The Planning Inspectorate

Appeal Decision

Site visit made on 16 November 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/P3040/W/20/3257363
Former TRS Building, Loughborough Road, Rempstone, Loughborough LE12 6RQ

- 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 J Thorne against the decision of Rushcliffe Borough Council.
- The application Ref 20/00012/FUL, dated 2 January 2020, was refused by notice dated 6 May 2020.
- The development proposed is conversion and extension of existing TRS building to form new dwelling.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the site represents an appropriate location for housing, having regard to the relevant local and national planning policy for the delivery of housing.

Reasons for the Recommendation

4. The appeal site is regarded as countryside for the purposes of local planning policy and relates to a former telephone exchange building. Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS) is relevant and sets out the spatial strategy for the Borough over the plan period. The Policy promotes urban concentration by directing the majority of future development towards the main built up area of Nottingham and key settlements identified for growth. Rempstone is not identified as a key settlement. The policy sets out that development in such areas will be for local needs only. The supporting text states that local needs will be delivered through small scale infill development or on exception sites.

5. Similarly, paragraph 77 of the National Planning Policy Framework (the 'Framework') states that, in rural areas, decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural

exception sites that will provide affordable housing to meet identified local needs.

6. I understand that the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP) defines small-scale infill development as 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. However, in order to satisfy Policy 3, first it must be demonstrated through robust evidence that the scheme would meet a local need.

7. The appellant asserts that the scheme would meet a local need because it would provide a small, more inexpensive dwelling within an area where the average house price is higher than both Nottinghamshire and Nottingham City. The average house prices cited by the appellant relate to Rushcliffe. It is not clear whether the average house price in Rempstone is also higher than Nottinghamshire averages.

8. Although the appellant has shown that the average house price in the District is higher than Nottinghamshire averages, they have not shown that there is a need for one-bedroom properties within the local area. There is no substantive evidence, for example a local housing needs survey, to demonstrate that the development would clearly respond to an identified local need. In addition, whilst the appellant maintains that the dwelling would be affordable, no information has been provided to indicate what the market price would be and no mechanism to ensure the affordability of the property has been put forward. Consequently, I am not satisfied that the proposal would meet a defined local need or that it would amount to affordable housing, as defined by the Framework.

9. Given my findings above my recommendation does not turn on whether the site comprises a small-scale infill development.

10. Policy 22 of the LPP is applicable to housing development on unallocated sites within the countryside. The Policy seeks to protect the countryside. It sets out that within the countryside, development for the re-use and adaptation of buildings for appropriate uses, including housing would be acceptable subject to meeting certain requirements.

11. In this regard, the appellant has drawn my attention to paragraph 79 of the Framework which seeks to avoid isolated homes in the countryside unless certain circumstances apply. Section c) of that paragraph allows for development which would re-use redundant or disused buildings and enhance its immediate setting. I do not consider that the dwelling would be isolated due to the site's proximity to Rempstone and therefore this paragraph is not applicable to the proposed development.

12. The Council highlight that the existing building has a floorspace of around 14sqm. I note that the existing building is structurally stable and capable of being converted. However, given the extremely limited scale of the existing structure it is not capable of re-use as a dwelling without the need for substantial extension. The scheme would increase the floorspace by approximately 58sqm, albeit 50sqm would be within the proposed basement.

13. The supporting text of Policy 22 does not define what constitutes re-use and adaptation and does not set a threshold to assess the proportionality of a proposed extension in relation to the conversion and adaptation of an existing buildings. Nonetheless, I consider that the development goes significantly beyond what could be considered as the re-use and adaptation of a building. The scheme would result in a much larger building and the extent of building works required would be significant to form the basement. The amount of new development far exceeds the scale of the existing building which, of itself, is not capable of re-use as a dwelling without substantial extension. Thus, the scheme would not comply with Policy 22 of the LPP.

14. I recognise that the proposal would involve the re-use of previously developed land. However, that does not indicate that the development would comply with Policy 22. The list of development that will be permitted within the countryside at subsection 2 refers directly to the re-use and adaptation of buildings but not to the use of previously developed land where substantial new building work is required. In addition, whilst the Framework is supportive of the re-use of brownfield sites, that support does not over-ride the need to consider whether the location of such sites is suitable having regard to sustainable objectives.

15. The Framework, at paragraph 78, seeks to promote sustainable development in rural areas and indicates housing should be located where it will enhance or maintain the vitality of rural communities. The dwelling may, to a degree, support local services and facilities but there is no compelling evidence before me which demonstrates that the proposal would maintain or enhance community vitality. The construction period would be temporary and the economic contribution, including Council tax revenue and additional household expenditure within the local area, from one dwelling would be extremely limited.

16. The appeal site is located a short walk from the built-up area of Rempstone. The services and facilities within the village are limited. Thus, it is likely that future occupiers of the proposed dwelling would need to travel to other settlements to meet their day to day needs. There are bus stops along Loughborough Road which I understand provide services to Nottingham, Loughborough and a number of smaller nearby settlements.

17. On my site visit I walked from the appeal site to the bus stops. Walking along the footpath was unpleasant because it was narrow and close to the highway where vehicles pass at high speed having regard to the 50mph speed limit. There is also no street lighting to the north of Kings Brook Close. The nature of the footpath and lack of lighting is likely to discourage pedestrians from walking to the bus stops, particularly in the winter months. Details regarding the frequency of the bus services has not been submitted. Hence, I am unable to fully determine whether the buses would provide a viable mode of transport. Even in the context of the rural area in which the site is located, the availability of sustainable transport options is limited and unsuitable in comparison to more sustainable locations, as set out in Policy 3 of the CS. That is likely to result in unsustainable travel patterns and a reliance on the use of a private car.

18. For these reasons, the proposed development would not represent an appropriate location for housing, having regard to the relevant local and national planning policy for the delivery of housing. Accordingly, it would be contrary to Policy 3 of the CS, Policy 22 of the LPP as well as the Framework

which collectively seek, amongst other matters, to promote sustainable development and conserve and enhance the countryside.

Other Considerations

19. I have had regard to the benefits of the proposal, including that it would contribute to the local housing supply. There is no evidence to demonstrate that the Council is unable to demonstrate a five year supply of deliverable housing sites and therefore this benefit carries very limited weight given the small scale of the development.

20. The appellant also highlights that the scheme would not have a detrimental impact on the environment and will protect and enhance the biodiversity of the site. In addition, it would not have a harmful impact upon the living conditions of nearby residents and would not have an unacceptable impact on highway safety. The absence of harm does not amount to a positive factor in favour of the development.

21. The appellant states that a residential use is the only viable option for the site. However, there is no substantive evidence to that effect and as a result this matter is of modest weight in my assessment.

22. The appellant asserts that the development would provide a self-build dwelling. The Framework provides a useful definition for such housing. There is no information before me which demonstrates that the proposal complies with the relevant legal definition of self-build housing. Consequently, I am not convinced that the proposed dwelling would be a self-build project, in line with the definition provided within the Framework. Moreover, a self-build dwelling for the appellant would contradict the appellant's argument that there is a local need for the proposed development as it would be a benefit to the appellant rather than meeting a local need.

Conclusion and Recommendation

23. For the reasons given above, the proposed development would be contrary to the relevant policies of the development plan with regard to the location of development. The dwelling would be poorly located in relation to shops and services and future residents would be heavily reliant on the use of a private car for journeys to meet their day to day needs. Those journeys would be relatively lengthy given the distance from towns containing shops and facilities.

24. Any benefits associated with the erection of a single dwelling are small, given the scale of the proposal and the lack of evidence demonstrating a local need. Whilst the proposal would involve the re-use of a previously developed site, the benefits in that respect do not outweigh the serious deficiencies that would arise as a result of the location and the conflict with the development plan. Consequently, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR