



Appeal Decision

Site visit made on 8 July 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/P3040/W/20/3249553

Land off Works Lane, Barnstone, Nottingham E 473430 N 335189

- 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 & Mrs M & S Harwood in partnership with Waterloo Housing Group against the decision of Rushcliffe Borough Council.
 - The application Ref 20/00055/FUL, dated 8 January 2020, was refused by notice dated 18 March 2020.
 - The development proposed is 2 x 2 no. bedroom affordable dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would represent a suitable location for housing.

Reasons

3. Policy 3 of the Local Plan Part 1: Rushcliffe Core Strategy (December 2014) (the CS) sets out the spatial strategy for the Borough, including a settlement hierarchy directing development firstly to the built-up area of Nottingham and then to the named Key Settlements. In other settlements, which includes Barnstone, the policy supports development meeting local needs only.
4. Policy 8 of the CS relates to housing size, mix and choice. With respect to affordable housing, the policy directs it predominantly to strategic sites and the Key Settlements, in line with the overall settlement hierarchy. On potential rural exception sites, the policy requires robust evidence of local need to be demonstrated, and requires that such housing will only be made available to people that have a connection to that settlement, who are in housing need and are unable to afford market housing in the first instance.
5. Policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) (the LP2) relates to development within the countryside, which is identified as land beyond the Green Belt and the physical edge of settlements, and seeks to conserve and enhance the countryside for the sake of its intrinsic character and beauty, diversity of its landscapes, heritage and wildlife and wealth of natural resources, with certain exceptional development permitted subject to meeting various requirements.
6. The site lies adjacent to the built-up area of Barnstone, next to five dwellings recently constructed by the appellants, but presently comprises part of an

expansive agricultural field. I am satisfied that the site is located beyond the physical edge of the settlement and that the requirements of Policy 22 are applicable to the proposal. Of the nine uses permitted in the countryside under Policy 22, only c) exception sites for affordable housing would potentially apply to the appeal scheme.

7. The appellants indicate that the proposal has been submitted in response to a housing needs survey¹ published in January 2020 which identified a need for two affordable units (a two-bed shared ownership dwelling and a three-bed affordable rented dwelling). The Council draws my attention to the detailed responses to the survey informing this conclusion of need, specifically the respondent who is identified as being in need of a three-bed property, but who is already living in a three-bed property that is considered too small for their needs. Whether they are in fact seeking another three-bed dwelling would depend on the size of any future unit which becomes available. However, irrespective of this, it is clear that neither of the two-bed dwellings proposed would meet the needs of this respondent to the survey.
8. The other identified need for a two-bed shared ownership dwelling could potentially be met by one of the two dwellings, but the Council points to one of the adjacent five dwellings still being for sale as of March 2020 and suggests this dwelling could meet this need. In response, the appellants have stated in correspondence dated 3 July 2020 that all five dwellings are occupied as affordable homes. However, at my subsequent site visit, I saw that three of the five dwellings were wholly unfurnished and clearly had not yet been lived in, contrary to the appellants' claims. The dwellings may or may not have been sold, but I do not have details to verify this, and therefore I cannot be certain that one or more of the dwellings are not still available and capable of meeting the need identified for a two-bed shared ownership unit.
9. I recognise that there is a general need for affordable housing within Rushcliffe, having regard to the statement on the Council's website referred to by the appellants. However, the aforementioned policies make it clear that, like any form of housing, affordable housing should be delivered in the most appropriate locations, hence the requirement to robustly demonstrate local need in countryside locations which may otherwise be unsuitable. On the evidence before me, I am not satisfied that the need identified for the local area would be adequately met by the proposed development.
10. However, even if I were to conclude that the proposal would meet a local need, there is no mechanism before me, namely a planning obligation, which would secure the dwellings as affordable housing in perpetuity and ensure the local connection criteria of Policy 8 can be met. The appellants suggest that a planning condition could be used for this purpose, notwithstanding that they entered into a detailed Section 106 agreement with the Council as part of the adjacent development. Having regard to the Planning Practice Guidance², the evidence before me does not indicate any exceptional circumstances which would justify use in this case of negatively-worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into. In the absence of a mechanism to secure the dwellings as affordable units, they would be capable of general occupation, in conflict with the local needs requirements of Policies 3 and 8 of the CS.

¹ A Reaffirmation Of Housing Needs Survey For The Parish Of Langar Cum Barnstone, Midlands Rural Housing

² Paragraph: 010 Reference ID: 21a-010-20190723

11. I saw that Barnstone itself has few facilities although there is an hourly bus service between Orston and Bingham via Langar, which itself has limited facilities. Future occupants would be heavily reliant of the private car to access most shopping, work, education and leisure facilities further afield. I accept that the dwellings would not be isolated in the language of the National Planning Policy Framework (the Framework) and new residents would make a modest contribution to the social fabric of the village. However, in the absence of a demonstrated local need for affordable dwellings in this location being met, the proposal would represent unjustified development in the countryside.
12. For these reasons, therefore, I find that the proposal would represent an inappropriate location for housing and would conflict with the aforementioned requirements of Policies 3 and 8 of the CS and Policy 22 of the LP2.

Other Matters

13. The Council did not identify harm in terms of the effects on neighbours' living conditions, highway safety or ecology, and on the evidence before me, I have no reasons to disagree. I have also had regard to concerns raised by interested parties in these and other matters not already addressed; however, none of these are of such significance as to result in further benefits or harms to be factored into the planning balance. Therefore, I do not address them further.

Planning Balance and Conclusion

14. Despite unevicenced comments that the delivery of housing in Rushcliffe is 'notoriously slow', the appellant does not dispute the Council's stated ability to demonstrate a five year supply of deliverable housing land, nor do they regard any of the policies most important for determining the application to be inconsistent with the Framework or otherwise out-of-date for the purposes of Paragraph 11(d) of the Framework, and I agree. Accordingly, the 'tilted balance' is not engaged in this case, and the proposal falls to be determined against the development plan, taking account of other material considerations.
15. The proposal would make a contribution to achieving and maintaining the Council's overall housing supply, but in view of the size of the proposal, this benefit would attract only limited weight. The absence of a mechanism to secure affordable housing means I afford only limited weight to this as a additional benefit. There would be modest economic benefits from the construction of the dwellings and from subsequent use of local services by future residents, which also attract limited weight.
16. In my judgement, the benefits of the proposal, taken together, would not outweigh the identified conflicts with the development plan, to which I afford significant weight, and would not justify a decision being made other than in accordance with the development plan, taken as a whole.
17. For the reasons given, therefore, the appeal is dismissed.

K. Savage

INSPECTOR