



Appeal Decision

Site visit made on 18 January 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/F1040/W/21/3283155

Land to the rear of 230 Station Road, Melbourne, Derby DE73 8BQ

- 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 Sahota against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2021/0342, dated 24 February 2021, was refused by notice dated 21 May 2021.
 - The development proposed is described as 'the erection of 2no. dwellings with associated new access and landscaping on land to the rear of 230 Station Road, Melbourne, Derby, DE73 8BQ adjacent approved planning application DMPA/2020/0103'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the proposal from the appellant's description of development as this accurately identifies the site.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for housing having regard to the settlement strategy and the effect on the countryside.

Reasons

4. The appeal site is located to the south east of dwellings along Station Road which have long, linear rear plots extending down the bankside. Between the rear of the most easterly plots and Carr Brook, a development of three dwellings is underway and the appeal proposal would form a continuation of this development. It would extend the new development to run across all rear plots of this group of properties on Station Road.
5. Between the appeal site and the settlement boundary is a grassed field which extends from Station Road down to Carr Brook, and the line of the settlement boundary is marked by a mature hedgerow. Land on the far side of Carr Brook is open agricultural fields.
6. It is common ground between parties that the appeal site is outside of any defined settlement boundary and is therefore located in open countryside. Policy H1 of the South Derbyshire Local Plan Part 1, 2016 (LP1) sets out a 'Settlement Hierarchy' and identifies Melbourne as a Key Service Village where the development of sites adjacent to settlement boundaries may be considered appropriate as exception sites. However, the appeal site cannot be regarded as

lying adjacent to the settlement boundary as the open field running down from Station Road is a significant open break, visually severing any connection between the appeal site and the settlement boundary. It has clearly defined boundaries, no intervening buildings and expansive and uninterrupted views across it. There is no policy support in this regard.

7. Policy BNE5 of the South Derbyshire Local Plan Part 2, 2017 (LP2) lists the exceptions allowed in rural areas, outside settlement boundaries. Key to this appeal is whether the site can be regarded as the infilling of a small gap within small groups of houses. Whilst the site aligns with the rear plots of houses on Station Road and would be a continuation of the new development alongside it, the site borders open countryside to the rear and adjoins the field which is between it and the settlement boundary. I have already concluded that the adjoining field represents a significant open break, and this cannot be regarded as a small gap. The appeal site cannot, therefore, be regarded as infill under the terms of the policy.
8. As there is no specific distance in Policy BNE5 to define what is a 'small gap', the appellant suggests that guidance on preferred walking distances to reach local amenities demonstrates that the distance to the appeal site is considered acceptable. However, little information has been submitted in support of this information directly relating to the site and its access to the main settlement and, in my view, Policy BNE5 clearly explains how to determine which sites would comply with it.
9. The appellant considers that the relationship with the adjacent site under construction is relevant to the appeal decision. Whilst the Council has accepted that the appeal scheme would be a natural extension to it, and has not objected to the design and layout, it does not follow that the scheme is in accordance with Policy BNE5, for the reasons stated above. Furthermore, the Council has explained that there were sufficient material considerations to outweigh the planning policy objections on the site with planning approval, but that the same material considerations do not apply in this case.
10. The proposal would deliver an additional two dwellings that would add to the District's housing stock and meet with the Government's aims to boost the supply of housing, but this would be a limited benefit given the small scale of the proposal and the Council's stated ability to demonstrate more than a five year supply of deliverable housing land, which is not disputed by the appellant. The Council's policies concerning the strategy for delivering housing, are also up to date. There would also be some economic and social benefits through the construction of the dwellings, and from subsequent activities of the future residents in the local area. However, these benefits would be limited.
11. The appellant refers to paragraph 118 (now paragraph 120(d) of the National Planning Policy Framework (the Framework)) in support of their case. However, the Council can demonstrate a deliverable supply of housing land and therefore land supply is not constrained in the Council area. Furthermore, there is little evidence suggesting that the land is under-utilised.
12. For the reasons given, the development would not be an appropriate location for housing having regard to the settlement strategy and the effect on the countryside. I consider that the harm identified significantly and demonstrably outweighs the benefits that the proposal would generate. As well as to the Framework, the proposal would be contrary to Policies H1 of LP1, and BNE5 of

LP2, and conflict with the Sustainable Growth Strategy set out under Policy S1 of LP1. These policies recognise the need for new development to be consistent with the principles of sustainable development.

Other Matters

13. I have had regard to other concerns raised by interested parties, including over-development of the site, size of dwellings and plots, traffic and highway safety and impact on neighbouring amenity. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issue and, taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

Conclusion

14. I therefore conclude that the proposal would be contrary to the development plan and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR

