



Appeal Decision

Site visit made on 15 October 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2019

Appeal Ref: APP/P3040/W/19/3233317

Land North of Greystones, Station Road, Elton, Nottinghamshire

- 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 Barrie Roberts against the decision of Rushcliffe Borough Council.
 - The application Ref 18/02876/FUL, dated 18 December 2018, was refused by notice dated 5 March 2019.
 - The development proposed is new detached 4 bedroom dwelling with new access gate and driveway, utilising the position of the existing field gate access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the appeal site address from the Council's decision notice and the appellant's appeal form.
3. Since submission of this appeal, the Council has confirmed that The Rushcliffe Local Plan Part 2: Land and Planning Policies (LP2) has been formally adopted on 8 October 2019. The development plan therefore now consists of the Local Plan Part 1: Core Strategy (2014) (CS) and the LP2. Following the adoption of the LP2 the Council is now able to demonstrate a 6.0 years housing land supply. Full weight can therefore now be attributed to the development plan policies as part of my considerations. In the circumstances the 'tilted balance' under Paragraph 11 of the Framework is not engaged. The appellant has been contacted drawing their attention to the adoption of LP2 and the Council's updated housing land supply position. I have taken the comments received into consideration.
4. The Council's decision notice refers to the development being contrary to Policies HOU4 (New dwellings in the countryside), GP1 (Delivering sustainable development), EN19 (Impact on the green belt and open countryside) and EN20 (Protection of open countryside of the Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP)). The Council has confirmed that following the adoption of the LP2, the RBNSRLP has been superseded. These superseded policies have not therefore had a bearing on my assessment of the proposal.

Main Issues

5. The main issues are:

- whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. The appeal site relates to a gap between the residential curtilages serving White Croft and Grey Stones. These neighbouring dwellings form part of a small group of two-storey detached dwellings on Station Road which are punctuated by the appeal site and a further break to the north of the property named 'Telford'. There is a substantial gap between these dwellings and the nearest settlements of Orston and Elton.
7. Policy 1 of the CS sets out a presumption in favour of sustainable development and Policy 3 of the CS sets out the spatial strategy to achieve sustainable development in the Borough with the majority of new homes to be provided in or adjoining the main built up area of Nottingham (within Rushcliffe) and further new homes beyond this on specified sites and in or adjoining key settlements. Further homes may be provided in other villages solely to meet local housing needs. The sub-text to this policy, at Paragraph 3.3.17 confirms that local needs will be delivered through small scale infill development or on exception sites.
8. Paragraph 3.9 of the LP2 specifies a number of 'other villages' where land is allocated for new housing. Paragraph 3.10 of the LP2 confirms that beyond these housing allocations, development to meet 'local needs' at 'other villages' will be limited to amongst other things, small scale infill development, and confirms that this is considered to be the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.
9. The appeal site is not within or adjoining the built fabric of the nearest villages. The site is distinctly in the countryside and does not therefore meet the definition of an infill site as set out in the development plan. Reference has been made by the appellant to a Housing Needs Survey for the Parish of Orston, although there is no substantive evidence before me to indicate the proposal would address a specific local need. In any case, given the site does not constitute an infill site, local need is not a determinative factor in this instance.
10. Given the site in the countryside, Policy 22 (Development within the countryside) of the LP2 is a material consideration and sets out the types of development that will be permitted in such a location. New build open market dwellings are not included within the development types listed.
11. My attention has been drawn to the Braintree BC v SSCLG judgement of 28th March 2018 and I accept that in the terms of the meaning within the Framework, the site is not isolated given its location next to existing dwellings and in close proximity to the Elton and Orston train stop. However, there is no hard-paved footpath from the site to the train station or to the limited services and facilities that exist within the nearest settlements. Occupants would need

to travel to larger settlements for their day to day needs. The evidence before me suggests there is also an hourly bus service to Bingham and Nottingham. The regularity of the bus service and lack of convenience of the train stop and nearest villages means that occupants would be heavily reliant on the private motor vehicle. Overall, these site-specific factors do not indicate that the site is particularly sustainable nor do they override the conflict with the development plan in terms of the location of the site well outside the built fabric of the nearest villages.

12. The appellant has referred me to appeals in Alderton, Tewkesbury¹ and another at Land off Lombard Street, Orston². In those particular cases, the Inspector's noted the close proximity of the sites to the respective villages. Those decisions were also made at a time when the respective Council's had a shortfall in their housing land supply and the Inspectors applied a planning balance when considering matters including the sustainability of the proposals. Given the latest housing land supply position in Rushcliffe, such a balancing exercise is not necessary in this instance and the proposal must be considered against the development plan in place. I therefore do not find these appeals persuasive in terms of the case before me.
13. To conclude, the appeal site is not in an appropriate location for the provision of new dwellings and would conflict with the sustainable approach to development set out in Policies 1 (Presumption in favour of sustainable development) and 3 (Spatial strategy) of the CS. The development does not accord with the types of development supported by Policy 22 (Development within the countryside) of the LP2. The proposal would be in conflict with the key principles relating to sustainability and Paragraph 12 of the Framework which states that the development plan is the starting point for decision making and where a proposal conflicts with an up-to-date development plan it should not usually be granted.

Character and appearance

14. The evidence before me suggests the site was previously used for agriculture. A mature hedgerow exists to the front boundary of the site with Station Road. Existing dwellings sit either side of the appeal site, and a solar farm exists further to the south on the opposite side of Station Road. Nevertheless, the prevailing character of the area is distinctly open and rural with agricultural fields situated to the rear of and opposite the appeal site.
15. I note the Landscape and Visual Impact Assessment (LVIA) provided by the appellant which concludes that the greatest predicted impact on the landscape would be moderate / slight adverse. The proposal includes retention of soft planting to the front boundary and development of the plot would sit within a small row of existing houses. The dwelling would also be of a similar alignment, scale and traditional style to neighbouring dwellings. I acknowledge that these factors would help in assimilating the development into the landscape.
16. Notwithstanding the above factors, the height and width of the development would erode the current space between the neighbouring dwellings. The domestic appearance of the dwelling, its associated curtilage and access point would increase the presence of built form and in combination with the

¹ Ref APP/G1630/A/13/2209001

² Ref APP/P3040/W/17/3187630

neighbouring dwellings would have an urbanising effect which would be detrimental to the overriding rural character and appearance of the area.

17. I note that there has been some third-party support for the proposal on the grounds that the development would not consolidate ribbon development, that the site is suited to a well-planned house and is currently an eyesore. However, the undeveloped nature of the site is symptomatic of the countryside location and its overgrown appearance is not particularly harmful to the character and appearance of the area. Suggested measures such as a detailed landscape scheme, landscape management plan and lighting plan would be unlikely to change the overall perception of further domestic development on this part of Station Road to one which would conserve or enhance the open character and appearance of the countryside.
18. To conclude, the proposal would be contrary to Policy 22 (Development within the countryside) of the LP2 which amongst other things states that land beyond the physical edge of settlements is identified as countryside and will be conserved and enhanced for the sake of its intrinsic character and beauty. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

19. Whilst I have limited information before me in respect of the planning permissions granted at Three Acres for a replacement dwelling and for the solar farm on the opposite side of Station Road, the policy contexts for a replacement dwelling and for a renewable energy scheme are not directly comparable to the proposal before.
20. I note there is some third-party support. Having regard to the matters raised, there is no substantive evidence before me to demonstrate that any significant problems would arise for neighbouring occupants if the site remains undeveloped, nor that any issues relating to the future management of the site could only be addressed through the proposed development. Alternative uses for the site, other than agriculture, would require planning permission. These matters do not therefore justify a deviation from the sustainable approach to development set out in the development plan.
21. I note the appellant's suggestion that the Council's housing land supply position relies largely on allocations and not planning approvals. I have no detailed evidence before me to suggest that the housing targets in the Borough cannot be achieved. As noted by the appellant, the proposal would make a very small contribution to housing targets. To allow a new dwelling in the countryside would undermine the sustainable approach to housing development set out in the development plan.

Conclusion

22. For the reasons given the appeal is dismissed.

M Russell

INSPECTOR