



Appeal Decision

Site Visit made on 22 November 2021

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/P3040/W/21/3279276

The Chestnuts, Costock Road, Wysall, NG12 5QT

- 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 Ms Charlotte Brennan against the decision of Rushcliffe Borough Council.
 - The application Ref 20/02953/FUL, dated 9 December 2020, was refused by notice dated 10 May 2021.
 - The development proposed is erection of one detached dwelling with improvements to existing vehicular access.
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Decision

1. The appeal is dismissed.

Costs

2. Applications for costs were made by Ms Charlotte Brennan against Rushcliffe Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the identified strategy for growth for the Borough.

Reasons

4. Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (the Core Strategy) allows for urban concentration with regeneration for the whole of Greater Nottingham to 2028. The settlement hierarchy for Rushcliffe to accommodate sustainable development is for development to be primarily directed to the main built up area of Nottingham followed by Key Settlements identified for growth. In other settlements, including Wysall, where the appeal site is located, development should be for local needs only.
5. Paragraph 3.10 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP2) states that development to meet local needs will be limited to small scale infill development, exception site development and the allocation of land by Neighbourhood Plans to meet needs that may be identified by local communities preparing Neighbourhood Plans. As the appellant considers the proposal to be small scale infill development then they consider that it is not required to demonstrate a local need for each residential development.
6. However, paragraph 3.3.17 of the Core Strategy states that development in other settlements will meet local needs only, delivered through small scale infill development or on exception sites. Therefore, once it has been demonstrated

that there is a local need, this can be provided in one of the ways identified in the Core Strategy and the LPP2. As no evidence has been put forward to demonstrate that there is a local need for the proposal, whether or not it is infill, it would not meet the requirements of Policy 3 of the Core Strategy.

7. The Council also considers that the appeal site is beyond the physical edge of the settlement and is consequently identified as countryside. Policy 22 of the LPP2 requires that the countryside will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all. Consequently, development is restricted to that which requires a countryside location, meets an essential rural need or supports rural diversification. The proposal meets none of those requirements. However, the appellant is of the view that the appeal site is contained within the built up area of the settlement and therefore should be considered under Policy 11 of LPP2 which details the criteria for development on unallocated sites within that built up area.
8. Paragraph 3.122 of the LPP2, in acknowledging that the plan does not identify the settlement boundaries, states that the location of the proposal and its relationship to neighbouring buildings and the physical edge of the settlement will determine whether the application is within the settlement or within the open countryside.
9. The appeal site is an undeveloped parcel of land to the rear of The Chestnuts. At the time of my site visit it was grassed with open access from The Chestnuts with a low boundary fence and hedgerow/planting. There was no visible sign of any activity or particular use of the area of land. To the west sits Pantiles, a large residential house, the garden of which extends a similar length as the appeal site. To the immediate east there is equestrian land. The Council when considering an application for residential development on this land in 2002 also considered that parcel of land to be outside the main built up area of the village and therefore open countryside. However, beyond that, the residential properties along Wymeswold Road are clearly visible extending a considerable distance to the south beyond the appeal site. Therefore, in my view, given the proximity and relationship to built form and the pattern and length of surrounding gardens, the siting of a house here would be within the built up area.
10. I accept that this part of Costock Road has a linear form, one house deep. However, I saw examples elsewhere in the village of deeper development and in any case, I am not convinced that consideration relates to whether the appeal site is beyond the physical edge of the settlement. In my view, from the evidence before me and my observations on site, the appeal site is more closely associated with and within the built up area and not the adjacent countryside.
11. The proposal therefore falls to be considered against Policy 11 of the LPP2. This states that planning permission will be granted for development on unallocated sites within the built-up area of settlements subject to a number of criteria, one of which is that the proposal in terms of scale and location is in accordance with Policy 3 of the Core Strategy. I have already found that this would not be the case, and therefore the proposal would be contrary to Policy 11 of the LPP2.

12. For the reasons above, I conclude that the proposal would be harmful to the identified strategy for growth for the Borough. It would therefore be contrary to Policy 3 of the Core Strategy and Policy 11 of the LLP2.

Other matters

13. The appellant refers to appeal decision APP/P3040/W/20/3256980 in support of their appeal. However, I note that in that case the LLP2 considered that the settlement, within which the appeal site was located, was capable of accommodating 80 new dwellings. That is not the case here and the requirements of Policy 3 of the Core Strategy are therefore relevant. Consequently, the two cases are not directly comparable.

Conclusion

14. The proposal would be contrary to Policy 3 of the Core Strategy regarding the spatial strategy and Policy 11 of the LLP2 and therefore the development plan as a whole. The Council states that it has a six year housing land supply. That is not a cap on new housing, and one new house would have some minor social and economic benefits. Nevertheless, in this instance the relevant material considerations do not outweigh the conflict with the development plan.
15. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR