



Appeal Decision

Site Visit made on 27 July 2021

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 14th September 2021

Appeal Ref: APP/A3010/W/20/3262188

Land between Pinders Croft and The Chapel, High Street, Walkeringham, DN10 4LW

- 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 C Holden of Chilli Construction Limited against the decision of Bassetlaw District Council.
 - The application Ref 20/00968/FUL, dated 31 July 2020, was refused by notice dated 1 October 2020.
 - The development proposed is the construction of 9 dwellings on land with outline permission for residential development granted under APP/A3010/W/17/3184900.
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Decision

1. The appeal is dismissed.

Background and preliminary matters

2. At the start of 2018 outline permission was granted on appeal for residential development of the site¹. A reserved matters application in relation to this permission was submitted in late 2020.
3. On 20 July 2021 a revised National Planning Policy Framework ('the Framework') was issued replacing the version of the Framework published in 2019. The parties were invited to comment and the comments received have been taken into account in the determination of the appeal.

Main Issues

4. The main issues in this appeal are:
 - whether the location of the proposed development would be in accordance with the development plan;
 - the effect of the proposal on the character and appearance of the area; and,
 - whether the proposal would deliver a range of housing types and sizes that directly reflect housing needs.

Reasons

Location of development

5. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area includes the Bassetlaw Core Strategy and Development Management Policies Development Plan Document (CS&DMP)

¹ Appeal Ref APP/A3010/W/17/3184900

that was adopted in 2011 and the Walkeringham Neighbourhood Plan ('Neighbourhood Plan') that was made in May this year. The Framework is also an important material consideration.

6. The CS&DMP established a settlement hierarchy which focuses new development on urban centres. Walkeringham is identified as a Rural Service Centre, a third tier settlement, by policy CS8. 10% of the housing allocation for the District is to be located within such settlements. Outside of the village's Development Boundary development is strictly controlled with only affordable housing schemes adjacent to the boundary supported by the CS&DMP. The location of the proposed residential scheme, which would be for open market housing, next to but outside the Development Boundary would therefore be contrary to policy CS8 and harm the spatial strategy of the CS&DMP.
7. The CS&DMP predates the publication of the Framework. In such circumstances paragraph 219 of the Framework advises that the weight that should be given to its policies should accord to their degree of consistency with the Framework. This is a matter that I will determine in my overall conclusions.
8. The Neighbourhood Plan reflects the different approach to the settlement hierarchy and distribution of development contained in the draft Bassetlaw Local Plan and policy ST1 of that plan. Reflecting the draft plan's more positive approach to rural development, the Neighbourhood Plan has adopted the maximum growth cap of 20% (70 new dwellings) for the village and allocated sites to meet the vast majority of this level of growth within a revised development boundary. Infill housing within the development boundary is to provide the rest. The revised development boundary seeks to make provision for new housing whilst protecting the character and appearance of the village.
9. The appeal site lies next to but outside the revised village Development Boundary defined in the Neighbourhood Plan. As a result, the proposed development would be contrary to policy 1 of the Neighbourhood Plan and would harm its spatial strategy.

Character and appearance

10. Walkeringham is a village surrounded by open countryside. A distinctive feature of the settlement is that development is sporadic with areas of housing along its roads broken up by open fields in the countryside that lie outside the development boundary for the village. This interplay between open fields reaching into the village and built development forms part of its character.
11. The appeal site is a field of pasture that provides such a break in public views on High Street, School House Lane and the public footpath off School House Lane. It forms part of the High Street Character Area and the site forms part of a green corridor that runs through this character area². The development of the field for 9 houses would urbanise it, undermining the semi-rural character of the adjacent streets. As a result, whilst the site does not form part of a significant vista, viewpoint or green gap identified in the Neighbourhood Plan, the proposal would be unsympathetic to the local character and landscape setting. By urbanising the site it would also fail to complement and enhance the natural environment. Due to its location outside of the Development Boundary, the considerable depth of the site and the number of dwellings that would be built the scheme would not constitute limited infilling.

² Page 46, Walkeringham Character Study and Design Guide

12. The form of the proposed houses and their appearance would be in keeping with nearby dwellings and their density. The pedestrian footpath link to High Street would also have adequate natural surveillance from the windows of the Methodist Chapel building. However, these favourable findings do not negate the adverse effect the proposal would have on the character and appearance of the High Street character area through the loss of the field to built development.
13. For the reasons given above, I therefore conclude that the proposal would cause material harm to the character and appearance of the area, contrary to policies 2 and 3 of the Neighbourhood Plan and policy DM4 of the CS&DMP. These policies, amongst other matters, seek to protect the character and appearance of an area.

Range of housing types and sizes and housing need

14. Policy 4 of the Neighbourhood Plan states that housing schemes should deliver a range of housing sizes and types to reflect housing needs. Where viable, one to three bed dwellings should also be accessible and adaptable.
15. The Objectively Assessed Need for housing that covers the District states that it is expected that the focus of new market housing provision will be two and three bed properties. This position is supported by the Community Consultation Survey Report 2016, referred to in the Neighbourhood Plan, where such house sizes were considered to be the most important. This is reflected in the justified reasoning for policy 4 which states that there is a demonstrable need for 2-3 bedroom houses.
16. The proposed development would provide six, four bedroom houses and three, three bedroom dwellings designed to comply with lifetime homes standards. As a result, only one third of the proposed housing would be of a size where, on the basis of the submitted evidence, need appears to be the greatest. Therefore, whilst there is a demand for larger housing and the houses in the scheme would be accessible and adaptable, I find that the distinct emphasis in the scheme on four bed houses would fail to provide dwellings that properly reflects housing needs. The proposal would therefore harm the housing mix sought for the village, contrary to policy 4 of the Neighbourhood Plan.

Other Matters

17. Walkeringham Methodist chapel is a tall, brick built, Victorian building built in the Gothic style with sandstone detailing. It is a non-designated heritage asset whose significance is architectural and historic. The aspects of its setting that contributes to its significance is the immediate land on either side. The appeal site whose eastern extremity is located adjacent to it on High Street therefore forms part of its setting. Given the large scale of the Methodist Chapel the proposed housing, which would be set back slightly within the appeal site, would not compete visually with the building. As a result, I find that its setting would not be harmed by the proposal in compliance with policy DM8 of the CS&DMP which seeks to protect the historic environment.
18. The separation distances between the proposed house on plot 9 and 'Roslyn', a dwelling house on School House Lane, as with the other proposed houses on the appeal site and surrounding development, would be sufficient to prevent undue mutual overlooking and would ensure that the outlook from the surrounding and proposed properties would be acceptable. In making this finding, I have taken into account the proximity of the addition to the side of

'Roslyn' which is closer to the boundary with the appeal site than the main house. As a result, the proposed development would comply with policy DM4 of the CS&DMP which, amongst other matters, seeks to protect living conditions.

Overall Conclusions

19. I have found that the location of the proposal would conflict with the development plan and that the proposal would harm the character and appearance of the village and would not provide an appropriate mix of housing. As a result, the scheme would be contrary to policies CS8 and DM4 of the CSDMP and policies 1,2,3 and 4 of the Neighbourhood Plan.
20. The CS&DMP pre-dates the Framework. The thrust of its spatial strategy which focuses development on urban areas is compliant with the Framework. However, in not identifying opportunities for villages to grow and thrive policy CS8 does not adopt the more positive approach to development in rural areas sought by paragraph 79 of the Framework. In not so doing, it is contrary to it and out of date. As a result, I attach limited weight to the conflict between the proposal and this policy.
21. However, the village's Neighbourhood Plan has recently been made and it contains policies, such as policy 1, which allow for significant additional growth of the village. As a result, policy 1 is compliant with the Framework. Similarly, policy DM4 of the CSDMP, which relates to design and character is consistent with the Framework, as are policies 2, 3 and 4 of the Neighbourhood Plan. I attach considerable weight to the conflict between these policies and the proposal.
22. On the basis of the local planning authorities assessment, subject to appropriate conditions, the proposal would comply with policies of the development plan in relation to highway safety, ecology, flooding and drainage issues. I agree with that position. The policies that relate to these matters are consistent with the Framework and significant weight should also be attached to them. Given the notable conflict though described with regard to the policies in the preceding paragraph, I find that the proposal would conflict with the development plan considered as a whole.
23. Paragraph 11 d) of the Framework advises that in circumstances where policies which are the most important for determining the application are out of date the so-called tilted balance applies. However, I have found that only one of the six policies the proposal is contrary to is out of date and that the location of development in Walkeringham, which the out of date policy CS8 relates to, is covered by policy 1 of the recently made Neighbourhood Plan. As a result, taken as a whole, I conclude that the policies that are the most important for determining the application are not out of date. Consequently, the tilted balance does not apply.
24. The proposed development would have social and economic benefits. Nevertheless, even taking account of the Framework's objective of boosting significantly the supply of housing these benefits would be limited. In the context of a neighbourhood plan that has allocated sites and the potential for windfall infill sites that will meet the upper threshold on expected housing growth, a further 9 houses is of little benefit to the supply of housing or economically.
25. The proposed development would result in Community Infrastructure Levy payments and would generate council tax and a parish precept. As these

monies though are used to address the need for infrastructure and services generated by the development, these are not benefits to be weighed in favour of the scheme. In addition to the areas of compliance noted in paragraph 22 above, the proposal would not harm living conditions, community safety or heritage assets. However, the absence of harm in these regards is not a benefit and so is a consideration of neutral weight in the overall planning balance.

26. As I have noted in the background to this decision, outline permission for residential development with all matters reserved was granted on appeal at the start of 2018. However, that decision predates the Neighbourhood Plan and the Character Study and Design Guide for the village. Moreover, as at that time the local planning authority did not have a 5 year housing land supply, in accordance with the Framework, the policies of the development plan most important for determining the application were deemed to be out of date. As a result, the tilted balance applied which indicated that permission should be granted. With the existence of a 5 year housing land supply and the recent addition of the Neighbourhood Plan to the development plan different circumstances exist today. As a result, the granting of an outline permission in 2018 for housing on the site does not mean that the appeal should be allowed.
27. The 2018 outline permission allows up to 14 houses on the site. On the basis that a reserved matters application has been submitted it is reasonable to assume that this permission may well still be implemented. It therefore represents a fallback position.
28. The extant permission could result in more intensive development of the site. However, the overall effect of either it, or the appeal scheme, would be the urbanisation of the site and the loss of the field to development. As a result, in terms of the current development plan both would have a similar adverse effect on the spatial strategy for the development of the village and its character and appearance. Moreover, an important difference between the two schemes is that whilst under the extant permission 35% of the housing on the site would be affordable housing, or a financial contribution in lieu of such provision towards off-site provision would be made, in the appeal scheme no affordable housing would be provided. Consequently, the extant permission would have notable social benefits for the District that the appeal scheme would not have. As a result, I attach little weight to the fallback position in favour of the appeal.
29. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal should be dismissed.

Ian Radcliffe

Inspector