
Appeal Decision

Site visit made on 5 October 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/B3030/W/20/3248951

Shady Oaks, Eagle Road, Spalford DE12 7DQ

- 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 Tom Holmes against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01810/FUL, dated 17 September 2019, was refused by notice dated 8 November 2019.
 - The development proposed was originally described as detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the site represents an appropriate location for the proposed development having particular regard to the housing strategy for the area, the effect of the proposal on the character and appearance of the surrounding area and its flood zone location.

Reasons

Location of development

3. The built-up area of Spalford is mostly concentrated around Chapel Lane. Whilst the appeal site is near the built-up area, this part of the road is characterised by open fields, hedgerows and individual sporadic houses and farms. Despite the speed limit at this point along the road it is unlit, with no footpath and has the characteristics of a rural road. The appeal site forms part of a paddock and whilst not isolated, it is away from the main built-up area of the village in open countryside for planning policy purposes.
4. In such a location, Spatial Policy 3 of the Amended Core Strategy (CS), amongst other things, stipulates that development is strictly controlled and restricted to uses which require a rural setting such as agriculture and forestry.
5. As the appeal site lies away from any village, the proposal does not fall to be assessed against the sustainability criteria listed in Spatial Policy 3. Moreover, the proposal is not for any type of development supported in Policy DM8 of the Allocation and Development Management DPD (DPD).
6. I therefore find that the proposal would be contrary to the requirements of both Policy DM8 of the DPD and Spatial Policy 3 of the of the CS. These policies are consistent with the National Planning Policy Framework (the Framework), to

the extent that they seek to promote sustainable rural development and recognise the intrinsic character and beauty of the countryside.

Character and appearance

7. Whilst there are sporadic houses, other buildings and uses, the number of fields and open gaps along the road results in a distinctly rural character. Despite the tall vegetation, hardstanding and formal access, it retains an open character which makes a positive contribution to this part of the road. I cannot therefore accept that the proposal would be read as a genuine infill development.
8. The proposal would result in the erosion of the paddock. The combination of the dwelling and its domestic accoutrements, light from the building and the activity from its occupation, even considering the existing hardstanding, would erode the rural character of this part of the road.
9. I therefore find that the proposal would harm the character and appearance of the surrounding area. Given the presence of other sporadic houses and as a single dwelling, the extent of harm would be small. Nonetheless, this harm weighs against the proposal.
10. The proposal would therefore conflict with the requirements of Core Policy 13 of the CS, Policy DM8 of the DPD and the guidance within the Council's Landscape Character Assessment. Core Policy 13 and Policy DM8 are concerned with, amongst other things, protecting the natural environment and character of the countryside. These policies are consistent with the provisions of the Framework.

Flood zone

11. The appeal site is located within Flood Zone 2 and 3 according to the Environment Agency's published flood risk mapping and, as such, the proposal must pass the Sequential Test (ST).
12. Although the proposed dwelling is located within a sequentially preferable part of the appeal site, even having regard to the allowance for a pragmatic approach to the availability of alternative sites, the appellant has not provided any detailed site analysis or specific evidence related to any alternative site. Even if the appellant does not own any other land, this does not demonstrate that no other sites are available that could accommodate the development in a lower flood zone. The proposal therefore fails the ST.
13. I have had regard to the proposed flood mitigation measures and comments in relation to the Exception Test. However, my conclusions on the failure of the ST alone, demonstrate that the appeal site is not an appropriate location for the proposed development having regard to its flood zone location. The proposal would therefore conflict with the requirements of Core Policy 10 of the CS and Policy DM5 of the DPD which, amongst other things, aim to steer development away from areas at highest risk of flooding.
14. The proposal would also conflict with the requirements of paragraphs 155 and 158 of the Framework in this respect. These stipulate, amongst other things, that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Other Matters

15. The government places considerable importance on boosting the supply of housing. However, as a single dwelling, the associated economic and social benefits would be limited and would attract limited weight in favour. I have come to this conclusion having regard to the importance that the government places on boosting the supply of housing including family housing, building sustainably and supporting rural communities in locations with infrastructure.
16. Although I note the proposal for landscaping including wildflower planting and a commitment to the removal of hardstanding, there is no firm evidence before me that the proposal would result in an increase in biodiversity. Moreover, the absence of harm in respect of other considerations raised are neutral matters weighing neither for nor against the proposal.

Conclusion

17. The proposal would conflict with the housing strategy for the area and harm its character and appearance. Moreover, in failing the ST the appeal site is not an appropriate location for the proposed development having regard to its flood zone location. It would therefore conflict with the development plan when read as a whole.
18. Overall, and given the limited benefits I afford to the proposal, 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.
19. For the above reasons, the appeal is dismissed.

Robert Walker

INSPECTOR