



Appeal Decision

Site visit made on 23 July 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal Ref: APP/A3010/W/24/3341047

Lyn-Dor, Blyth Road, Nottinghamshire, Worksop S81 0TP

- 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 Melvyn Bownes against the decision of Bassetlaw District Council.
- The application Ref is 23/01503/OUT.
- The development proposed is Erection of 2no detached residential dwellings (Reserved).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading is described as it is found on the application form. However, the appeal site itself is located in a field next to the address given, with the indicative access shown on the access road between the two sites.
3. Outline planning permission is sought with all matters reserved with the exception of means of access which would be located off 'New Houses'. I have assessed whether or not an acceptable development as described in the proposal could be devised based on the evidence provided including any indicative plans. Moreover, in assessing the indicative plans submitted I am cognisant that the site could be developed in other ways.

Main Issues

4. The main issues are:
 - Whether the site would be a suitable location for housing, having regard to the development plan spatial strategy for the supply of housing;
 - The effect of the proposal on highway safety with regard to future occupier access to public transport;
 - Whether the proposed development would provide acceptable living conditions for future occupants, with particular reference to light and noise; and,
 - The effect of the proposal on biodiversity and existing trees.

Reasons

Suitable location

5. The appeal site is a field located off Blyth Road just on the outskirts of Worksop, with the indicative access located off 'New Houses'. The field has a gradual slope and is a large open space between 'Lyn-Dor' and the adjacent business premises. Mature trees are located to the boundary of the adjacent business premises. A stable block is located next to the boundary with the highway. The wider area has a mixture of residential and business premises nearby. These include a haulage company, an equestrian centre, a kennels and an engineering firm, amongst others. Residential properties are generally located in small clusters with one or two other dwellings, or isolated and adjacent to these business premises.
6. Policy DM3 of the Bassetlaw Core Strategy and Development Management Policies DPD 2011 (CS) sets out the exceptions where development will be permitted in the open countryside. This includes the replacement of buildings, the re-use of previously developed land or for proposals for agricultural, forestry and domestic equine facilities. Policy 6 of the Carlton in Lindrick Neighbourhood Plan 2018 (NP) states that residential development will be supported on infill sites where the proposal is located within the existing settlement boundary, amongst other matters of consideration.
7. The proposal is for two residential dwellings. This would not involve the replacement of a building, the re-use of previously developed land or for the provision of agricultural, forestry and domestic equine facilities. The appeal is not located within a defined settlement boundary. As such, the appeal site would be located in an unsuitable countryside location.
8. To conclude, the proposal would be contrary to Policy DM3 of the CS as it would not meet the exceptions of development considered appropriate in the open countryside, as listed within the policy. The proposal would also conflict with Policy 6 of the NP due to its location outside of the settlement boundary.

Highway safety

9. Concern is raised that the location of the appeal site would be heavily reliant on private cars for transport, and that if future occupiers were to utilise public transport opportunities located along Blyth Road, that access to this transport would not be safe for pedestrians or cyclists. Policy DM4 requires new development to ensure that it is not to the detriment of highway safety.
10. If the future occupiers were to seek to utilise public transport, there is no public footpath adjacent to Blyth Road. The highway is also unlit in this locality, with shrubs and large bushes located along the highway verge. Collectively, these matters would require future occupiers to walk close to the highway with potential trip hazards on an unlit area of Blyth Road. As such, safe access to this public transport would not be achieved and would consequently be to the detriment of highway safety. Furthermore, given its location within the open countryside and its distance from Worksop, it is likely that the future occupiers will rely on private cars for transport to undertake daily tasks.
11. I recognise that these bus stops have the potential to be used by existing residents and the accident data provided show that there have been no recorded incidents since 1999. However, this would not excuse further potential

detriment to highway safety. The appellant has also provided an extract from a bus operators frequently asked questions page. This notes that in rural areas, drivers will stop on request if it is safe to do so. This is a benefit to the proposal given its location within a rural area. However, whilst these matters are a possibility, it is likely that users would still have to walk along the highway verge, even if this was over a shorter distance. Regardless of the indicative layout, I do not find that an alternative would overcome this conflict.

12. To conclude, the proposal of two dwellings as considered in this outline application would be in conflict with Policy DM4 due to their implications on highway safety.

Living conditions of future occupiers

13. To the rear of the appeal site is a large commercial premises. Although partially offset from the direct rear of the proposed dwellings, the access track to this commercial premises is located behind the appeal site. As such, it is expected that due to its close proximity this would result in unwanted noise and general disturbance from the commercial premises, but more decisively, the movement of vehicles to the rear. Additionally, a large premises such as this is likely to generate light outside of daylight hours. This would result in a detriment to the living conditions of future occupiers, who would be subject to multiple noise sources. Accordingly, given this relationship, it has not been demonstrated to my satisfaction that the negative effects of noise and disturbance can be overcome. This is due to the close proximity of the appeal site to the business premises, and the lack of a noise and lighting assessment which has not been submitted with this appeal.
14. Regardless of the indicative layout, I am mindful that the site could be developed in other ways. However, based on the evidence submitted and my assessment of the site on the ground, I do not find that a suitable alternative arrangement could be proposed where two dwellings could be rearranged in a manner that would ensure that future occupiers would be unaffected by the harm I have outlined above in specific relation to noise.
15. I note the concern of the appellant of the use of Policy DM4 of the CS and Policy 1 of the NP. In having regard to the circumstances of the appeal, I have not found against these policies. This is due to their focus on the effect of development against neighbouring occupiers, not the future occupiers of proposed developments. As such, I do not consider it determinative to the consideration of this matter in this appeal.
16. However, to conclude, paragraph 135 of the National Planning Policy Framework (the Framework) states that developments should create places that have a high standard of amenity for existing and future users. As such, the proposal would work against the provisions of the Framework with regard to the living conditions of future occupiers.

Biodiversity and trees

17. Mature trees are located to the rear of the site. No details have been submitted relating to biodiversity, or the effect of the proposal upon the trees within the site. As such, the effect of the proposal on the biodiversity and ecology of the site cannot be assessed. However, the application is for outline planning

permission. I consider that this matter could be conditioned and considered during the reserved matters stage of this proposal.

18. To conclude, due to the absence of details which could be considered during the reserved matters stage, the proposal would not work against the provisions of Policy DM9 of the CS. This policy seeks for development to protect and enhance green infrastructure assets affected by development.

Other Matters

19. The example of a location of a new housing estate has been highlighted by the appellant. There is an absence of evidence in the form of a decision notice or officer report to show the reasoning behind the decision to allow this specific development. Therefore, this example carries limited weight in my decision.

Conclusion

20. The proposal would conflict with the LP due to its position within the open countryside, would be to the detriment of highway safety and would create unacceptable living conditions for its future occupiers.
21. The net increase of two dwellings would bring economic and social benefits, including construction jobs, increased local spend and new homes which would boost the supply of housing. Yet, the minor benefits associated with this would not outweigh the significant harm I have found in respect of the main issues.
22. For the reasons given above, the proposal would be contrary to the development plan as a whole and the Framework. There are no material considerations which indicate that I should take a decision otherwise than in accordance with the development plan and the Framework in this case. Therefore, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR