

Appeal Decision

Site Visit made on 29 June 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2021

Appeal Ref: APP/W3005/W/21/3272071

Land east of Hardwick View, 118 Wild Hill, Teversal NG17 3JE

- 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 & Mrs Sheldon against the decision of Ashfield District Council.
 - The application Ref V/2021/0024, dated 11 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is erection of one detached dwelling (in 'outline' with access only).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme seeks outline planning permission including access. Matters of appearance, landscaping, layout and scale are all reserved for subsequent approval. Therefore, other than access, I have considered the remaining details shown on the plans on the basis that this information is shown for indicative purposes only.
3. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The main parties have confirmed that they have no further comments in this respect. Nonetheless, I have had regard to the revised national policy as a material consideration in my decision-making.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy including the effect of the proposal on the character and appearance of the area.

Reasons

5. The Council has confirmed that the site is located in the countryside for decision making purposes and this has not been disputed. Saved Policy ST4 (The Remainder of the District) of the Ashfield Local Plan Review (2002) (LPR) confirms amongst other things that outside the main urban areas and named settlements permission will only be given for development appropriate to the countryside as set out in saved Policy EV2 (The Countryside) of the LPR. Saved Policy EV2 specifies the types of development that are considered to be appropriate in the countryside and includes amongst other things infill

development. The policy confirms that in all cases development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness.

6. Insofar as the above saved policies of the LPR seeks to limit development in the countryside to that which protects its character, they are broadly in accordance with the National Planning Policy Framework (the Framework) which confirms that decisions should contribute to and enhance the natural and local environment by amongst other things recognising the intrinsic character and beauty of the countryside.
7. The land surrounding Wild Hill mainly comprises of an undulating rural landscape predominantly characterised by fields and pockets of woodland. There are occasional blocks of residential ribbon development along Wild Hill, the most substantial of which are located to its southern side including opposite the appeal site. However, to the northern side of Wild Hill residential development is more sparse with mature hedgerows and trees predominantly lining the roadside. The appeal site contributes to the prevailing rural character of the area being an undeveloped parcel of land with mature boundary planting. Equestrian buildings are located close to the western boundary of the site and there are a small number of houses extending in ribbon form further to the west.
8. The appellant suggests that the proposal would constitute infill development and that the wooded area to the east of the site forms a clearly defensible boundary. However, infill development is more commonly understood to relate to a small gap within a built-up frontage. After the low-rise equestrian buildings to the west of the site, there is a small intervening paddock which together with the appeal site, neighbouring woodland, fields and roadside vegetation all form part of a predominantly undeveloped frontage of distinct rural character extending to the east. Consequently, the development would be an easterly extension of built form to this side of Wild Hill and would not be infill development.
9. Even if it did comply with the infill requirements of Policy EV2, the dwelling and its associated access drive would introduce development of a domestic and more urban built form to the east of the equestrian buildings. I acknowledge that the design of the dwelling would be finalised through the reserved matters and there is the potential to retain existing planting to the boundaries of the site. Even so, it is likely that the built form and residential use of the site would be evident both to passers-by on Wild Hill, including in views through the site entrance, and in views towards the site from the north from the nearby Public Right of Way (PROW). As a result, the development would erode what is otherwise an overtly rural part of the road frontage and would be harmful to the intrinsic character and beauty of the countryside.
10. The Framework confirms that in rural areas planning decisions should be responsive to local circumstances and support housing developments that reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The appellant suggests that the dwelling would deliver a family home in an area where more are desperately needed. However, there is no substantive evidence before me to suggest that there is a specific local need for a market dwelling in this countryside location.

11. Given its proximity to other dwellings on Wild Hill and that there is a lit public footpath on the opposite side of the road linking to the village of Fackley, the site is not isolated in the terms described in the Framework. However, the evidence before me indicates that there are only limited services and facilities in Fackley. Therefore, it is likely that occupants of the dwelling would need to travel further afield to access a greater level of service provision to meet their day-to-day needs. The round-trip distances involved are unlikely to encourage walking or cycling and the evidence before me indicates the nearest bus stops are not currently serviced. I therefore consider it likely that occupants of the development would be heavily reliant on the use of the private motor vehicle for the majority of day-to-day trips. Consequently, I find that the location of the site would not limit the need to travel or offer a genuine choice of transport modes as endorsed by the Framework.
12. The above matters further persuade me that development in this countryside location would not be sustainable.
13. I conclude that the appeal site is not a suitable location for the development and would result in significant harm to the intrinsic character and beauty of the countryside. In those regards the development would conflict with the sustainable development and character and appearance requirements of Saved Policy EV2 (The Countryside) of the LPR and the Framework.

Other Matters

14. My attention has been drawn to planning permissions for dwellings in the local area. With regards to the site at 'The Hollies', the evidence before me indicates this proposal related to the sub-division of an existing residential property on Tibshelf Road. The other site related to grassed land within the residential curtilage of 'The Cottage', between the aforementioned equestrian buildings on Wild Hill and the row of dwellings to the west. Therefore, the material considerations in those particular instances were not identical to the appeal proposal. In any case these examples do not persuade me that the site-specific harm identified under the main issue would be justified.

Planning Balance and Conclusion

15. The Council acknowledges that it cannot currently demonstrate a five-year housing land supply. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
16. The development would make a modest contribution towards the Council's housing requirements through the provision of a single dwelling and has the potential to have some modest economic benefits through the development itself and the expenditure in the area by future occupants.
17. However, I have identified that the proposal would not be sustainably located and would result in significant harm to the intrinsic character and beauty of the countryside which would conflict with the development plan and national policy. These are matters which significantly and demonstrably outweigh the modest benefits of the proposal when assessed against the policies of the Framework as a whole.

18. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR