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# Appeal Decision

Site visit made on 29 March 2023

**by Ryan Cowley MPlan (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 May 2023**

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**Appeal Ref: APP/A3010/W/22/3294902**

**Land at Blyth Road, Bawtry Road, Blyth, Worksop S81 8HJ**

- 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 Reed against the decision of Bassetlaw District Council.
  - The application Ref 21/00447/OUT, dated 18 March 2021, was refused by notice dated 6 October 2021.
  - The development proposed is described in the application form as “outline planning application for five residential dwellings (all matters reserved).”
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The planning application was made in outline with all matters reserved for future consideration. The submitted drawings show details of landscaping, layout and access. Plans and elevations of proposed dwellings have also been provided. However, given the nature of the application and as the appellant has confirmed the plans included at application stage were indicative, I have treated them as such in my assessment of this appeal.
3. The Council has indicated that they are working on a new local plan, the Bassetlaw Local Plan 2020-2038: Publication Version (the emerging Local Plan), which will replace the Core Strategy & Development Management Policies DPD Adopted December 2011 (the Core Strategy). Both main parties have been given an opportunity to comment on this matter.
4. I am advised that the Examination in Public concluded in January 2023 and the Council anticipates receipt of the Inspector’s report in Summer 2023. The emerging Local Plan is therefore at a relatively advanced stage. A copy of Policy ST2 of the emerging Local Plan has been provided by the Council, and this is broadly consistent with the policies in the National Planning Policy Framework 2021 (the Framework). However, I have no further details of whether there are any unresolved objections to relevant policies, and I cannot be certain when the plan is likely to be adopted or if any policies will be modified. The emerging plan can therefore only be afforded limited weight at this stage, in accordance with paragraph 48 of the Framework.

## Main Issue

5. The main issue is whether the proposed development would provide a suitable location for housing with respect to the Council’s spatial strategy and the provisions of the development plan that apply to windfall sites.

## Reasons

6. Policies CS1 and CS8 of the Core Strategy identify Blyth as a rural service centre. I saw on my site visit that it is served by various services and facilities, including several pubs, a convenience store, a post office, a doctor's surgery and a salon. The appeal site is however located beyond its development boundary, to the north of the main built-up area of Blyth, beyond the A1 and associated service station. It is south of a small residential area referred to in the evidence before me as North Blyth.
7. Policy CS1 of the Core Strategy indicates that, within the identified settlement hierarchy, development will be restricted to areas inside defined development boundaries. This policy states however that additional permission may be granted if it would address a shortfall in the district's five-year housing land supply (5YHLS), among other provisions.
8. The Council however recognise that the Core Strategy has not been reviewed in the last 5 years, as advocated in paragraph 33 of the Framework. Paragraph 219 of the Framework indicates that weight should be given to policies adopted or made prior to its publication according to their degree of consistency with the Framework.
9. Details of the 5YHLS for the district are not before me. However, the Council acknowledge the Core Strategy does not identify new site allocations. It therefore restricts the delivery of new development which is out of step with the growth that is expected to be delivered as identified in the Framework. The Council therefore advise that reduced weight should be given to these Core Strategy policies.
10. However, policy CS9 of the Core Strategy relates to those settlements not specifically identified in the preceding policies, including North Blyth. It indicates that proposals for the development of housing within these settlements will not be supported. It advises that such locations are considered to have limited or no service/facility provision and are reliant upon other settlements. Policy CS9 therefore remains largely aligned with the aims of paragraph 105 of the Framework, which seeks to ensure the planning system actively manages patterns of growth, focusing on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
11. The appeal site is some distance from the village centre of Blyth. There is no substantive evidence on the availability of public transport, though I recognise there are bus stops along Bawtry Road. There is a footpath leading into Blyth, however this requires crossing of a busy motorway junction and is therefore somewhat unattractive to pedestrians. There is also a motorway service area with various facilities, as well as a fast-food restaurant and coffee shop within a reasonable walking distance. However, I saw on my site visit that access into the motorway service area is particularly poor on foot. I am therefore not persuaded that the appeal proposal would limit the need to travel or offer a genuine choice of transport modes.
12. Additionally, the Blyth Neighbourhood Plan 2018 – 2035 Final Version June 2020 (the NP) was made in May 2021. The appeal site sits within the neighbourhood plan area however is also located beyond the proposed development boundary of Blyth contained within Appendix B of the NP.

13. Policy 3 of the NP supports residential development on infill and brownfield sites within the residential area of North Blyth, provided it fills a small gap in an existing frontage or is on other appropriate sites within the proposed development boundary, and the density reflects the surrounding area or meets an identified need, among other requirements.
14. This policy seeks to support and regulate sustainable and appropriate windfall development, maintain local character and reuse previously developed land. While the density of the proposal before me appears broadly in keeping with the local area, it is not clear from the evidence that the site would constitute an infill or brownfield site. Even if it does, the site is clearly beyond the proposed development boundary. With the exception of the single dwelling to the west of the site, it is also separated from the existing residential areas of North Blyth by a large paddock and a watercourse. It therefore could not reasonably be described as filling a small gap in an existing frontage.
15. The NP indicates that the housing requirement for Blyth up to the year 2035 is 55 dwellings. Accounting for existing permissions, the NP allocation figure to meet this requirement is 8 dwellings (Net). These existing permissions however include the previous permission on the appeal site granted in August 2017 (Council ref 17/00505/OUT), which has since lapsed. The evidence indicates the previous permission was for up to 5 dwellings. If this were discounted, the housing need for Blyth would be 13 dwellings. The NP has however allocated land for housing elsewhere with a capacity for up to 60 dwellings.
16. While I recognise the number of dwellings granted permission through the previous approval were accounted for in the planned growth in the NP, this is not synonymous with the NP endorsing the appeal site as a suitable location for housing. The NP has allocated sufficient housing land to meet its housing requirement, even when accounting for the lapsing of the previous permission on the appeal site. These allocated sites are in locations that are in line with the spatial strategy of the NP and the Core Strategy, unlike the appeal site. There is therefore no demonstrable need for the appeal site to be developed as housing and, ultimately, the appeal proposal conflicts with Policy 3 of the NP.
17. Policy ST2 of the emerging Local Plan sets out a 20% growth requirement for large rural settlements. This is greater than the housing requirement stipulated in the NP and would equate to 111 additional dwellings for Blyth. The policy stipulates that proposals for residential development in large rural settlements will be supported where it does not exceed the housing requirement identified, individually or cumulatively with planning permissions (granted since 1 April 2018) or through site allocations, and the site is located within a development boundary, where appropriate. While I afford limited weight to the policy at this stage, the Council indicate that the most recent (January 2023) monitoring figures show completions, commitments and allocations providing for 112 dwellings. There is therefore no demonstrable requirement for additional dwellings in this location and, on that basis, the proposals would not be supported by policy ST2 of the emerging Local Plan.
18. I conclude that the proposed development would not provide a suitable location for housing with respect to the Council's spatial strategy and the provisions of the development plan that apply to windfall sites. It is therefore contrary to the provisions of Policy CS9 of the Core Strategy and Policy 3 of the NP, for the reasons set out in detail above.

## **Other Matters**

19. Paragraph 79 of the Framework provides some support for development in rural areas located where it will enhance or maintain the vitality of rural communities. The scheme would result in the delivery of 5 additional housing units, which would positively contribute to the local housing supply. The site is located close to an existing settlement with a degree of access to local services and facilities, though transport options are somewhat limited. Some economic and social benefits would therefore occur through construction and occupation, though this would be a modest contribution.
20. My attention has been drawn to another outline planning application (Council ref 19/00132/OUT) for residential development on the site directly to the south of the appeal site. The full details of this application are not before me however I am advised that, while it was ultimately refused on technical matters, the principal of residential development in that location was supported by the Council. Notably however, this application appears to have been determined prior to the adoption of the NP and was therefore considered in a different planning policy context. The proposal was also for considerably more dwellings. Ultimately, each case must be considered on its own merits and this does not lead me to a different conclusion on the main issue.
21. While the proposal may have complied with other provisions of the development plan, subject to reserved matters approval, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.

## **Conclusion**

22. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

*Ryan Cowley*

INSPECTOR