



Appeal Decision

Site visit made on 30 April 2019

by C Beeby BA (Hons)

an Inspector appointed by the Secretary of State

Decision date: 20th September 2019

Appeal Ref: APP/B3030/W/19/3222437

Roewood Cottage, Bleasby Road, Thurgarton NG14 7FW

- 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 and Mrs Rosie and Conn Grant against the decision of Newark & Sherwood District Council.
 - The application Ref 18/02056/FUL, dated 2 November 2018, was refused by notice dated 16 January 2019.
 - The development proposed is the construction of a new, 2-storey dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Policies from the Newark and Sherwood Core Strategy (2011) referred to by the Council in refusing permission have been superseded by policies from the Newark & Sherwood Plan Review – Amended Core Strategy (“the ACS”) of March 2019, which has been adopted since the appeal was submitted. I must base my decision on the development plan prevailing at the time of my determination. In light of this, the main parties have provided submissions in writing on the relevance of the new ACS to the case.

Main Issue

3. The main issue is whether the proposed development would provide housing to meet an identified local need.

Reasons

4. Spatial Policy 3 of the ACS concerns rural areas. It states that proposals for new development in such areas will be considered against various criteria, including where Neighbourhood Plans set detailed policies reflecting local housing need.
5. The Thurgarton Neighbourhood Plan (2016-2026) (“the NP”) reflects community aspirations for new building to take place on appropriate sites in the main part of the village, and for traffic growth to be kept to a minimum by the provision of opportunities for walking, cycling and public transport use. Policy 1 of the NP Development Management Policies provides that development proposals within the village envelope will be supported where they comply, amongst other things, with all relevant development plan policies. The appeal site lies within the village envelope as depicted on the associated map.

6. Policy 2 of the NP concerns residential development, and states that the development of market housing to suit the specific needs identified in a current Housing Needs Survey (or other subsequent evidence) will be encouraged and supported at the locations defined in Policy 1. The supporting text to the policy states that proposals should demonstrate that they respond to an identified housing need. It sets out that applications will be considered against the latest available factual data, and should therefore be accompanied by an up-to-date Housing Survey.
7. The Thurgarton Rural Housing Survey ("the TRHS") was published in July 2015. It identifies a community need for 5 dwellings of variable sizes. It recommends that the parish council should support the development of 2-4 affordable properties, smaller properties, starter homes and bungalows.
8. Permission¹ was subsequently granted for a 2 bedroomed dwelling at the site in April 2016. The NP was made in May 2017, and consequently now forms part of the development plan.
9. Extant permission² was then granted for a 2 bedroomed dwelling in December 2017 ("the approved dwelling"). This application originally sought a 4-bedroomed layout, but was then amended to a 2-bedroomed design to take account of the recommendations of the TRHS.
10. The planning application form states that a 2 bedroomed dwelling is currently proposed. There is no consensus between the parties on the number of bedrooms which the proposed dwelling would have, however the submitted plans allow for 3 upper floor bedrooms. Furthermore, the total floor space of the proposed dwelling would be approximately 22% greater than that of the approved dwelling.
11. The appellants calculate that both the approved and proposed schemes have a capacity for at least 5 bedrooms if the national space standard (2015) is applied. It is submitted that the proposed scheme has capacity for less occupiers than that approved, at 8 people rather than 9. I acknowledge that each building may technically allow for a substantial number of bedrooms.
12. However, the calculations on which these conclusions have been drawn rely on the internal layout of the approved and proposed schemes remaining the same. Planning permission is unlikely to be necessary for the removal and building of internal walls, and the larger proposed scheme is likely to allow for further bedrooms and occupiers than that approved due to the potential for such reconfigurations. In any event, the appeal proposes the construction of a significantly larger dwelling than that approved. The two schemes are therefore materially different.
13. Planning permissions and constructions since the TRHS significantly exceed the quantitative need for up to 6 market homes which it identifies. However, the TRHS goes on to identify qualitative requirements, namely those for smaller properties, starter homes and bungalows. Nothing within the development plan policies relied on by the Council restricts the assessment of need to a quantitative analysis alone. The proposal would provide a larger dwelling than that already approved and it consequently erodes the ability of development at the site to meet the qualitative need identified in the TRHS for smaller

¹ 15/02291/FUL

² 17/00641/FUL

properties and starter homes. This is a need to which I attach significant weight, as there is no substantive evidence before me to suggest that the requirement for the specific types of dwelling mentioned has been met, and indeed the parish council's objection to the proposal relies partially on the need identified within the TRHS for small 2 bedroom properties. This indicates that there is a continuing need for smaller dwellings in the village, and there is no significant evidence to suggest otherwise.

14. The proposal is not accompanied by an up-to-date Housing Needs Survey, and therefore it conflicts with Policies 1 and 2 of the NP, the aims of which are set out above. Further conflict exists with Policy 2 of the NP because the proposal does not meet the specific needs identified within the TRHS for smaller properties and starter homes. Additional conflict exists with Spatial Policy 3 of the ACS, the aims of which are set out above. The proposed development would therefore fail to provide housing to meet an identified local need.

Other Matters

15. The appeal site lies within the Thurgarton Conservation Area ("the CA"). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
16. The significance of the CA derives in part from its street pattern and layout, the quality of its buildings, the predominantly vernacular architecture and the use of traditional building materials. The CA Appraisal (2008) notes the enclosed quality created by buildings on Bleasby Road, due to the location of some older buildings close to the footway and the front boundary walls and hedges of more modern development. Development in the vicinity of the appeal site is identified to be predominantly vernacular in character, and older buildings are generally of brick.
17. The proposed dwelling would maintain the approximate building line set by neighbouring dwellings, and it would generally be in keeping with the modern vernacular design of surrounding development. The sense of enclosure identified in the CA appraisal would arise from the location of the single storey garage and gates towards the front of the site.
18. Accordingly, I conclude that the proposal would reflect the relevant defining characteristics of the CA, and that its effect on its significance would be one of preservation as a result. I note that the Council's view supports my own on this matter.
19. A planning obligation which concerns the provision of a visibility splay accompanies the appeal. However, it is not necessary for me to consider it in detail, given that the proposal is unacceptable for other reasons.
20. The appellants consider that the 2017 permission did not meet an identified need. Notwithstanding this submission, determination of that permission is likely to have taken other factors into account, for example the (then) extant 2016 permission for a 2 bedroomed dwelling at the site, which was considered to be capable of meeting the identified need through the description of development, recommended conditions and informative notes. Even if there had been no need identified in determining the 2017 permission, I have

determined the current proposal on its planning merits. Therefore I attach only limited weight to the relevance of this submission in determining the appeal.

21. I acknowledge that occupiers of the proposed development are likely to provide support for community facilities and local services, which would be in accordance with the aims of Spatial Policy 3 and the National Planning Policy Framework ("the Framework"). However, I have identified conflict with the aims of Spatial Policy 3 and other development plan policy elsewhere. The limited benefits which would arise from the support of the occupiers of one dwelling for local services do not outweigh the identified harm.
22. I acknowledge the appellants' submissions on the desirability of the appeal scheme's separation of the kitchen and living/dining space in terms of the living conditions of future occupiers of the development. This is a benefit which carries minimal weight, but which does not outweigh the harm identified above.
23. The lack of objection of Council departments is a neutral matter which does not weigh in favour of the proposal. Accordingly, it does not attract any particular weight in my determination of the appeal.
24. Paragraph 59 of the Framework sets out the Government's objective to significantly boost the supply of homes. Whilst I acknowledge that the appeal proposal would make a small contribution to the achievement of this aim, the paragraph additionally states that it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed. Therefore the initial objective has an inherent focus on the necessity for residential development proposals to respond to need. Thus, the paragraph does not lend support for the proposal.
25. Paragraph 60 of the Framework states that strategic policies should be informed by a local housing need assessment in order to determine the minimum number of homes needed. Paragraph 61 sets out that, within this context, the size, type and tenure of housing needed should be assessed and reflected in planning policies. The extant permission at the appeal site already allows for the provision of a dwelling and has been determined in accordance with strategic policies. There is no evidence before me to suggest that the minimum number or type of homes needed is not being supplied in the district. Therefore I do not consider that the paragraphs in question lend support for a scheme which entails the construction of a larger dwelling than that allowed at the site.
26. The appellants refer to data³ on housing need from 2014, contending that housing needs should be considered at a district rather than neighbourhood level. However, the supporting text to Policy 2 of the NP sets out that proposals will be considered against the latest available factual data on identified housing needs. This is formed by the 2015 TRHS rather than the 2014 data. I therefore attach only minimal weight to the relevance of the 2014 data in determining the appeal.
27. The appellants submit that housing market data collected in October 2015 for a Nottingham Outer Strategic Housing Market Assessment ("the SHMA") lends support for the proposal. This shows a greater need for family sized (3

³ Newark & Sherwood District Council Housing Market & Needs Assessment (2014) and Newark & Sherwood Sub-Area Report (2014)

- bedroomed and larger) accommodation in Newark and Sherwood when compared with other areas in the survey, and notes that there is likely to be a continued level of need for larger family properties within the district.
28. The TRHS is part of the evidence base for the adopted NP, and hence for the development plan for the area. However, there is no evidence before me to suggest that the SHMA is associated with a development plan which has come into force. As such, it does not form part of the evidence base for the current development plan. Therefore I do not consider that the limited extracts provided from the SHMA form evidence that the NP does not align with the strategic needs and priorities of the wider local area.
29. Furthermore, whilst the extracts from the SHMA appear to lend support for the development of 3 bedroomed and larger dwellings within the district, there is no up-to-date evidence concerning whether housing supply in the area is meeting this need. Moreover, the date of the SHMA is so close to that of the TRHS that it is unlikely that the housing need situation would have altered significantly between the collection of the two sets of data. In view of these factors and the more specifically local evidence on which the TRHS is based, I therefore attach only minimal weight to the findings of the SHMA in determining the appeal.
30. The appellants consider that the supporting text to Spatial Policy 3 of the ACS lends weight to the proposal. This states that the policy makes provision for detailed policies in Neighbourhood Plans to set policies on local housing need (including mix and type), and that elsewhere the Council expects new development of 3 or more dwellings to satisfy the mix and type requirements set out in another policy. It then states that it is recognised that for schemes of one or two dwellings it will not be possible to require a particular type or mix of dwellings.
31. However, both the policy and the supporting text make a distinction between those rural areas covered by a Neighbourhood Plan and "elsewhere". The location of the provision relating to schemes of one or two dwellings after provisions relating to locations "elsewhere" suggests that it relates only to those schemes located in areas without a Neighbourhood Plan, and I have no evidential basis to arrive at an alternative view. Thurgarton has a Neighbourhood Plan which has been brought into force, and provisions within the text concerning land "elsewhere" consequently do not relate to the appeal proposal. Accordingly, I do not consider that the provisions referred to within the supporting text to Spatial Policy 3 of the ACS lend weight to the proposal.
32. I note the appellants' concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined afresh and on its planning merits.

Conclusion

33. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR