



Appeal Decision

Site visit made on 11 January 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/B3030/W/20/3261323

**Land adjacent to Sunnyside, Barnby Road, Balderton, Newark, Notts
NG24 3NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Tony Briggs-Price against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00308/PIP, dated 18 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is Application for Permission in Principle for Residential Development of Three to Six Dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for Permission in Principle (PIP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PIP route has 2 stages: the first stage, 'permission in principle', establishes whether a site is suitable in principle for residential development. The second stage 'technical details consent' (TDC) is when the detailed development proposals are assessed.
3. This proposal for between three and six dwellings relates to the first stage of the PIP only. The scope of the considerations for PIP is limited to location, land use and amount of development permitted.

Main Issue

4. The main issue is whether or not the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Reasons

5. The appeal site is located close to an 's' bend along Barnby Road and is a yard area that has been previously used as a nursery with a history of being used for storage and distribution and waste transfer, with the Sunnyside dwelling associated with the site. Adjacent is a cattery business, farmhouse and farmyard and other residential dwellings. The surrounding area is otherwise agricultural land and the East Coast Mainline is situated close by.

6. The site is located within Newark Urban Area which is a Sub-Regional Centre as defined by the Newark & Sherwood Amended Core Strategy 2019 (CS) Spatial Policy 1 which identifies the settlement hierarchy for the area. CS Policy NAP 1 states that Newark Urban Area will be promoted as the 'main focus for residential, commercial and leisure activity within the District.' To this end, CS Policy NAP 1 supports the development of 3 Strategic Sites for mixed use development as detailed in CS Policies NAP 2B A/B/C.
7. The appeal site lies within a Strategic Site described as Land East of Newark and detailed in CS Policy NAP 2B. The policy seeks the development of approximately 1000 dwellings and a local centre comprising retail, service, employment and community uses with associated green, transport and other infrastructure. The distribution of proposed uses is indicatively illustrated on Figure 6 - Land East of Newark. The appeal site is situated within an area indicatively shown as a landscape buffer.
8. Applications for development within the Land East of Newark Strategic Site must be considered against the criteria set out in CS Policy NAP 2B. These require, among other things, that housing development will be undertaken in phases to be accompanied by appropriate provision of infrastructure and facilities, and in accordance with highway improvements which will be influenced by the detailed Transport Assessment for the site. The policy makes it clear that there will be no vehicular access to or from the development to Barnby Road, and the supporting text advises this is to avoid any increased use of the two level crossings over the East Coast mainline. Moreover, there is a policy requirement for the provision of Green Infrastructure including buffer zones to Barnby Road.
9. Whilst the appellant refers to an Environmental Assessment Scoping Opinion dating from 2010 which apparently excluded the site from the strategic allocation, this clearly pre-dates the current development plan. Moreover, there is no evidence presented to demonstrate that the land has been excluded from any draft masterplanning proposals for the area. None of these matters lead me to the conclusion that the appeal site would not form part of the strategic site.
10. Land agents may not be promoting the allocated site as a whole although there is no evidence before me to back up this statement. Even so, there is nothing before me to indicate that the requirements of the policy has changed to alter the consequences on the appeal site.
11. The location of the site is not physically connected to the local infrastructures and amenities of Newark or Balderton. Both places are a considerable walking distance away from the site with no public footpaths connecting with the site. There was no evidence of bus stops close to the site to provide public transport links to the nearest centres. Furthermore, the road has a 60MPH speed limit with no streetlamps and therefore pedestrian safety would be at risk. There would be a strong reliance on the private car at the proposed development site and this would not serve to meet the requirements of CS Policy Spatial Policy 7 to encourage sustainable transport. Although electric charging points could be encouraged at TDC, nevertheless, the appeal site's location would not lead to development that minimises the need for travel or provides safe, convenient and attractive access for all.

12. The vehicular access into the site would be from Barnby Road. There is no evidence presented to demonstrate that the number of vehicular trips to and from the site as existing would be more than the number generated by a proposed housing development of up to six dwellings. A housing development here would conflict with CS Policy NAP 2B which seeks to avoid vehicular accesses onto Barnby Road to limit vehicular stress on the level crossing over the railway line.
13. With regard to land use, development of much of the site for housing would erode the landscaped buffer detailed in CS Policy NAP 2B. The proposed layout could be designed to incorporate some landscaping. However, the incremental erosion of this area by piecemeal development would undermine the overall success of the delivery of the strategic site and so would conflict with development plan policy.
14. In any event, the appearance of the appeal site could be improved and enhanced through other means that are not reliant on the appeal proposal.
15. Whilst lower than the density levels of 30 – 50 dwellings per hectare set out in CS Policy NAP 2B, I note that this is stated as an average. On the basis of the evidence before me and my observations on site, the amount of development envisaged on the appeal site would be appropriate to its immediate rural context. I find no harm or policy conflict in this regard.
16. Overall, whilst I have identified no harm in respect of the amount of development proposed, I conclude that the site is not suitable for residential development having regard to its location and the proposed land use.
17. The appeal proposal would conflict with CS Policies NAP 1 and NAP 2B in relation to the delivery of strategic sites within Newark Urban Area in accordance with CS Policies Spatial Policy 1 and 2. Conflict would also arise with CS Spatial Policy 7 that encourages sustainable travel. Finally, the proposal would conflict with the Allocations and Development Management Development Plan Document 2013 Policy DM1 that seeks to manage growth by supporting development according to the settlement hierarchy.

Other Matters

18. Containers, various hardstandings and building materials were visually present on site, however their appearance was low level and well contained within its boundaries.
19. Small scale builders may be interested in building out the proposal although this has no bearing on the conclusion I have reached. Issues regarding the suitability of its appearance would be considered at TDC and is out-with the PIP at this stage.
20. Matters regarding any potential equalisation agreements are a private consideration between parties and not within my remit to comment upon.

Conclusion

21. Bringing all matters together, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires me to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. I conclude

that no material considerations lead me to determine otherwise than in accordance with the development plan.

22. Therefore the appeal is dismissed.

Alison Scott

INSPECTOR