



Appeal Decision

Site visit made on 30 July 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2024

Appeal Ref: APP/A3010/W/24/3342995

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 (as amended) 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 is 23/01456/OUT.
 - The development proposed is an outline planning application for four live/work units (all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved for subsequent approval. A drawing has been submitted that includes details of layout and access, matters that are reserved for future consideration. I have therefore treated the drawing as illustrative in this regard and determined the appeal on this basis.
3. It has been brought to my attention that the Bassetlaw Local Plan 2020-2038 was adopted on 29 May 2024 (LP). The LP replaced the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies DPD, adopted 2011. Policies ST1 and ST2 of the LP replaced Policies CS1 and CS9 of the superseded Local Plan. It is mandatory for me to take account of the most relevant and up-to-date information in reaching a decision and therefore, I have dealt with the appeal on the basis of the LP.
4. The Council detailed the adoption of the Local Plan in their Statement of Case. Although the appellant missed the deadline to issue final comments, they did have the opportunity to comment upon the revised policies and therefore has not been prejudiced.

Main Issue

5. The main issue is whether the appeal site is in a suitable location for the proposed development.

Reasons

6. LP Policy ST1 sets out the spatial strategy for the district and directs the majority of development to the main towns of Worksop, Retford and Harworth & Bircotes, and to a number of identified Large Rural Settlements and Small Rural Settlements. The appeal site falls outside of the identified settlements and therefore, is within the countryside. LP Policy ST1 states that development

within the countryside will only be supported where it is consistent with other policies in the development plan or national policy.

7. The proposal seeks permission for 4 live/work units. LP Policy ST2(3) outlines a closed list of exceptions whereby housing developments in the countryside will be supported, including (a) they are supported within a made Neighbourhood Plan.
8. The appeal site is within the designated area of the Blyth Neighbourhood Plan 2018-2035, made June 2020 (NP). NP Policy 3 supports proposals for residential developments on infill and brownfield sites where they meet all of the criteria listed, including (a) it fills a small gap in an existing frontage, or on other appropriate sites within the proposed development boundary of Blyth (as identified in Appendix B).
9. The appeal site comprises part of a field outside the development boundary of Blyth. It forms part of a series of fields that front onto Bawtry Road with no buildings or structures bounding the appeal site to either side. The parcel of land would accommodate four live/work units and an associated access road and therefore, the appeal site is not small. Consequently, the proposal would not fill a small gap in an existing frontage.
10. The appeal site extends from Bawtry Road in a linear pattern towards a dwelling known as The Bungalow. The narrowness of the appeal site would require the four live/work units to be positioned in a similar layout as shown on the indicative drawing. Therefore, the development would not be positioned along an existing frontage.
11. Accordingly, the proposal would conflict with NP Policy 3(a) and LP Policy ST2(3)(a).
12. The appellant has directed me to NP Policy 7 that supports development proposals for businesses to operate from integrated home/work locations subject to not having an unacceptable impact on the character of the village, residential amenity, and highway safety. The proposal is in outline with all matters reserved. However, the appellant's Design & Access Statement and Planning Appeal Statement provide further details of the 'work' element of the proposal including:
 - *"the development...would provide homes with business premises which would not be desirable within regular residential developments";*
 - *"these properties would cater for small business owners who work from home and operate businesses such as classic car restoration, eBay shops, artist studios, potteries etc. In fact any small business that requires a light industrial facility";*
 - *"it would be almost impossible to comply with the requirement of not having an unacceptable impact on residential amenity if this proposed development was proposed to be built with [sic] the development boundary for residential development"; and*
 - *"the nature of the proposed development would require it to have a setting away for [sic] other residential properties, closer to other commercial developments".*

13. These statements suggest that the proposed 'work' element of the scheme would not be compatible with a residential area. The appeal site would be in proximity of an existing residential property (The Bungalow) and therefore, the light industrial uses could adversely affect the living conditions of the existing occupiers of this property. Furthermore, it would comprise four separate units, whereby each 'work' unit would have the potential to adversely affect the living conditions of future occupiers of the other three dwellings. Accordingly, the proposal would not accord with NP Policy 7 as it could have an unacceptable impact on residential amenity.
14. In reference to the main issue, the appeal site is not in a suitable location for the proposed development. It would be contrary to Policies ST1 and ST2 of the LP and Policies 3 and 7 of the NP, the content of which I have previously detailed.

Other Matters

15. The appellant has stated that large amounts of commercial development has recently taken place in proximity to the appeal site and therefore, in planning policy terms, there should be no reason to deny commercial development on the appeal site. I acknowledge that there is a motorway services and large distribution buildings within proximity of the appeal site. However, I have not been provided with the planning history of these developments and therefore I am unable to ascertain whether they are directly comparable to the appeal proposal. Notwithstanding this, I must determine each case on its own merits.
16. The appellant asserts that the proposal would comply with paragraphs 7, 85, 86 and 88 of the National Planning Policy Framework that support commercial development, including live/work units. However, I am not convinced from the information before me that the proposed development could not be accommodated in a location that would comply with the development plan.

Conclusion

17. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR