



Appeal Decision

Site visit made on 4 June 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/P3040/W/23/3333187

Land between the dwellings of The Old Rectory and The Rectory Bungalow, Station Road, Elton on the Hill, Notts NG13 9LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Enrico Sansone and Miss India Newbury against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/01538/OUT.
 - The development proposed is the erection of new dwelling and associated access arrangements.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of new dwelling and associated access arrangements at Land between the dwellings of The Old Rectory and The Rectory Bungalow, Station Road, Elton on the Hill, Notts NG13 9LF in accordance with the terms of the application, Ref 23/01538/OUT, subject to the conditions in the attached schedule.

Preliminary Matter

2. The application seeks outline planning permission with all matters reserved except for access. I have considered the appeal on this basis and have treated any details in relation to the reserved matters as illustrative.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for residential development having regard to development plan policies and the accessibility of services and facilities, and;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

4. Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy (2014) (CS1) sets out a spatial strategy directing most development to the built up areas of Nottingham and key settlements. Elton on the Hill (Elton) is a small village and not a key settlement. In other settlements such as Elton, Policy 3 sets out that development should be for local needs only.

5. There is no definition of 'local needs' set out in either Policy 3 of CS1 or the supporting text at paragraph 3.10 of the Local Plan Part 2: Land and Planning Policies (2019) (LP2). Furthermore, in the justification for Policy 3, paragraph 3.3.17 states that local needs will be delivered through small scale infill development. I acknowledge that the proposed dwelling is to enable family to remain in the village, demonstrating a need for family housing in the settlement and I have no reason to dispute that assertion.
6. Similarly, the definition of 'small scale infill development' is not contained in the policy but supporting text at paragraph 3.10 of the LP2. Here it is defined as the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area. Whilst this is a material consideration it is not a policy requirement. Nonetheless, whether the proposal would satisfy this criteria is a question of planning judgement based on an assessment of the site and its surroundings.
7. The village of Elton is dissected by the A52. South of the A52, buildings are predominantly arranged in a linear manner on the western side of Sutton Lane, with small clusters of dwellings on the eastern side. North of the A52, on the western side, the linear form of development continues with an active frontage along Station Road. On the opposite side of Station Road, the extensive grounds of the Old Rectory results in little development directly fronting the road. The exception to this is Rectory Lodge, adjacent to a single-track lane which provides access to the appeal site and a bungalow at the end of the track. While development here is more dispersed and lower in density, the existing buildings nevertheless form a loose cluster, part of the built fabric of the village, sharing similar characteristics seen in parts of the village south of the A52, off Sutton Lane. The addition of a further single dwelling would respect the pattern of development within this part of the village.
8. The appeal site is a disused manege. To the east is the Rectory Bungalow, west of the site is the Old Rectory set some distance away with its extensive grounds bordering the appeal site. To the north is mature vegetation and to the south is a large paddock, extending down to the A52. Despite the approximate 100 metre gap between the neighbouring dwellings, the residential curtilages of the properties either side directly abut the appeal site and also contain various domestic structures. Thus, the appeal site does form a relatively small gap, in amongst existing housing.
9. Policy 14 of the CS1 states that, amongst other matters, travel especially by private car will be reduced by securing new development accessible by walking, cycling and public transport, following the Spatial Strategy in Policy 3 of CS1. Elton is at the bottom of the settlement hierarchy, so it is reasonable to assume that development in such locations will naturally not be as accessible by walking, cycling and public transport and therefore the degree to which the use of private car will be reduced will accordingly be lower compared to those settlements further up the hierarchy.
10. Given its size and rural location, Elton offers extremely limited services and facilities for local residents, who would need to travel into the neighbouring settlements for day-to-day needs. Whilst settlements within walking distance such as Orston, Whatton and Sutton may not offer facilities to meet these needs, Bottesford would be within cycling distance and offers a range of limited

services including a convenience store. There is also a railway station to the north of Elton. Although road conditions would not be attractive for pedestrians, it would only be a very short journey by car or bicycle to the station. There is also a bus stop located within a very short walking distance from the site. This is served by a frequent weekday and Saturday bus service to surrounding settlements, including Bingham which has many facilities for day-to-day needs.

11. Based on the evidence presented and in the context of a rural location, there are a range of adequate sustainable travel options which would mean future occupants would not be wholly reliant on the use of private car. In this regard I consider the development would be sustainable.
12. In coming to the above view, I am mindful of paragraph 109 of the National Planning Policy Framework (the Framework) which sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
13. For the reasons given, the proposal would be for local needs, delivered by developing a small gap within the existing built fabric of the village, respecting the existing pattern of development. As such, it would represent small scale infill development as defined in LP2 and would be compliant with Policy 3 of the CS1. Future occupants would also not be wholly reliant on the use of private car, according with Policy 14 of the CS1. Therefore, I conclude the appeal site would be a suitable location for residential development having had regard to the spatial strategy, development plan policies and the accessibility of services and facilities. It would also accord with Policy 1 of the CS1 in relation to sustainable development objectives, and those within the Framework as a whole.
14. As the appeal site is located on land between existing houses and as I have previously set out, it shares characteristics with the other built up parts of the settlement, the location would not amount to open countryside. Therefore, Policy 22 of LP2 which relates to development in the countryside is not applicable.

Character and appearance

15. The appeal site is set some distance down a single track road, off Station Road. While the site is contained by a brick wall on one side, mature vegetation on the opposite side, tall mature hedging to the front and low hedging on the rear boundary, within the site itself it does have an open character aided by the low hedging at the rear, allowing views out on to the paddock.
16. The introduction of a dwelling, no matter the scale, would reduce the gap that exists between the Old Rectory and Rectory Bungalow and the sense of openness which positively contributes to the character and appearance of the area. However, because the land that surrounds the appeal site is substantially screened by tall vegetation and hedgerows in the appellants' ownership, views of the site from public vantage points are extremely limited. Even if glimpsed and fleeting views may be possible from the A52, depending on the layout, scale, appearance and landscaping, a dwelling would not appear incongruous or harm the surrounding landscape, as it would be seen alongside views of the Old Rectory and Rectory Bungalow. Accordingly, owing to the discrete location of the appeal site, the rural character of the area would be retained.

17. For the above reasons, I conclude that the proposed development would not harmfully alter the character and appearance of the area. It would therefore accord with Policy 1 of the LP2 which, amongst other matters, seeks to ensure development does not have an adverse effect on landscape character. It would also accord with the aims of the Framework in respect of conserving and enhancing the natural environment.
18. The Council in the third reason for refusal in the decision notice concluded against Policy 22 of the LP2 in respect of character. However, part 3 of Policy 22 where character and appearance is discussed, is only applicable if the development accords with part 2 of the Policy. As the Council had concluded that the proposal did not fall within the list of uses set out at part 2, it follows that part 3 is not applicable. This policy has therefore not been determinative on this issue.

Other Matters

19. Access is not a reserved matter and is therefore of relevance to this appeal. I note that the Council has not raised any concerns in relation to the access or highway safety matters. As the vehicular access road already serves one dwelling and vegetation at the entrance to the site is within the appellants ownership, I see no reason to disagree with this conclusion.
20. Given the modest size of the site and relationship with the neighbouring properties, I am satisfied that a scheme could be designed to avoid any detrimental impact on the living conditions of neighbouring occupiers.
21. I note the appellant intends to pursue the scheme as a self-build dwelling and that the Framework encourages such sites to come forward. Normally such housing would be secured via a legal obligation. However, given that I have found no conflict with the spatial strategy and concluded that the location is suitable for residential development, there is no requirement within the policies cited under this main issue to secure the proposed development as self-build.

Conditions

22. The Council has suggested several conditions. I have included those which meet the six tests set out in the Framework and the Planning Practice Guide (PPG), rewording, where necessary, for clarity.
23. I have attached conditions 1, 2 and 3 relating to the submission of reserved matters and the time limits associated with this in the interests of clarity. Condition 4 is imposed to specify the relevant drawings, as this provides certainty.
24. Condition 5 requiring samples of the materials to be submitted to and approved by the Council prior to the external walls or roof being constructed is reasonable and necessary to ensure the development does not adversely affect the character and appearance of the area.
25. Condition 6 relating to access and visibility splays is necessary in the interests of highway safety and condition 7 requiring water efficiency measures, is necessary in the interest of protecting scarce resources. Condition 8 is reasonable and necessary in the interests of sustainability.

26. To assist in reducing travel demand by enabling working from home initiatives and to secure the delivery of high-quality digital infrastructure, condition 9 is necessary to secure the installation of high-speed fibre optic broadband.
27. For environmental and biodiversity reasons, condition 10 is necessary in respect of biodiversity enhancements. Condition 11 is necessary for environmental reasons and to protect the character and appearance of the area.

Conclusion

28. The proposed development would accord with the development plan and material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

T Bennett

INSPECTOR

Schedule of Conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
2. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, scale and layout including parking/turning provision ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and RHC-23-126-01 Revision A, but only in respect of those matters not reserved for later approval.
5. No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
6. The dwelling hereby permitted shall not be occupied until the following works have taken place in accordance with drawing no. RHC-23-126-01 Revision A:
 - The vehicular access from Station Road has been widened to 5.8 metres for a distance of 8 metres from the highway boundary, and has been surfaced in a hard bound material for a minimum distance of 5.5 metres from the highway boundary, and provided with drainage to prevent the discharge of surface water on to the public highway.
 - 2.4 metre x 43 metre visibility splays have been provided at the access.

Thereafter the area within the visibility splays shall be kept free from obstructions exceeding 0.5 metres in height.

7. The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
8. The dwelling hereby permitted shall not be occupied until an Electric Vehicle Charging Point (EVCP) has been installed and is available for use. The EVCP shall be permanently retained and available for use for the lifetime of the development.
9. The dwelling hereby permitted shall not be occupied until ducting to enable the connection to high-speed fibre optic broadband has been installed.
10. The dwelling hereby permitted shall not be occupied until bat roosting and bird nesting boxes have been installed on the site in accordance with details to be submitted to and approved in writing by the local planning authority, and bat roosting and bird nesting boxes of the same size and specification as those approved shall be retained for the lifetime of the development.
11. Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details and maintained as such thereafter.

End of Schedule