is no longer a deficit in respect of their five-year housing land supply, a position which the appellants do not dispute. Therefore, the relevant exception under Policy CS1 of the BCS does not apply in this case.
9. In respect of services and facilities, Normanton-on-Trent is served by a church, primary school, village hall, bus service and two public houses. JG Pears Combined Heat and Power Plant is located to the east of the village and is a potential source of employment. While the village is not without some services, I consider these to be generally limited, with day to day services and facilities found within the district's towns and larger villages. In this regard, the appellants advise that Tuxford is located 5 miles from Normanton-on-Trent and is defined as a Local Service Centre, while Sutton on Trent, less than 3 miles away, is defined as a Principal Village.
10. I have been provided with a copy of the timetable for bus services operating in Normanton-on-Trent. This indicates that services do not run from the village on weekday or Saturday evenings after 4.36pm, or at all on Sundays. On weekdays, the last bus to the village from the town of Newark-on-Trent leaves at 5.30pm and stops at Normanton-on-Trent only on request. While the appellants refer to the bus service as excellent for such a rural area, the location of the village, the limited provision of services within the village and the limitations of the bus service are such, that there would be a reliance on the private car for the occupiers of the proposed dwellings. This indicates that the proposal would not be suitably located for access to services and facilities.

11. The appellants have provided a copy of a report from Bassetlaw District Council dated March 2019¹, relating to an application for outline planning permission for two dwellings at the village of Ragnall. Within the report it is stated that case law has determined that strategic policies, such as those contained in the Council's Core Strategies, that have not been reviewed are now out of date. It also states that the weight to be apportioned to the Core Strategy Policies is limited in decision making. Consequently, the Council considered that application with reference to the tilted balance set out at Paragraph 11 of the National Planning Policy Framework (the Framework).
12. I have also been provided with a copy of a report from Bassetlaw District Council dated 23 July 2019², relating to an application for outline planning permission for a dormer bungalow at Walkeringham. This reports states that Policy CS1 is considered to carry limited weight. Again, the Council refer to the policies in the Core Strategy not having been reviewed in the last 5 years. Consequently, the Council also considered this application with reference to the tilted balance set out at Paragraph 11 of the Framework.
13. While the BCS pre-dates the Framework, paragraph 213 (of the Framework) states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. I consider that Policies CS1 and CS9 are consistent with the aims of 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; that homes are provided with accessible services, and, the number and length of journeys needed for employment shopping, leisure, education and other activities are minimised. I have also been referred to an appeal decision dated 22 July 2019 in respect of a proposed new dwelling located in Normanton-on-Trent, in which the Inspector has reached the same conclusion that I have above³.
14. My attention has also been drawn to the appeal decision at Holly Crest, Brootts Road, Normanton-on-Trent, dated 23 May 2018⁴. That appeal, which was allowed, was in respect of the Council's refusal to grant outline planning permission for 4 dwellings. Having considered the appeal decision, it is clear that the Council accepted that there was a significant shortfall in the district's 5-year housing land supply at that time. Consequently, the exception under Policy CS1 applied. There is, however, no longer a shortfall in the 5-year housing land supply. As such, I consider that the circumstances in this case are materially different to that appeal. Therefore, I give the presence of the previous appeal decision little weight in determining the proposal before me.
15. In light of the foregoing, I consider that the proposal would conflict with Policies CS1 and CS9 of the BCS. It would result in 3 new dwellings in a location which is not suitable for housing, having particular regard to the accessibility for services and facilities. The proposal would also conflict with the Council's ability to deliver its spatial development strategy in accordance with the aforementioned policies, which I consider to be consistent with the Framework.

¹ 19/00218/RSB – Outline Planning Application with Some Matters Reserved (Approval being sought for Access) for the Erection of Two Detached Dwellings (Resubmission of 18/00335/OUT)

² 19/00649/OUT – Outline Application with some Matters Reserved (Approval sought for Access) for One Dormer Bungalow

³ APP/A3010/W/19/3227557 – Hollyhock House, South Street, Normanton on Trent, NG23 6RQ

⁴ APP/A3010/W/18/3194217

Other Matters

16. The appellants have drawn my attention to the *Draft Bassetlaw Plan: Part 1: Strategic Plan, January 2019*. This identifies Normanton-on-Trent as a settlement suitable for growth. However, this draft plan is at an early stage towards adoption and the principles contained within it are not fixed. Consequently, I afford its provisions little weight in this regard.
17. It is suggested that the proposal would improve highway safety. The two plots of land subject to this appeal are used in connection with the appellants' farming enterprise. It is reported by them, and in comments to the Council, that livestock is moved between the sites several times a day. This involves the use of a tractor and trailer. It is also reported that the appellants intend to relocate the agricultural barn from Site A to the part of Site B outside the current proposals. In doing this there would no longer be a need to transfer livestock between sites. I have observed the road conditions and acknowledge the appellant's concerns and difficulties that these could present. However, there is no evidence before me, beyond the appellants objective to move the farm yard to allow agricultural functions to operate from a single site, and their plan to live within 'sight and sound' of the farmyard/livestock, to suggest that relocating the barn is contingent on granting the proposal planning permission. Moreover, by indicating that the barn will be moved the appellants have identified a solution to any issues they may currently encounter. Consequently, I afford this argument limited weight.
18. The appellants suggest that re-developing the sites would improve the appearance of the village, a view supported by comments made to the Council. At single-storey, the proposed bungalows at Site A are likely to be less visible on the approach into the village than the existing animal shed. However, I do not consider that the current condition of both sites has a harmful impact on the character and appearance of the area, reflecting as they do, in their agricultural activities, the rural location of the village. Moreover, I consider that the proposal would have an urbanising effect on the character and appearance of the area, although I acknowledge that such harm would be minor and could be tempered through suitable details being agreed at reserved matters stage. In this context, I attach limited weight to the suggestion that the proposals would improve the appearance of the area.
19. The presence of the JG Pears plant and associated employment opportunities may offer some benefits to the occupants of the proposed bungalows with scope for social, environmental and economic benefits arising from potential employment opportunities. However, given that there is no certainty that occupiers of the dwellings would gain employment at the plant, I consider that these benefits, which could include walking or cycling to work, attract limited weight.
20. In addition, it is suggested that the local school is under subscribed, and that the proposals could assist in supporting numbers, as well as supporting other services in the village and nearby villages. No evidence has been submitted to support the claim that the local school is under subscribed and there is, in any case, no way of controlling who may occupy the properties. With regards to supporting the services in the village and nearby villages, I attribute little weight to this argument, given the small scale of the proposal.

21. The appellants argue that the proposal would contribute to the delivery of housing within the district and that support should be given for development that makes more efficient use of land to deliver homes. However, given the scale of the proposal and the fairly modest addition to the local housing stock that would be delivered, I afford this argument only limited weight. It is also argued that great weight should be given to the benefits of using suitable sites within existing settlements for developing homes. In this regard, I have concluded that the sites are not suitable, given the conflict with the policies of the BCS and with regard to the accessibility of services and facilities. As such, I do not attribute weight to this argument.
22. It is also suggested that the proposed bungalows would have the added benefit of serving older persons or persons with limited mobility. However, there is no mechanism which would secure the properties for older persons or those with limited mobility. As such, I do not consider this to be a determinative matter in this case.

Conclusion and Recommendation

23. The proposal would conflict with Policies CS1 and CS9 of the BCS. It would result in 3 new dwellings in a location which is not suitable for housing, having particular regard to the accessibility for services and facilities, and conflict with the Council's ability to deliver its spatial development strategy. The harm identified would outweigh any benefits that may accrue from the proposal.
24. Having had regard to the economic, social and environmental impacts of the proposal, I conclude that the proposal would not amount to sustainable development under the terms of the Framework.
25. For the reasons given above, taking into account all matters raised including some local support for the scheme, I conclude that the appeal should be dismissed.

Scott Britnell

Appeal Planning Officer

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR