



Appeal Decision

Site visit made on 17 February 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2020

Appeal Ref: APP/A3010/W/19/3242385

**Land between the dwellings of Sheepcote House and the Pilgrims Oak,
Great North Road, Scrooby DN10 6AT**

- 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 N Fergusson and Mr M Schleicher against the decision of Bassetlaw District Council.
 - The application Ref 19/00564/OUT, dated 19 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is residential development including associated access arrangements.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given on the planning application form and decision notice differ. The description in the header above is taken from the planning application form which accurately describes the proposal.
3. The original application was made in outline, with all matters reserved apart from access. While I have had regard to all of the submitted plans, I have treated all elements shown, as indicative, with the exception of access.
4. A Preliminary Ecological Appraisal Report (PEA) and an Access Design Drawing (ADD) were submitted as part of the appeal. The Council and third parties have had the opportunity to comment on these documents as part of the appeal process. As such, no party has been prejudiced by their submission at this stage. The Council has withdrawn 2 of its reasons for refusal as a result. However, highway and ecology concerns were raised by third parties during the planning application and, in the case of ecology, during the appeal. I will return to these aspects in the Other Matters section of my decision.
5. Since the submission of the appeal the Government has published its 2019 Housing Delivery Test (HDT) results. This confirms that the Council's delivery has, as it did in the 2018 HDT results, exceeded the requirement over the last 3 years. As such, there is no change to the Council's housing position and no party has been prejudiced by the 2019 HDT results.
6. I have been referred to the draft Scrooby Neighbourhood Plan (NP) which was published on 2 January 2020 for an initial consultation period. Since it is unknown whether it will be made (adopted) in its current form and as it could be subject to change, I give limited weight to its content.

Main Issue

7. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

8. The appeal site is located immediately to the east of the Great North Road (GNR), towards the southern extent of Scrooby, which I note does not have a defined settlement boundary. The site falls within the Idle Lowlands Policy Zone 10: Ranskill in the Bassetlaw Landscape Character Assessment (BLCA). This recommends that the open rural landscape be conserved and reinforced.
9. Properties on both sides of the GNR near the appeal site are generally set within spacious grounds with vegetation around their plot perimeters. Fields on both side of the road create large gaps between houses and housing becomes increasingly sporadic and patchy. These spacious, green and undeveloped gaps contribute to a semi-rural character to this part of the GNR, before gradually petering out.
10. The appeal site provides a large gap between Sheepcote House and the Pilgrims Oak. Notwithstanding the hedgerow along its frontage, expansive views into, and across the site to the wider countryside beyond, are possible. In this regard, the appeal site contributes positively, as part of an open and transitional landscape with a semi-rural character. I cannot therefore accept that the proposed development would be read as part of the settlement or as a genuine infill development.
11. The proposal would be located within a large gap between existing buildings. This would depart unacceptably from the otherwise more sporadic form of development in the immediate area, surrounded by open breaks and fields. It would result in a continuous run of development that would cause significant harm to the semi-rural character of this part of the GNR, jarring incongruously with its immediate setting.
12. Furthermore, whilst I recognise that the proposed access design is one technical solution and other solutions maybe available, no detailed plans of an alternative have been provided. In my view, the extent of hedgerow proposed to be removed, combined with the regrading of the land and formal access, would accentuate the harm and further erode the semi-rural qualities of the area. Replacement planting and additional landscaping would not fully mitigate this harm.
13. In arriving at this conclusion, I acknowledge that the background work on the draft NP identified the appeal site as being potentially suitable for development. I have however already noted that the draft NP carries little weight in my determination of this appeal. I also acknowledge that the BLCA indicates that the open rural landscape can be conserved and reinforced by concentrating new development around, amongst other locations, Scrooby. However, I have found this not to be the case in respect of the proposed development.
14. I therefore conclude, that the proposal would significantly harm the character and appearance of the surrounding area. It would, therefore, conflict with Policies DM4 and DM9 of the adopted Bassetlaw Core Strategy and Development Management Policies DPD (CS & DMP) adopted 2011. These policies stipulate, amongst other things, that new development in and adjoining

the countryside will be expected to be designed to be sensitive to their landscape setting.

15. In my opinion, these policies accord with paragraph 127 of the National Planning Policy Framework (the Framework) which requires developments to be sympathetic to local character and the surrounding built environment and landscape setting. They would also accord with paragraph 170 of the Framework which seeks to ensure that decisions contribute to, and enhance, the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

Other Matters

16. The appellants PEA identifies existing water bodies within the area considered having good suitability for supporting Great Crested Newt (GCN) populations. However, there is no substantive evidence of any GCN population within the area. Moreover, the Natural England Risk Assessment Tool results provided within the PEA indicate that an offence is highly unlikely and precautionary mitigation is offered which could be required by a planning condition. The Council considers the findings of the PEA to be acceptable subject to such mitigation and I have no substantive evidence before me to reach a contrary view in this regard. As such, this aspect of the proposal would not conflict with the relevant requirements of paragraph 170 of the Framework and Policy DM9 of the CS & DMP.
17. The Council and Highway Authority have confirmed that previous concerns relating to the access have been addressed by the appellants detailed ADD. The cross-sections demonstrate how the level difference between the GNR and the site would be resolved. As such, I have no substantive evidence before me to reach a contrary view to the Council in this regard and it would not conflict with the requirements of paragraph 108 of the Framework.
18. The Council did not make findings of harm with respect to residential amenity or heritage matters and I have no reason to disagree with these findings. However, the absence of harm in these other matters are neutral matters weighing neither for nor against the proposal.

Planning Balance

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.
20. I note the appellants references to various paragraphs of the Framework and the presumption in favour of sustainable development. It is not disputed that the Council is able to demonstrate a 5-year supply of housing. However, the Council's Officer Report refers to the policies in the CS as not having been reviewed in the last 5 years. Consequently, the Council considered the application with reference to the so called 'tilted balance' set out at Paragraph 11d of the Framework. This states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. Although the CS & DMP pre-dates the Framework, paragraph 213 (of the Framework) states that existing policies should not be considered out of date simply because they were adopted or made prior to the Framework's

publication. Moreover, the main issue for determination in this appeal is the effect of the proposal on the character and appearance of the surrounding area. Therefore, the most important policies for determining this appeal are Policies DM4 and DM9 which, as outlined previously, are consistent with the Framework. As such, the most important policies for determining this appeal are not out-of-date and paragraph 11d of the Framework is not engaged in this case.

22. I note that the Council raised no objection regarding the accessibility of the site to services and facilities and I have no reason to disagree. The appeal site is not isolated in the context of the Framework. It is within walking distance to the village, there is a bus stop opposite and it is a short drive to Bawtry giving good access to services and facilities.
23. The proposal would contribute to maintaining the Council's housing supply, which could include family housing. The proposal would provide a limited amount of short-term employment through the construction of the houses. There would be some limited benefits from the additional support to the vitality of the local community and local economy, from the future occupiers of the houses. There would also be additional planting and opportunities for bird and bat boxes as outlined in the PEA. Whilst these are factors which are encouraged by the Framework and other policies, the benefits arising from the proposal would be limited due to the size of the site.
24. Against these limited benefits, the proposal would result in significant harm to the spacious semi-rural character and appearance of the surrounding area. As such, it would be contrary to the aims of the development plan and the Framework.
25. I have taken account of the Framework and all the above considerations, including the benefits of the proposal. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.

Conclusion

26. For the reasons set out, and having considered all other matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR