
Appeal Decision

Site visit made on 17 September 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/F1040/W/19/3232095

Land North of Stables Lodge, Grassy Lane, Burnaston, Derby DE65 6LN

- 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 G Rudd, Derby Aluminium Company Limited against the decision of South Derbyshire District Council.
 - The application Ref 9/2019/0230, dated 26 February 2019, was refused by notice dated 8 May 2019.
 - The development proposed is residential development for two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for residential development for two dwellings at Land North of Stables Lodge, Grassy Lane, Burnaston, Derby DE65 6LN in accordance with the terms of the application, Ref 9/2019/0230, dated 26 February 2019, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Derby Aluminium Company Limited against South Derbyshire District Council. This application is the subject of a separate decision.

Preliminary Matter

3. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site comprises a parcel of land which is bounded by mature vegetation and is somewhat overgrown. The current hedgerow and vegetation serve to visually enclose the site to some degree. It fronts onto Grassy Lane which is a narrow, unmade road. Part of Grassy Lane runs beside a service station and some commercial units. Further along the road, close to the appeal site are two dwellings and a holiday let and stables. Beyond the appeal site is open land with dispersed rural dwellings and agricultural premises. The site falls outside of any defined settlement boundary and is rural in character.

6. The proposed development would introduce two detached dwellings into the appeal site. There has been a previous planning permission on the land for one dwelling.
7. The introduction of two dwellings into the site would result in a higher plot density than the previously approved single dwelling, nevertheless would still represent a reasonably low density of development. Grassy Lane is largely rural in character, however close to the appeal site are a mix of commercial premises and dwellings. Whilst the dwellings adjoining the site are generally on large and spacious plots, there is some degree of variation to these. The submitted layout plan is indicative only however it gives an indication that two dwellings could be accommodated into the site which would allow for a suitable amount of spacing between the properties and retain the sense of spaciousness which exists in the immediate surroundings.
8. The proposed development would infill a site between the existing dwellings and holiday let, reflecting the existing linear arrangement along this part of Grassy Lane. It would not encroach on the rural countryside as a result and the indicative site plan shows that the positioning of the dwellings could relate well to the existing development along this side of the road. Accordingly, I do not find that the development would result in a suburban character and would therefore not be unduly harmful to the character and appearance of the surrounding area.
9. Consequently, I find that the proposed development would comply with Policies S1 and H20 of the South Derbyshire Local Plan Part 1 (2016) and Policies SDT1 and BNE5 of the South Derbyshire Local Plan Part 2 (2017). Collectively these seek to ensure that development makes efficient use of land whilst taking into account what is appropriate for the surrounding environment, ensure that the rural character is protected, conserved and enhanced and ensure that infill development is in keeping with the character of the locality, amongst other things. It would also comply with paragraph 170 of the National Planning Policy Framework (2019) which seeks to enhance the natural and local environment.

Other Matters

10. A letter of objection has been received from a neighbouring resident concerning highway safety and the potential for additional surface water run-off to cause flooding.
11. The proposed development for two properties only would be unlikely to result in a significant increase in vehicles using Grassy Lane. Whilst I appreciate the narrowness of the road, the appeal site is in a location with good visibility and ample parking within the site could be achieved. I therefore find that the use of this short stretch of Grassy Lane by vehicles associated with the development would be unlikely to result in adverse impacts on highway safety.
12. In regard to the potential for flooding, I have limited evidence before me that the site is located in a high-risk flood zone or that there have been significant issues in this regard. The proposed development would result in the increase in hardstanding within the site however the indicative layout demonstrates that ample garden areas could remain, and suitable drainage methods would be required to ensure that the site is able to cope with surface water run-off.

Conditions

13. In addition to the standard conditions for outline permissions I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended where necessary.
14. A condition for a restriction on the hours of construction is necessary in order to protect the living conditions of nearby occupiers. Conditions for the provision of the access, visibility splays and provision of parking areas within the site are necessary in the interests of highway safety. A condition regarding vegetation clearance is necessary to protect any nesting birds which may be present. I have included the condition relating to water consumption restrictions as this is supported by Policy SD3.
15. I have been provided with limited details in relation to the likelihood of Great Crested Newts being present and I note the findings of the Appellant's Ecological Impact Assessment. It has therefore not been demonstrated that a condition for a RAMMS is reasonable or necessary.

Conclusion

16. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) Details of the access, 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 Location Plan Scale 1:1250.
- 5) During the construction phase of the development, no works including deliveries shall take place other than between 0800 – 1800 on Mondays to Fridays and 0800 – 1300 on Saturdays. There shall be no works or deliveries at any time on Sundays or Bank or Public Holidays (other than for works required in an emergency).
- 6) Prior to the commencement of any works other than for site clearance, a new vehicular access shall be created to Grassy Lane in accordance with the details approved under condition 1. The access shall be laid out, constructed and provided with visibility sightlines extending from a point 2.4 metres back from the nearside carriageway edge and measured along the centre line of the access to the extremities of the site frontage abutting Grassy Lane in each direction. The land in advance of the sightlines shall be maintained for the life of the development clear of any object greater than 1 metre in height or 0.6 metres in the case of vegetation relative to the adjoining nearside carriageway channel level.
- 7) No removal of hedgerows, trees or shrubs or removal of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds nests immediately before the work is commenced and provided written confirmation to the local planning authority that no birds will be harmed and/or that there are appropriate measure in place to protect nesting bird interest on site.
- 8) Prior to the first occupation of the development hereby permitted, the space for the parking and manoeuvring of residents' vehicles shall be provided in accordance with the details approved under condition 1 and shall be maintained throughout the life of the development free of any impediment to its designated use.
- 9) The dwellings shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying each dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015).