



Appeal Decision

Site visit made on 30 January 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/P3040/W/19/3240046

Land south of Flintham Lane, directly opposite Lamorna & The Forge & adjacent to Field View, Main Street, Sibthorpe NG23 5PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr William Henry Brooks against Rushcliffe Borough Council.
 - The application Ref 19/01461/OUT, is dated 14 June 2019.
 - The development proposed is erection of proposed dormer bungalow with associated access arrangements.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary matters

2. The application was made in outline form with all matters reserved for future consideration apart from access. I have determined the appeal on that basis.
3. The appeal is submitted against the failure of the Council to give notice within the prescribed period. The Council's statement outlines its concerns and refers to two reasons for refusal it would have issued had it been in a position to reach a decision on the proposal. These relate to the location of the appeal site and the effect of the proposed dwelling on the character and appearance of the area.

Main Issues

4. In that context the main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether or not the proposal would provide an appropriate site for development having regard to local and national planning policies that seek to manage the location of new development.

Reasons

Character and appearance

5. Sibthorpe is a small compact village. The appeal site is located in a large green gap between properties on Main Street and The Cottage on Flintham Lane. Opposite are a limited number of houses forming a short ribbon form of

development along Flintham Lane, surrounded by open countryside other than The Cottage. The appeal site is open and occupied by paddocks and as such contributes positively to the rural character and appearance of the area.

6. The proposal to site a dwelling on the appeal site would have a significant visual impact. Wherever located in the proposed plot, it would create a more continuous and intensive developed frontage which would encroach into the rural area reducing the openness particularly as the site is part of paddocks which adjoin fields and has extensive views across open countryside. This would be reinforced through the introduction of further residential paraphernalia such as washing lines, car parking and refuse bins and be accompanied by further traffic generation and more intensive domestic activity in and around the building, all of which would detract from the rural character and appearance of the area.
7. While it would be opposite existing housing, this is limited. Furthermore, on the south side of the road where the appeal site is located, Field View is oriented towards Main Street, away from Flintham Lane, and has part of its garden and a large hedge to the rear adjacent to the appeal site effectively integrating it with the surrounding rural character. The erosion of the large gap to The Cottage would be harmful to the otherwise open and spacious character on this side of the road.
8. Landscaping around the site, as suggested by the appellant, would take some time to establish. In any case the screening and softening of the scheme through landscaping would not be sufficient to overcome the harm I have identified through the loss of the open rural character.
9. For the reasons above I conclude the proposal would be harmful to the character and appearance of the area and therefore in conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (the Core Strategy), part 15 and paragraph 130 of the Framework. These require, amongst other things, that development reinforces valued local characteristics, would make a positive contribution to the sense of place, recognises the intrinsic character and beauty of the countryside and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Location

10. Policy 3 of the Core Strategy directs new housing on a hierarchical basis to the main built up area of Nottingham and to Key Settlements. In other settlements, including Sibthorpe, development will be for local needs only. Paragraph 3.3.17 of the explanatory text to Policy 3 states that housing for local needs will be delivered through small scale infill development or on exception sites.
11. In support of the appeal the appellant has submitted a Housing Needs Assessment in accordance with one of the criteria of Policy 8 of the Local Plan undertaken by Midlands Rural Housing which concludes that there is a specific and identified need for three affordable homes and one open market dwelling in Sibthorpe. This has not been disputed by the Council. Having reviewed the evidence, while noting local resident's concerns, I see no reason to accept that the proposed dwelling would meet an identified local need.

12. Neither party suggests that this is an exception site. Nor is it allocated for development. Paragraph 3.10 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (the Local Plan) defines small scale infill as 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.
13. The proposal would be small scale at just one dwelling. While the appeal site is in between two dwellings, Field View fronts onto Main Street and is set back from Flintham Lane. Furthermore, the gap between Field View and The Cottage is very large and would not be filled by the proposal. As a result, the proposed dwelling would have large areas of open countryside to the west and south. I have already found that the proposal would be harmful to the character and appearance of the area. Consequently, it would not comply with the definition of small scale infill in the Local Plan.
14. I acknowledge though, that this is not a policy requirement, also identified by the Inspector in a recent appeal¹. Policy 3 states that housing should meet a local need as proposed here. However, there is no mechanism before me, such as a S106 legal agreement, to ensure that the future occupiers would be from Sibthorpe to meet that local need. In its absence the proposed house could be occupied by anyone and not therefore necessarily meet a local need. Consequently, in the absence of any control over occupation, I have to conclude that the proposal would be contrary to Policy 3.
15. Policy 22 of the Local Plan, referred to by the Council, 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 diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.
16. Sibthorpe does not have a defined settlement boundary and there is dispute between the parties as to whether the appeal site sits within the built -up area of the settlement or not. Policy 11 of the Local Plan states that planning permission will be granted for development on unallocated sites within the built-up area of settlements provided it meets a number of criteria. Even if I were to conclude that, as the appellant suggests the appeal site is within the built -up area of the settlement, I have found that the proposal would not accord with Policy 3 of the Core Strategy, the appeal site contributes positively to the surrounding area by virtue of its character and open nature and would be harmful to the character of the appearance of the area. The proposal therefore would conflict with criteria a), b), c) and e) of Policy 11.
17. The appeal site is not isolated as it would be viewed in the context of built form within Sibthorpe. Therefore, in this particular circumstance paragraph 79 of the National Planning Policy Framework (the Framework) has not been determinative. However, the settlement has very few facilities and the future occupiers would need to travel further afield to find services and facilities to meet their day to day needs.
18. Due to the nature of the rural roads, surrounding larger settlements would not be easily reached on foot or cycle particularly in the winter months. While the appeal site is within walking distance of bus stops providing services to

¹ APP/P3040/W/19/3232456

surrounding larger settlements, there is no segregated footway for access to the bus stops. Furthermore, based on the evidence before me the bus services are infrequent. Consequently, I am not persuaded that they would offer a convenient alternative to the car. Therefore, I am not satisfied that there would, in this instance, be a genuine choice of transport modes. Instead future residents would be reliant on the car to access services and facilities for their day to day needs.

19. Rural housing can offer the opportunity to enhance or maintain the vitality of a local community supporting services in nearby communities. In this instance, its location some distance from local facilities means that future occupiers would be reliant on the use of the car to access these facilities. It would therefore undermine the aims of paragraphs 8 and 102 of the Framework of locating new dwellings close to services and facilities as a means of reducing unnecessary travel by car with its associated carbon emissions, and promoting opportunities for walking, cycling and public transport use, as one measure to cumulatively limit the effects of climate change.
20. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, and the Framework recognises that different sustainable transport policies and measures will be required in different communities, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities.
21. For the reasons above, I conclude that the proposal would not provide an appropriate site for development having regard to local and national planning policies that seek to manage the location of new development. It is therefore in conflict with Policy 11 of the Local Plan, Policy 3 of the Core Strategy and paragraphs 8 and 102 of the Framework.

Other matters

22. The appellant states that much of the area surrounding Sibthorpe to the south, east and west of the village is designated as Scheduled Ancient Monument. From the evidence before me much of this land appears to be beyond the area of built development. There is no substantive evidence before me to suggest that there would be no other location for development within the village itself.

Conclusion

23. The Council published its latest five year housing land supply position statement in November 2019, which concluded it had a six year supply. The appellant has put forward no conclusive case to realistically dispute this position.
24. The proposal would result in the addition of one house to the local housing stock, and I am mindful of the Government's intention to significantly boost the supply of housing. Furthermore, there would be some employment generated during the construction of the building and future occupiers would contribute to the local economy. While the proposal would provide a house to meet an identified local need, there is no mechanism before me to ensure that the future occupier would be from the local area. Therefore, those benefits, even when taken together, would not be sufficient in my view to outweigh the conflict with the development plan and the harm that I have identified. There

are no persuasive material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan.

25. For the reasons set out above, and having regard to all other matters raised, I conclude on balance that the appeal should be dismissed.

Zoe Raygen

INSPECTOR