

Appeal Decision

Site visit made on 27 August 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/A3010/W/24/3344786

Land off Retford Road, South Leverton, Retford, Nottinghamshire

Easting (x): 478081 Northing (y): 381145

- 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 Keith Wilson against the decision of Bassetlaw District Council.
 - The application Ref is 23/00460/OUT.
 - The development proposed is erection of 6 No. bungalows with associated car parking and means of access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved apart from means of access. I have therefore treated the drawings showing the proposed layout of the dwellings as being for indicative purposes only.
3. The appellant has indicated a willingness to amend the proposed development to five bungalows, one less than the six bungalows proposed. However, the appeal process should not be used to advance a scheme. If the appellant considers that amending the proposed development would overcome the concerns of the Council, a fresh planning application should be submitted.
4. Since issuing its decision notice and submission of the appeal, the Bassetlaw Local Plan 2020-2038 (29 May 2024) (BLP) has been adopted. This supersedes the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD, adopted December 2011 (CS). The Council has confirmed that the proposed development should now be assessed against Policies ST1, ST2, ST33 and ST35 of the BLP. I have determined the appeal on this basis and have had regard to the comments of the main parties in respect of this matter.

Main Issues

5. The main issues are:

- whether the site is an appropriate location for the proposed development, having regard to the development plan; and
- the effect of the proposed development on the character and appearance of the area.

Reasons

Location

6. Policy ST1 of the BLP sets out a spatial strategy to manage sustainable development and growth, appropriate to the size of each settlement or location to meet the evidenced need for new homes, in accordance with a settlement hierarchy. Part 2 of Policy ST2 of the BLP directs housing growth towards to within a development boundary of a Large or Small Rural Settlement, or in cases where there is no development boundary, within the existing built form of a settlement. South Leverton is identified as a Small Rural Settlement with a minimum housing requirement of 11 dwellings over the plan period. The Council suggests that there is a residual requirement of 6 dwellings to be delivered following the recent completion of 5 new dwellings (Council reference: 21/00775/FUL) at Priory Farm (adjoining development).
7. In the absence of a defined development boundary for South Leverton or a clear definition of 'existing built form' in the BLP, determining whether the appeal site is located within the existing built form of South Leverton is a matter of planning judgement.
8. The rectangular shaped appeal site is bordered to the south by Retford Road, to the north and west by fields and by five 2-storey dwellings to the east on the adjoining development. Whilst the appellant suggests that the appeal site was formerly part of the curtilage of Priory Farm, this linkage is no longer visibly evident. Likewise, whilst polytunnels, sheds and structures may once have existed, at the time of my site visit, the appeal site was devoid of any built form and comprised of rough grassland. As a consequence, the appeal site is not distinctly different to the adjacent open fields. Therefore, the site falls outside of and beyond the existing built form of South Leverton and must therefore be regarded as being located in the countryside for the purposes of decision making.
9. Therefore Part 3 of Policy ST2 of the BLP relating to residential development in the countryside is relevant. This requires residential development to be supported within a made neighbourhood plan (NP); or to represent a replacement dwelling; or to comprise conversions of an existing building. The Council has advised that the NP is not made and has not been advanced beyond it being a designated neighbourhood area in 2018. As such, the proposed new build dwellings, would not meet the exceptions set out in Part 3 of the BLP at the current time.
10. The Council has confirmed that it is able to demonstrate a 7.2 years supply of deliverable housing land and this has not been disputed by the appellant.

In the circumstances, there does not appear to be any urgent need to locate the proposed dwellings in the countryside.

11. Whilst the appellant has drawn my attention to the Parish Council's South Leverton Neighbourhood Plan Site Options and Assessment (October 2019) (SOA) which identifies the appeal site as potentially suitable for allocation for housing development, this report also highlights that there may be other sites located within the existing built form of South Leverton that could meet the residual housing requirement for this settlement.
12. The proposed bungalows could be suitable for more elderly or retired members of the community and would provide level access homes which could help to meet the needs of the ageing population identified in the South Leverton Housing Needs Assessment (HNA) (August 2023).
13. However, the SOA and HNA have both been produced to inform the emerging NP and it is not clear at this stage whether such needs could only be met outside of the existing built form of the settlement, in the countryside. The South Leverton Design Codes and Guidance (2023), also prepared to support the emerging NP envisages that new development in the neighbourhood area would likely comprise infill and backland proposals as well as extensions, alterations and conversions to existing properties.
14. I accept that the site is situated close to dwellings within the existing built form and so is not isolated for the purposes of applying the National Planning Policy Framework (the Framework) and there is a footpath which would have comparable accessibility credentials to the dwellings on Retford Road that are located within the settlement boundary. Even though South Leverton has a number of services including a public house, village hall and church, occupiers of the proposed development would need to travel further afield to access a wider range of services and facilities. I accept that bus services operating through the village could provide an alternative option to the private motor vehicle for travelling further afield.
15. Nevertheless, while the above factors indicate that the site would perform adequately from an accessibility perspective, this is a usually expected requirement and does not equate to a benefit. It is also not the only factor in considering whether the proposed development would meet the sustainable development needs of the area. Sustainable patterns of development are also important for environmental reasons, including for example to ensure the proposed development does not harm the surrounding countryside in line with criteria a) to f) of Part 2 of Policy ST2 of the BLP, a consideration linked to my second main issue.
16. I conclude that the site would not be an appropriate location for new residential development, having regard to the development plan. In this regard the proposed development would conflict with Policies ST1 and ST2 of the BLP which require residential development to be in accordance with the settlement hierarchy and for residential development in the countryside to accord with the criteria specified. It would also conflict with the requirement in the Framework for the planning system to be genuinely plan-led and to provide homes in a sustainable manner.

Character and appearance

17. Retford Road contains a mixed form of ribbon development on both sides of the street west of its junction with Church Street, including dwellings both fronting and sitting side gable onto the street. Grass verges, hedgerows and mature trees are prevalent along the route. As the route transitions to open countryside, dwellings are located on one side of the road and views of hedgerow boundaries and open fields become more dominant. Despite the variety of development in the area, the spacing and rhythm of development and the soft landscaped features including fields make a positive contribution to the semi-rural character and appearance of the area.
18. The appellant's case suggests that the Council identified harm in relation to the character of the site only. However, in its reason for refusal, the Council also refer to the rural setting of South Leverton. The appeal site is located within the Mid-Nottinghamshire Farmlands Policy Zone 05: Leverton in the Bassetlaw Landscape Character Assessment (2009) which has an overall landscape aim to conserve existing landscape features including hedgerows, pasture land and to conserve the open rural character of the landscape by concentrating new development around the existing settlement of North Leverton.
19. With the exception of the field gate access located to the front of the site, the appeal site is an open field bound by hedgerow on all sides, with a mature tree located adjacent to the rear boundary of the site. A close boarded fence on the rear side of hedgerow runs along the rear garden boundaries of the adjoining development. The appeal site makes a positive contribution to the character and appearance of the countryside at the edge of South Leverton.
20. Whilst the layout and design of the proposed bungalows are reserved matters and even though existing boundary trees and hedges proposed for retention would provide a degree of screening, views of the bungalows, together with their associated hardstanding access and parking would still be achievable and would be particularly evident through gaps to provide the proposed accesses. This would interrupt the current green edge provided by the existing hedgerow and this combined with the introduction of new residential development and increased residential use in this location would inevitably change its character, and harm its rural and landscape setting due to the loss of open land to permanent built development.
21. The appellant suggests that the bungalows could provide a better interface between the countryside and the settlement compared to the adjoining development, due to its single-story nature and potential layout which could form a continuation of the farmstead courtyard arrangement of the adjoining development. Whilst this is a matter that would need to be determined at reserved matters stage, the proposed development would more likely be viewed as a separate entity due to the visual separation provided by the fence and hedgerow that encloses the private rear gardens associated with this adjoining development. I find the proposed development would significantly alter the current undeveloped appearance of the site to the detriment of the rural setting of South Leverton.

22. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. In this regard it would conflict with Policies ST33 and ST35 of the BLP which require development to positively preserve, enhance and integrate landscape features, to protect the distinctive qualities of the relevant landscape character policy zone and to create a positive interface between the urban and rural environments. Even if I had determined criteria a) to f) of Part 2 of Policy ST2 to be relevant under the first main issue, conflict would also arise with the requirement to not cause significant harm to the openness and distinctiveness of the surrounding countryside. The proposed development would also conflict with the requirement in the Framework to ensure that decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

23. My attention has been drawn to planning permissions granted by the Council for the adjoining development and for two dwellings on land at New Farm Stud (Councils references: 19/01034/FUL and 20/00982/FUL). However, I am not aware of the full planning circumstances of these examples given. Accordingly, I have considered the proposed development on the basis of the proposal before me and the current requirements of the development plan and national policy.
24. The appeal site is located within the setting of The Priory (grade II listed), The Old Dovecote (grade II listed) and Priory Farm (a non-designated heritage asset). In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess. The potential for the proposed development to impact on these heritage assets has been raised but is not in dispute. Having considered the intervening development, the outline nature of the proposed development and relationship between the appeal site and these assets, I am satisfied that no harm to significance would arise. Even so, this does not alter the harm I have identified in relation to the main issue relating to the character and appearance of the appeal site and the surrounding area.

Conclusion

25. The proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR