
Appeal Decision

Site visit made on 22 November 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/A3010/W/22/3304294

Land to the Rear of No's 73-81 Scrooby Road, Bircotes DN11 8JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Sam Price against the decision of Bassetlaw District Council.
 - The application Ref 22/00805/PIP, dated 31 May 2022, was refused by notice dated 27 July 2022.
 - The development proposed is Residential Development of Two to Four Dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for Residential Development of Two to Four Dwellings at Land to the Rear of No's 73-81 Scrooby Road, Bircotes DN11 8JN in accordance with the terms of the application Ref 22/00805/PIP, dated 31 May 2022.

Application for costs

2. An application for costs was made by Mr Sam Price against Bassetlaw District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the site is suitable for residential development, having regard to its location.

Reasons

4. The appeal site comprises a parcel of land located behind the main thoroughfare of Bircotes. The land is currently undeveloped and includes access from a lane running from Grosvenor Road to the east, although a new access is proposed to be taken from Scrooby Road between two commercial buildings through a car park.
5. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: this first stage, or 'permission in principle', establishes whether a site is suitable 'in-principle'. The second 'technical details consent' (TDC) stage is when the detailed development proposals are assessed.
6. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of the subsequent TDC application if permission in principle

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

is granted. Both stages must be secured before planning permission is granted and development can proceed.

7. The appeal site is located within a built-up area with good access to local facilities, services, shops, public transport links and infrastructure. The surrounding area is a mix of commercial and residential use, while the site is evidently large enough to accommodate 2-4 dwellings. As such, these matters of a permission in principle application are acceptable. I note the Council concurs with this assessment in their officer report.
8. Although I take on board the additional concerns of the Council and interested parties with regards to the proposed vehicular access, specific details relating to the access, such as technical drawings, visibility splays and pedestrian sight lines, would be considered at the TDC stage. There is nothing before me to indicate definitively that a safe and suitable access could not be secured at the appeal site in principle.
9. Based on the foregoing, the proposal would be acceptable with regards to its location, land use and number of units in principle. Therefore, the proposal at this stage would not be contrary to Policy DM4 of the Bassetlaw Core Strategy & Development Management Policies DPD (adopted December 2011) which advises development proposals should be easily and comfortably accessible. Similarly, there is nothing to indicate that the proposal would not comply with paragraphs 110-112 of the National Planning Policy Framework which advise, among other things, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, and a safe and suitable access is achieved.

Other Matters

10. I have had regard to the additional comments of interested parties. These include potential impacts to ecology, green space, living conditions, character and appearance and housing supply. However, these are all matters which will need to be addressed as part of the stage 2 TDC, and they do not alter my assessment of the planning merits of the proposed permission in principle. In terms of land ownership or legal rights of access, that is a separate civil matter between the respective landowners and not a planning matter for my consideration.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be allowed and permission in principle is granted in accordance with the details set out in Paragraph 1 of this Appeal Decision.

C McDonagh

INSPECTOR