
Appeal Decision

Site visit made on 8 February 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/A3010/W/20/3261926

Land to the West of Great North Road, Torworth, Retford

Grid Reference Easting: 465645 Grid Reference Northing: 386995

- 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 Nigel Hawke against the decision of Bassetlaw District Council.
 - The application Ref 20/00345/OUT, dated 9 March 2020, was refused by notice dated 12 May 2020.
 - The development proposed the development of 6No. semi-detached dwellings and 2No. detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. However, the original description accurately describes the proposal and I have determined the appeal on this basis.
3. A revised indicative site layout plan was submitted during the course of the application (PC397 01 – Rev A). I have taken this plan into consideration in the determination of this appeal.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

5. Torworth sits in a rural location, nestled amongst fields to the east of the A1, a short distance to the south of the larger village of Ranskill. The majority of Torworth is located to the east of the A638 (Great North Road). To the west side of the village, development is sporadic and parcels of open land enclosed by hedging closely border the Great North Road, which allow views out towards the countryside beyond. These contribute significantly to the rural character of the village. The application site is one such parcel of land.
6. Although the application is in outline with all matters reserved, an indicative site layout plan has been submitted to show how the site might be developed.

Although it is suggested that any reserved matters application may present a lesser number of dwellings, the proposal is clearly for 8 no. dwellings and the site layout plan shows that they would occupy the body of the plot with relatively limited space in between, resulting in a reasonably intensive development. While I have not relied upon this plan, it does indicate that the number of dwellings proposed would occupy a large proportion of the plot.

7. While the site is partly occupied by animal shelters, pens, and fencing, these are all very limited in scale and bulk and are well spaced, allowing the land to retain a largely open and rural character. The proposal would completely alter the character of the land, which would lose its open appearance while views out towards the countryside would be severely limited.
8. The proposal would therefore significantly detract from the positive contribution that the site makes to the character and appearance of the area and would therefore fail to accord with Policy DM4 of the Bassetlaw Core Strategy & Development Management Policies DPD (2011) (BCSDMP) which amongst other things requires that new development should respect its wider surroundings in relation to historic development patterns and landscape character.

Highways safety

9. The evidence indicates that the Great North Road is a very busy distributor route. Although only a snapshot in time, having spent some time carefully viewing the site and surrounds on my visit, I have no reason to disagree.
10. Any driver utilising any access onto the Great North Road at the southern end of the site would be likely to suffer from substandard levels of visibility in terms of viewing traffic approaching from the south, by reason of both a brick built bus stop in front of the southern end of the site and a mature tree within the verge slightly further to the south.
11. It is therefore unlikely that the required visibility splays could be achieved at the southern end of the site. Substandard visibility would significantly increase the risk of collisions between vehicles leaving the development and fast-moving northbound traffic on the Great North Road.
12. The appellant indicates that the site could be accessed from its northern end in an attempt to resolve this issue. However, while access is a reserved matter, the site is slender and there is nothing within the evidence to suggest that 8 dwellings could be accommodated along the length of the site as well as the required vehicular access to all the dwellings.
13. The proposal does not therefore demonstrate that a safe access to 8 dwellings could be provided. The proposal would therefore in this respect be contrary to Policy DM4 of the BCSDMP which amongst other things requires that new development should not be to the detriment of highway safety.

Other Matters

14. The presumption in favour of sustainable development at paragraph 11 d) of The National Planning Policy Framework (the Framework) is relevant where the policies which are most important for determining the application are out-of-date. I consider the most important policies are DM4 and CS9 of the BCSDMP, both of which are quoted in the reason for refusal.

15. Policy DM4 has consistency with the National Planning Policy Framework (the Framework) which amongst other things at paragraph 170 requires that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. The policy also requires that new development should not be to the detriment of highway safety and in this regard has further consistency with the Framework which at paragraph 109 seeks to guard against any unacceptable impact on highway safety. I do not therefore consider Policy DM4 of the BCSDMP to be out of date.
16. Policy CS9 does not support the provision of housing within settlements such as Torworth other than where provided through conversions or replacement dwellings. This is in contrast to the Framework at paragraph 78 which states that housing should be located where it will enhance or maintain the vitality of rural communities. It notes that where there are groups of smaller settlements, development in one village may support services in a village nearby. I therefore consider that this policy is out of date for the purposes of this appeal.
17. I am required to make a judgement as to whether the most important policies taken as a whole are to be regarded as out of date for the purpose of this decision. Given the clear correlation between Policy DM4 and the Framework and its protective aims when concerned with landscape character and highways safety, and its centrality to the circumstances of the case before me, I do not therefore consider the small basket of policies when taken as a whole and in the round to be out of date. The proposal does not therefore benefit from the presumption in favour of sustainable development.
18. The Framework makes it clear that the definition of brownfield land, also known as previously developed land, excludes land that is occupied by agricultural buildings. The current use of the land and its existing buildings do not therefore weigh in favour of the proposal.
19. I have had regard to the previous appeal decision at the site (Ref: APP/A3010/A/12/2168696). Whilst each appeal decision is made on its own merits and I have taken into account up to date circumstances, including the provisions of the up to date version of the Framework and the current appearance of the land and tree removal in the area, I do not consider that all the concerns of the previous inspector have been addressed within the proposal before me.
20. The Bassetlaw draft local plan has been brought to my attention and it is suggested that it would allow for some residential development within the village. However, there is nothing within the evidence to suggest it is at a stage in its development where it could be afforded significant weight in the determination of this appeal.
21. My attention has been drawn to an approval granted by the Council for residential dwellings elsewhere within the village. However, whilst this was for a larger number of dwellings than the appeal scheme, the site location, within the context of the village is considerably different, that scheme being located on the eastern side of the Great North Road where the majority of the housing within the village is concentrated. I have therefore afforded this matter limited weight. The limited level of public opposition and the lack of objection from the Parish Council are neutral factors.

Planning balance

22. I accept that there would be a range of social and economic benefits associated with the development both during and after construction. These would not however outweigh the harm that I have identified in relation to both the character and appearance of the area and highways safety and the subsequent conflict with Policy DM4 of the BCSDMP to which I have afforded significant weight. Material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

23. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR