



Appeal Decision

Site visit made on 27 November 2019

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2019

Appeal Ref: APP/P3040/W/19/3232456

Land east of 8 Orston Lane, Whatton NG13 9ET

- 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 and Mrs JW & VA Cox against the decision of Rushcliffe Borough Council.
 - The application Ref 18/02667/OUT, dated 14 November 2018, was refused by notice dated 28 February 2019.
 - The development proposed is described as "*subdivision of land to provide a variety of residential units accessed from Orston Lane*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all matters other than access reserved for later consideration. I have determined the appeal on this basis.
3. Revisions to the drawings showing the illustrative layout of the site were submitted as part of the appeal. As layout is a reserved matter, and thus these drawings remain illustrative only, I do not feel that anyone would be prejudiced by my consideration of them.
4. The Council states that if I were minded to accept the plans then it would not wish to defend its third reason for refusal, relating to impacts upon the setting of the Whatton Conservation Area.
5. Additional ecological survey work is also said to have been undertaken by the appellant. The Council's appeal statement is clear that:

"the Borough Council's Ecologist ... considers that the surveys are in date and appear to have been carried out according to best practice".
6. As such, the Council no longer wishes to pursue its first reason for refusal, relating to protected species. The surveys are not before me, but as I am dismissing the appeal for other reasons this is not critical to my determination.
7. Since the appeal was made, the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) has been adopted¹. Both parties have had the opportunity to submit comments on this, which I have taken into consideration. The most significant matter arising is the change in the Council's position with regard to

¹ In October 2019

whether or not it can demonstrate a five-year supply of deliverable housing sites. In short, following the LPP2's adoption, the Council is of the view that it can demonstrate a six-year housing land supply, contrary to its position at the time that its appeal statement was written.

8. The LLP2 was adopted very recently. The plan Inspector found that, on adoption, the Council would be able to demonstrate a housing land supply of five and half years going forward from April 2019. This is demonstrated by the housing trajectory contained within LLP2.
9. The appellant has not suggested that this conclusion was unfounded or that anything significant has changed in the interim. Indeed, they note that:

"It is recognised that the Adoption of the Local Plan Part 2 now places the Local Planning Authority in a better position in respect of housing delivery".

10. Thus, it is reasonable to conclude, as per the Council's Five Year Housing Land Supply Position Statement (November 2019), that the Council is now able to demonstrate a supply of deliverable housing land of at least five and a half years.

Main Issues

11. The main issue is whether, having regard to local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the development proposed.

Reasons

12. Policy 3 of the Rushcliffe Local Plan Part 1: Rushcliffe Core Strategy (LPP1) sets out the Spatial Strategy for the borough. It directs development to the main built up area of Nottingham and to six Key Settlements, of which Whatton is not one.
13. In all other settlements, development will be for "*local needs only*". The policy does not define what is meant by this. Guidance is provided in the supporting text, which states that:

"local needs will be delivered [sic] through small scale infill development or on exception sites".
14. Again, this does not define what "*local needs*" are. It merely sets out how they will be met in practical terms.
15. In this context, it is reasonable to consider that some evidence of local needs would be appropriate in order to address the wording of the policy when taken at face value.
16. No evidence of needs local to Whatton appears to have been advanced by the appellant. Nor, given that the Council is able to demonstrate a five year supply of deliverable housing sites, does there appear to be any need in the wider borough. As such, it is difficult to see how the appeal proposal can be for "*local needs only*".
17. Neither "*small scale*" nor "*infill*" appear to be defined within LPP1. Nor, importantly, are they policy requirements. Some consideration of them is

- nonetheless appropriate, as they provide context to LPP2's intent in so far as the nature of growth in the borough's less sustainable locations is concerned.
18. Turning to the former, the description of development as per the header above does not specify a number of units. The illustrative drawings suggest that four would be the maximum deliverable and this could be conditioned. In the context of Whatton, and the site's surroundings, I consider four units to be small scale.
 19. Infill development, as commonly understood, would be development that filled a gap between existing buildings or structures in a developed area. There can be no doubt that the appeal proposal would not constitute infill development. It would, rather, be an extension of ribbon development along the southern side of Orston Lane, running out into the open countryside.
 20. The Council has permitted three dwellings on a site opposite the appeal site. At the time of my visit the site was in the process of being cleared. The appeal proposal would largely mirror this development and, arguably, would not be at odds with the pattern of development along Orston Lane. Even so, that permission was granted under different circumstances, namely a lack of a five year supply of deliverable housing sites and the absence of an adopted site allocations plan. As such, it carries very little weight as a precedent for the appeal proposal.
 21. The same applies to the appeal decisions in Aslockton that have been drawn to my attention. In addition, the sites in that case were, unlike the appeal site, contained, to some degree, by frontage development and dwellings to the west.
 22. I conclude, therefore, that the appeal proposal would fail to accord with Policy 3 of LPP1, which permits development in Whatton for local needs only.
 23. It is possible that the proposal could accord with most of the criteria set out in Policy 11 of LPP2, cited by the appellant. Nonetheless, this policy requires compliance with Policy 3 of LPP1, which would not be achieved.
 24. The National Planning Policy Framework seeks to boost significantly the supply of housing and contains a policy supporting appropriately located rural housing. This is not, however, its be all and end all. Considerable emphasis is also placed upon the plan led system. In this case, there is an up to date development plan in place. The appeal proposal would conflict with its fundamental strategic approach to the location of new development.
 25. Having regard to local and national policy for the delivery of housing, the appeal site would not, therefore, represent a suitable location for the development proposed. Nor would it accord with Policy 3's supporting text, which is a material consideration weighing against the proposal.

Conclusion

26. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR