



Appeal Decision

Site visit made on 30 July 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/P3040/W/19/3226131

**Land within Curtilage of 10 Landcroft Lane, Sutton Bonington,
Nottinghamshire LE12 5PD**

- 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 Phillip Wall against the decision of Rushcliffe Borough Council.
 - The application Ref: 18/02894/OUT, dated 14 December 2018, was refused by notice dated 15 March 2019.
 - The development proposed is a 3/4 bedroom detached dormer bungalow.
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Decision

1. The appeal is allowed, and outline planning permission is granted for a 3/4 bedroom detached dormer bungalow at Land within Curtilage of 10 Landcroft Lane, Sutton Bonington, Nottinghamshire LE12 5PD, in accordance with the terms of the application, 18/02894/OUT, dated 14 December 2018, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plan: site plan, showing position of access.

Procedural Matters

2. The planning application was made in outline, with all matters reserved apart from access. I have had regard to the submitted site plan, which shows the position of the access.
3. Whilst I have had regard to references to the emerging Local Plan Part 2, its weight in my decision has been limited on account of the findings of the Examination in Public being awaited.

Main Issues

4. Whilst access was not a reserved matter, I note that the Council has not raised any objections in respect of this. I have no reason to disagree. Accordingly, the main issues are:
 - the suitability of the site as a location for a residential development; and
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Suitability of the site

5. The appeal site is located next to several dwellings arranged in a ribbon form on the southern side of Landcroft Lane. This form of development is replicated on the northern side. To the west is a university campus and the main body of Sutton Bonington. These are separated from the appeal site by several fields. Linking these locations together is a relatively flat lane, with verges on either side.
6. My attention has been drawn to Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (the Core Strategy). This seeks to direct new dwellings to the main built up area of Nottingham and other key settlements. The background text to the policy states that in settlements outside of these categories (such as Sutton Bonington), new dwellings should only be provided to meet local need on small scale infill, or exception, sites.
7. The appeal proposal has been designed to meet the needs of the appellant so that he can downsize but continue to operate his business on a neighbouring site, however, I have no evidence before me that indicates that the site is an exception site. Furthermore, as the development would be located at the end of an existing ribbon of development it cannot be an infill. Therefore, the development does not comply with the requirements of Policy 3 of the Core Strategy.
8. Notwithstanding this, I note that the purpose of Policy 3 is to promote sustainable development. Having regard to the National Planning Policy Framework (the Framework), I find that the proposed dwelling would not be isolated being that it would be located within an existing ribbon development, and opposite comparable dwellings. Whilst separate from the main body of Sutton Bonington, it is not substantially far away.
9. My attention has been drawn to two other relatively recent appeal decisions at 1a and 20 Landcroft Lane¹, which are in close proximity to the appeal site. Within these appeals, it was concluded that the main body of Sutton Bonington was in reasonable walking distance. Furthermore, it was also found that whilst residents may require a car for some journeys, dwellings would not be unsustainably located. I have no reason to take a divergent view.
10. The Council has highlighted the lack of streetlighting and substandard pavements in the wider area. However, I have no evidence that Landcroft Lane is heavily trafficked and I note the presence of wide verges on both sides of the road. Therefore, pedestrians are unlikely to come into conflict with vehicular

¹ Appeal references: APP/P3040/W/16/3162248 and APP/P3040/W/18/3205676

traffic. Furthermore, the substandard pavement provision is limited to a relatively short section of Marle Pit Hill (to the west) and before this is reached, bus stops are present in College Road. Accordingly, I do not believe that this outweighs my previous observations.

11. Whilst I recognise that Sutton Bonington would not fulfil all the needs of the future occupiers of the dwelling, the settlement does have some important services and facilities. The viability of these would be supported by the proposed development, albeit on a limited basis owing to the scale of the scheme.
12. Therefore, in respect of the suitability of the site as a location for a residential development, I conclude that there would be conflict with Policy 3 of the Core Strategy in so far as it seeks to restrict future housing development in location such as this to local needs only and small scale infill sites or exception sites. However, this harm is limited given that the proposal is consistent with the Framework, which seeks to locate housing where it will enhance or maintain the vitality of rural communities and not be isolated.

Character and appearance

13. The appeal site has been landscaped and most recently used as a small caravan site. Accordingly, the appearance of the site does differ from the neighbouring fields to the west. The site is separated from the fields to the south by the garden which serves the existing dwelling at 10 Landcroft Lane. There is significant planting on the northern boundary, and to a slightly lesser extent on the western boundary.
14. Whilst the proposal would increase the ribbon of development, it would be on land that already has a more managed appearance than the adjoining countryside. Furthermore, the dwelling would be sited near to a number of other dwellings on both sides of the road. In consequence, the character of the vicinity is a cluster of dwellings within a more rural context. In addition, the substantial landscaping on the northern boundary would have a notable screening effect. Accordingly, there would not be a significant adverse impact on this section of Landcroft Lane.
15. I appreciate that there is less planting on the western boundary, however, it would still offer substantial screening benefits. In addition, landscaping will be addressed at the reserved matters stage. This would secure further mitigation. The site's southern boundary is more open, however, any views from the neighbouring fields would be diffused by the presence of the existing garden at No. 10. This factor, in conjunction with the current appearance of the site, means that the character of the site in this respect would not change to a significant degree.
16. I acknowledge the dwelling would be at the end of a ribbon development. However, as the site is well screened and has a more landscaped appearance when compared to the open countryside, combined with the site having been used as a caravan site, leads me to the view that the proposal would not extend the built up area to an unacceptable degree.
17. Therefore, I conclude that the development would not harm the character and appearance of the surrounding area. Accordingly, the development is in conformity with the requirements of Policies EN19 and HOU2 of the Rushcliffe

Borough Non-Statutory Replacement Local Plan (2006), which seek, amongst other matters to ensure that developments do not have an adverse impact upon the character and appearance of the area, and do not have an impact on the open nature of the surroundings.

Planning Balance

18. By common agreement, the Council cannot demonstrate a five year housing land supply. Consequently, the tilted balance required by paragraph 11(d) of the Framework applies. This states that planning permission should be granted, unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
19. I have concluded that there is harm arising from the breach of Policy 3 of the Core Strategy. However, this needs to be weighed against the benefits of the scheme in the form of an increase (albeit by one dwelling) in the local housing supply and the fact that this would support the vitality of the rural community. Furthermore, I have found the site to be sustainably located and not identified any harm to the character and appearance of the area. Therefore, I conclude that the harm is demonstrably outweighed by the benefits of the scheme. Furthermore, despite the breach of Policy 3, I have found the development to be on conformity with the Development Plan, taken as a whole

Other Matter

20. I acknowledge references to an appeal in Orston. I am not familiar with all the planning circumstances applicable to that development. However, as I have found that this appeal site is in relatively easy reach of public transport routes and the services on offer in Sutton Bonington, I do not believe that this appeal requires me to set aside my previous conclusions.

Conditions

21. I have had regard to the conditions suggested by the Council. I would agree that a condition covering the timescales for the implementation of the development is necessary. The Council has also suggested a condition that appears to define the items to be submitted for reserved matters approval. I have amended this condition in the interests of precision and omitted the reference to access as this was considered as part of the outline application. I have therefore imposed a condition specifying that the development is to be carried out in accordance with the submitted plans, which identifies the location of the access.
22. As this is an outline application, I am unconvinced that a condition requiring the submission of a landscape strategy is necessary as this would be assessed at the reserved matters stage.

Conclusion

23. For the foregoing reasons, I conclude that the appeal should be allowed.

Benjamin Clarke

INSPECTOR