
Appeal Decision

Site visit made on 20 October 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2020

Appeal Ref: APP/P3040/W/20/3256980

Land adjacent and to the rear of 98 Melton Lane and 4 and 12 Trowell Lane, Sutton Bonington LE12 5RW

- 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 Wilcox against the decision of Rushcliffe Borough Council.
 - The application Ref 19/02189/OUT, dated 17 September 2019, was refused by notice dated 1 April 2020.
 - The development proposed is for a new dwelling with associated access arrangements.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling with associated access arrangements at Land adjacent and to the rear of 98 Melton Lane and 4 and 12 Trowell Lane, Sutton Bonington LE12 5RW in accordance with the terms of the application ref 19/02189/OUT dated 17 September 2019, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matter

2. The planning application is outline and the application form states that only access is applied for as a reserved matter with all other details reserved for subsequent approval. Therefore, other than dealing with the access details I have treated the submitted layout plan information provided as indicative only.

Main Issues

3. The main issue is the appropriateness of the site as a location for housing.

Reasons

4. Policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) (RLP) limits development within the countryside which is identified as being beyond the green belt and the edge of physical settlements. Policy 3 of the Spatial strategy of the Local Plan Part 1: Rushcliffe Core Strategy (RCS) seeks to support sustainable patterns of development through a settlement hierarchy.
5. Paragraph 3.9 of the Local Plan Part 2 lists Sutton Bonington as capable of accommodating a limited number of dwellings during the Plan period. Sutton Bonington has a recognised allocation for 80 new dwellings included in the Local Plan. Beyond specific allocations it is acknowledged that the development

- of small gaps within the existing fabric of the village can be considered as appropriate providing there is no harm to the pattern or character of the area.
6. The Council's development plan does not specify or identify the settlement boundary of Sutton Bonington, the name of which refers to a broad area. Therefore, the physical position of existing properties and subsequently the structure of the existing patterns of development carry significant weight to my decision when assessing local policy.
 7. The site is part of an undeveloped field next to a small enclave of residential properties with large plots as well as a site in commercial use. There are large expanses of open agricultural fields beyond the confines of existing buildings and gardens surrounding the appeal site. The locality has a rural character. Melton Lane also features pockets of greenery between existing dwellings in the vicinity of the site.
 8. The site is close to a number of dwellings and a public house in a location where the frequency of residential properties diminishes along Melton Lane when heading towards Trowell Lane and the junction of Brickyard Lane. There is also a denser collection of dwellings in the opposite direction along Melton Lane separated by agricultural land. Therefore, the pattern of development varies considerably.
 9. The Council highlights that the site is separated from Sutton Bonington and Westlake by more than a single plot. In the absence of a set boundary it is not conclusive where Sutton Bonington ends given settlements can comprise of one or multiple components and the site application address suggests it is within Sutton Bonington. Nevertheless, the separation from the existing ribbon of development present along the highway is marginal. The site access is still close to a significant number of dwellings and a pub. Properties in the vicinity have large gardens as part of the prevailing character of the area, some adjacent to additional pockets of greenery within the street scene. Despite the separation caused by gardens and pockets of greenery the site has a close relationship to other dwellings as part of an established settlement pattern. The site does not appear physically separated from other properties forming an existing settlement. It has a close enough physical relationship to be considered as part of the established settlement pattern within Sutton Bonington.
 10. The internal site access road serving the dwelling would be long and therefore the remainder of the plot exhibits a large set back from the highway. As a result, public views of the proposed dwelling would not be possible from the limits of the highway. On the side of Trowell Lane there are also tall mature trees which would obscure direct views to the site. But even if the trees were removed or cut back other dwellings present along this road are still evident and the development would be seen in the context of those. The site is also significantly set back from the road which would mean that a new dwelling would not be noticeable from either road perspective.
 11. The appeal site is seen in the context of other residential properties nearby. In this respect it is physically bordered by existing properties and gardens albeit with small intervening green gaps within the street scene. Therefore, a new dwelling in this location would have a close association with existing properties already visually part of the settlement. As a result, a new dwelling on the site would not result in any significant intrusion into the open countryside.

12. The Council highlights the lack of demonstrable local need in the reasons for refusal in dispute. I appreciate that Policy 22 sets out a number of exceptions, including affordable housing proposals but it would not be appropriate to apply those given the site is seen in the physical context of other neighbouring residential development forming the structure of a small settlement which it would be part of. Therefore, an identified local need is not required to be demonstrated to make the proposal policy compliant.
13. Furthermore, the Council have indicated that they have a 5.5-year housing land supply and I have no reason to dispute that. However, in the absence of any substantive harm arising from the proposal I do not find that the development of the greenfield site would result in any significant conflict with the terms of the development plan where open market housing would not be unacceptable.
14. Accordingly, I find that there would be no harm to the character and appearance of the area. The development complies with Policy 22 of the which only applies where development is beyond the physical confines of an existing settlement and seeks to protect the countryside from encroachment and visual harm. I find no overriding conflict with Policy 3 of the Local Plan Part 1: RCS.

Other Matters

15. There are third party objections to the scheme which include reference to the scope for further development on the remaining parts of the overall land area in the vicinity of the appeal site but that is not an issue before me. I also note references made to limited accessibility to local services due to no bus service in operation opposite the site, but the Council's development plan makes provision for some growth within the Sutton Bonington area and there is access to some day to day services a short journey away. I have also had regard to references made to Policy 11 of the Local Plan for unallocated sites within settlements but that does not form the rationale of the Council's Decision Notice nor does it alter the conclusion that there is no visual harm arising where Sutton Bonington features in the overall strategy adopted by the Plan as a potential location for new housing.

Conditions and Conclusion

16. The Council have suggested a list of planning conditions. Conditions requiring a standard time limit and the approval of reserved matters are required in accordance with procedural requirements regulating outline approvals. Conditions for levels and surfacing details are required to ensure the design of the development successfully integrates with its surroundings. Further conditions specifying the external appearance of the development above those which would be considered under appearance of reserved matters are not necessary. Conditions relating to site access and visibility provision are also required to ensure the development has an acceptable impact to highway safety.
17. Given it is clear the description only relates to one dwelling a condition regulating the number of units is unnecessary.
18. For the above reasons the appeal succeeds.

Matthew Shrigley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) An application for approval of reserved matters (of appearance, landscape, layout and scale), must be made no later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.
- 2) The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - a) The finishes for the hard-surfaced areas of the site;
 - b) Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
 - c) The finished ground levels for the site and floor levels of the dwelling relative to existing levels and adjoining land; and
 - d) The means of enclosure to be erected on the site.

The approved details shall be fully implemented prior to occupation of the dwelling and retained for the life of the development.

- 3) The approved dwelling shall not be occupied until the new vehicular access as shown indicatively on Drawing No. F19066/02 Rev B has been provided in accordance with the Highway Authority specification, to the satisfaction of the Local Planning Authority. The access shall be retained for the life of the development.
- 4) The approved dwelling shall not be occupied until the new access driveway has been surfaced in a hard bound material for a minimum distance of 5m to the rear of the highway boundary, and has been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway and retained as such.
- 5) The approved dwelling shall not be occupied until the visibility splays as detailed on Drawing No. F19066/02 Rev B have been provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceed 0.6m in height.