



Appeal Decision

Site visit made on 1 October 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/P3040/W/19/3229837

Land Adjacent to Village Hall, Main Street, Rempstone, Loughborough

- 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 Mark Footitt against the decision of Rushcliffe Borough Council.
 - The application Ref 19/00109/OUT, dated 14 January 2019, was refused by notice dated 17 April 2019.
 - The development proposed is described as *"construction of 33 residential dwellings on grazing land North of Main Street, Rempstone, known as Welfare Field (SHLAA – site ref 548), together with provision of a 24 space community car park and community playground"*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline. In this regard, the means of access, layout and the scale of the development fall to be considered at this stage, whereas appearance and landscaping are reserved for future consideration. The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that 'scale' means the height, width and length of each building proposed, and that 'layout' means the way in which buildings, routes and open spaces within the development are provided, situated and orientated. Those matters are therefore to be considered under this appeal. 'Appearance', which is a reserved matter, includes the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
3. A completed s106 agreement has been submitted that includes off-site contributions towards bus stop improvements, health provision, education provision, and the onsite provision of affordable housing. These contributions are necessary in order to comply with development plan policies, address the health and educational needs of future occupiers, and to contribute towards affordable housing provision in the Borough. Overall, I am satisfied that these contributions are directly related to the development and fairly and reasonably related in scale and kind to it.
4. The submission of a completed s106 agreement has overcome the Council's ninth reason for refusal and I have therefore not considered this matter in any further detail.

5. The Council adopted the Rushcliffe Local Plan Part 2: Land and Planning Policies in October 2019, after its refusal of planning permission. This replaces the previous Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) which is referred to in the Decision Notice. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision.
6. At the time the appeal was submitted, it was common ground that the Council was unable to demonstrate a deliverable 5 year supply of housing sites as required by the National Planning Policy Framework ('the Framework'). However, I note that the housing trajectory appended to the 'Report on the Examination of the Rushcliffe Local Plan Part 2: Land and Planning Policies' (at MM54) identifies a healthy 5 year supply position. This presumably takes into account new housing allocations identified in that plan. I return to this matter in my overall balance and conclusion, below.

Main Issues

7. The main issues are:
 - (a) The effect of the development on the character and appearance of the area;
 - (b) The effect of the development on the setting of the Grade II listed The Cottage;
 - (c) Whether future occupiers of the development would be unduly reliant on the use of a private car;
 - (d) Whether the development would appropriately manage surface water within the site; and
 - (e) Whether the development would be served by a safe and suitable access.

Reasons

8. The development is in the countryside for the purposes of Policy 22 of the Rushcliffe Local Plan Part 2 (2019). This policy seeks to restrict new development beyond the physical edge of settlements in order to conserve and enhance the countryside. The proposal would not meet any of the exceptions listed in Policy 22 and so would be contrary to it. In addition, the spatial strategy set out in Policy 3 of the Rushcliffe Local Plan Part 1 (2014) seeks to guide development to the main built up area of Nottingham and identified 'Key Settlements'. It states that in other settlements (such as Rempstone) new residential development will be solely to meet local housing needs. Given the scale of the development relative to the existing village, it would clearly be contrary to this policy. I return to this matter in my overall balance and conclusion, below.

Character and appearance

9. The appeal site consists of a piece of agricultural land to the rear of properties fronting onto Main Road. It is partly enclosed by a high brick boundary wall and it adjoins open countryside to both the north and east.
10. The properties in the village mostly comprise low density detached houses set within generous plots. This is particularly the case around the periphery of the appeal site. In contrast, the development proposes a much denser layout with

closely spaced dwellings served by small garden areas. In this context, it would appear excessively dense and out of keeping with its surroundings. The proposed dwellings would also be positioned close to the high brick boundary wall with little space available to create a soft landscaped edge to the open countryside. This would create a particularly abrupt transition along the site's northern boundary, which would be visually stark when viewed from the footpath to the north.

11. The site is currently crossed by 2 public footpaths; Rempstone FP6 which runs along its western boundary, and Rempstone FP7 which cuts across the site's north western corner. In this regard, the proposed layout appears to preclude the retention of Rempstone FP6 along its current route, and it would likely be subsumed within the layout of the new estate. This would entirely remove its pleasant rural character and its alignment would instead be along a footway within a modern housing estate.
12. The appeal site is partly enclosed by a historic red brick wall to its northern and eastern boundaries. However, this wall is not an urban feature, and I note that the submitted Archaeological Desk-Based Assessment states that it was *"possibly an original wall of the Rempstone Estate or maybe an enclosure wall for an orchard"*. In my view, the presence of this wall does not bring the site within the built fabric of the village, nor does it alter its rural character.
13. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to the Framework, which seeks to achieve well-designed places that are sympathetic to local character.

Setting of listed building

14. The appeal site is in close proximity to the Grade II listed The Cottage (No 35 Main Street). This is an attractive timber framed thatched roof property that dates to the mid-17th century. The significance of the building lies in its architectural quality and historic interest.
15. The listed building is experienced primarily from along Main Road and the Rempstone FP6 footpath, and it is seen in the context of the open land behind it. This reflects the mainly linear pattern of development within the historic village where the majority of properties would have once backed onto open countryside. In contrast, the development would largely remove the open backdrop to the building and would introduce a raised car parking area, retaining wall, and a dense modern housing estate to the rear. These features would be elevated relative to the listed building and would be prominent in views of it from Main Street. Whilst the car park could be screened by additional landscaping at reserved matters stage, this would still have the effect of removing existing open views through the site. Moreover, the proposed access road would introduce a prominent urbanising feature, and a regular flow of vehicular traffic, along the side wall of the listed building. In my view, these elements would harmfully alter the setting of the listed building and would negatively affect the way it is experienced from the surrounding area. Whilst the proposal would not physically encroach into the curtilage of the listed building, that does not alter my concerns regarding the effect on its setting.

16. My attention has been drawn to modern developments within the curtilages of both Nos 6 and 35 Main Road, which are listed thatched roof properties. However, the full details of those case are not before me and so I am unable to assess any direct comparability with the current appeal proposal. In any case, I note that those developments are of a different scale to that proposed here.
17. It is asserted that vehicles regularly park in front of the listed building, which detracts from its setting. However, I note that a number of interested parties dispute the extent of the parking difficulties in this part of the village. In this regard, the appellant has submitted a number of photographs showing congested parking along this part of the street, although it is unclear how representative these are. In any case, I consider that the harm associated with the development would be significantly greater than the existing situation.
18. For the above reasons, I conclude that the development would harm the setting of the Grade II listed The Cottage. This harm would be 'less than substantial' in the context of Paragraphs 195-196 of the Framework. I return to this matter in my overall balance and conclusion, below.

Reliance on private transport

19. The appeal site is located on the edge of Rempstone, which is a small village located between Loughborough and Nottingham. It contains a public house, church, and village hall, but otherwise has very few day-to-day services and facilities. The nearest 'Key Settlement' identified in the Rushcliffe Local Plan Part 1 is East Leake, which is not accessible by foot from Rempstone. The nearby village of Wymeswold to the east is also not accessible by foot, and there are no direct bus services connecting Rempstone to either of these settlements. Whilst the village is served by a relatively frequent bus service to Loughborough and Nottingham, overall, its accessibility to services and facilities is poor.
20. The development proposes a new community car park and a children's play area. However, as set out above there is only limited evidence before me regarding the need for the car park. Whilst these facilities would be of some benefit to the village, it does not alter the fact that future occupiers would be heavily reliant on private transport to access day-to-day facilities such as local shops and healthcare. Moreover, an existing barn identified as having potential for an A1 or A2 use does not appear to have planning permission for those purposes, and in any case, it is unclear whether this would be viable.
21. It is argued that the accessibility of the appeal site performs well in comparison to other sites allocated in the Rushcliffe Local Plan Part 2. However, those allocations have recently been found to be sound by the Local Plan Inspector. That Inspector had the opportunity to scrutinise the Council's approach, including the evidence underpinning it, at the Local Plan hearing sessions. He was also able to take a broader view of the relative accessibility of different settlements across the Borough. There is nothing before me to suggest that there has been a significant change in circumstances since the Local Plan examination, and I see no reason to depart from that Inspector's findings.
22. My attention has been drawn to 2 modern housing developments in Rempstone at Dales Close and King's Brook Close. However, those developments were approved some time ago and in a different planning policy context. Moreover, both involved the redevelopment of previously developed land and contained a

smaller number of dwellings than is proposed here. They are therefore not directly comparable to the appeal proposal and do not lend support to it.

23. For the above reasons, I conclude that future occupiers of the development would be unduly reliant on the use of a private car. It would therefore be contrary to Policy 14 of the Rushcliffe Local Plan Part 1 (2014), which seeks to reduce the need to travel by securing new developments of appropriate scale in the most accessible locations.

Surface water

24. The appellant has provided a Drainage Statement with the appeal submission. This highlights the challenging topography of the site, including a 10 metre change in levels from the north east of the site to the south west. Accordingly, above ground storage features such as balancing ponds or swales are unlikely to be feasible. Instead, a two-stage process is proposed that includes an underground geocellular unit to control discharge into the public sewer. The Council has not objected to this, and it appears to be an appropriate means of securing the drainage of the site given its topography.
25. For the above reasons, I conclude that the development would appropriately manage surface water within the site. It would therefore accord with the Framework, which states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Access

26. The development would be accessed via a new road between No 35 Main Street and Rempstone Village Hall. Drawings were submitted with the appeal that show 2 options for accommodating the proposed access road and constructing it to an adoptable standard. Both of these options would provide a safe and suitable access into the development. Information has also been submitted to show that a gradient of 1:20 could be achieved along the access route, which would accord with Nottinghamshire County Council's guidelines in this regard.
27. There is a dispute regarding the ownership of part of the land that is required to provide the access into the site, and various pieces of information have been submitted in this regard. However, as I am dismissing the appeal on other grounds, this matter is not decisive in this case, and I do not need to come to a firm view on this.

Other Matters

28. Whilst not a reason for refusal, the Council state that a number of the proposed dwellings appear to be served by gardens that fail to meet its minimum size requirements. In this regard, I note that very small gardens would be provided to Plots 11-21, many of which would immediately back onto a high brick wall. Plots 1 and 2 would also have very small garden areas, which would be dominated by the side elevation to the dwelling in Plot 3. This would result in a poor standard of accommodation for future occupiers of those properties and is reflective of the overly dense nature of the proposal. This further adds to the weight against the proposal.

29. Separately, the proposed dwellings in the south east corner of the site are indicated as being single storey bungalows. This would ensure that the privacy of rear gardens to Nos 47-53 Main Road would be preserved.
30. My attention has been drawn to the Strategic Housing Land Availability Assessment ('SHLAA') proforma for this site which states under a 'delivery' sub-heading that the site "*could be suitable if policy changes in 5+ years*". However, the SHLAA proforma does not endorse the development of this site, and in any case, I have come to my own view on this matter.

Overall Balance and Conclusion

31. As set out above, the proposal would be contrary to Local Plan policies that seek to restrict new development in the countryside, and to direct new development to the Nottingham built up area and identified 'Key Settlements'. It would also harm the character and appearance of the area, the setting of the Grade II listed The Cottage, and would have poor accessibility to services and facilities. A number of the proposed dwellings would also provide a poor standard of accommodation for future occupiers.
32. Set against this, the development would provide 33 new dwellings, including 10 affordable units and 6 bungalows, and would generate economic benefits through the creation of employment and the purchasing of materials and furnishings. It would also provide a new community car park and a children's play area, as well as contributions towards bus stop improvements, health and educational provision.
33. Overall, however, I consider that the public benefits of the development do not outweigh the harm I have identified so as to justify a departure from the development plan and national policy. In this regard, even if I were to conclude that the Council was unable to demonstrate a 5 year supply of housing land, the balance towards granting permission set out at Paragraph 11 d) of the Framework would not apply in this case. That is because policies in the Framework that protect areas of particular importance (in this case relating to designated heritage assets) provide a clear reason for refusing the proposal.
34. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR