
Appeal Decision

Hearing held on 6 July 2016

Site visit made on 6 July 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 August 2016

Appeal Ref: APP/A2470/W/3143293

Land at Harrier Close, Cottesmore, Oakham, Rutland LE15 7BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Abbey Developments against the decision of Rutland Council.
 - The application Ref 2015/0272/FUL, dated 2 March 2015, was refused by notice dated 4 September 2015.
 - The development proposed is residential infill development comprising 22 dwellings including 8 affordable dwellings along with open space and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Cottesmore Neighbourhood Plan (CNP) was made at the full Council meeting of Rutland Council on 11 July, the week after the Hearing was held. Such an event was anticipated at the Hearing and the implications of the Plan being made was discussed at the event. However, I am led to understand that some discussions are ongoing with regards an incorrect plan and that the CNP may need to be 're-made'.

Main Issue

3. The main issue in this case is whether the occupants of the proposed development would have acceptable access to shops and services.

Reasons

4. Cottesmore village is a reasonably sized settlement with a good range of services, including a shop, post office, a pub, and a primary school. A further primary school is sited at the Kendrew barracks to the north east of the village. These barracks are separated from the village by an area of open countryside located along Rogues Lane. Harrier Close is adjacent to the barracks. The street forms a loop with houses set around the three sides of the loop with further houses in the middle. To the south are the open fields which form part of the separation between the barracks and the village, with houses for the barracks located to the east and north. These houses and their gardens are separated from Harrier Close by a high wire fence. To the west lies Rogues Lane; this has a security point located just to the north west of Harriers Close for those wishing to access and exit the barracks. Other than the school and a
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- bus stop, there are no other publically accessible services located within the barracks.
5. The appeal site consists of various open pieces of land located around the Close, on which it is proposed to construct 22 dwellings, including 8 affordable houses. The design of the houses would be similar to the existing dwellings on the road, and the nature of the scheme within the gaps on the street would mean that there would be little effect on the character and appearance of the area.
 6. A technical note¹ submitted in evidence considers that the appeal site is sustainably located. It notes changes in guidance and national policy since a previous appeal was dismissed² and proposes mitigation in the form of cycle facilities and travel plan type measures. It states that the primary school within the barracks is located around 360m away, with the post office, convenience store, village school and pub about 1.3-1.4km away. The bus stop in the barracks, accessible by residents of the Close, is some 360m away. This provides a 2 hourly service to Oakham and Melton Mowbray.
 7. The Council note that the primary school within the barracks is not well used by children who are not resident within the barracks; a figure of 6 'non service' children out of a school population of 182 is stated. At the Hearing existing residents of the Close explained that the primary reason for this is due to the movement of service personnel at the site; with families regularly moving to other barracks both in the UK and abroad there is a large degree of flux in the school population and 'civilian' children would consequently find friends leaving and new children arriving fairly regularly. This upheaval means that many residents in the Close instead choose to send their children to the school in the village centre.
 8. The main nearby facilities for the site are therefore all around 1.3-1.4km away. I walked this route during my visit. On a pleasant day this is a relatively easy walk although one that took around 15-20 minutes. However, in this respect I note that it would likely take longer for those walking with young children and pushchairs, or for older residents. Furthermore, the walk would be less attractive in poor weather, or in the winter when screening from the elements from roadside hedges would be reduced. A survey submitted by the residents of Harrier Close during the Hearing indicates that 65% use a car to access the post office, 95% the village shop and 79% the village primary school. Whilst I appreciate that this survey is limited in its scope, in that it only relates to the residents of the Close and is not benchmarked with, for instance, habits of the residents of the centre of the village or other nearby villages, I have no reason to doubt its veracity and consider that it adequately demonstrates the travelling habits of the majority of the Close's residents.
 9. The National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The appellant refers to the Manual for Streets³ (MfS) which states that a reasonable walking distance is about 10 minutes (800m) to local facilities, although it notes that this is not an upper limit and references a 2km walking distance.

¹ Technical Note on Access by Sustainable Modes, Feb 2015. Odyssey Markides.

² APP/A2470/A/06/2019809, 30/01/2007

³ Manual for Streets, Department for Transport, 2007

The Chartered Institution of Highways and Transportation (CIHT)⁴ recommends a preferred maximum walking distance of up to 1,200m and up to 2,000m for school trips.

10. Other than the schools, the distances stated in the evidence to the key facilities of the shop, post office and pub all lie above this maximum preferred distance of 1,200m. This guidance accords with my views and the evidence within the Residents survey; whilst some trips to the services would be walked or cycled, due to the distance and the isolated nature of part of the walk, I consider that most of the day to day journeys made by future residents of the proposed 22 houses would be made by private vehicle. I also consider for the same reasons that residents who chose to school their children in the village would be likely to use a car to take and pick up their children on the majority of occasions. I therefore do not consider that the proposal would be sustainably located. Whilst I note the proximity of the barracks bus stop, I do not consider a 2 hourly service to be particularly regular, even if it may be higher than some other rural areas. The mitigation mooted by the Technical Note concerning cycling has also not been provided. Furthermore, and with reference to paragraph 55 of the Framework, I have no evidence that the proposed houses are required to support services and to help maintain or enhance the vitality of Cottesmore.
11. The Rutland Core Strategy⁵ sets out a settlement hierarchy for the County to ensure that development is directed towards the most sustainable locations. Cottesmore falls within the description of a 'local service centre' in Policy CS3, but the appeal site falls outside the boundary of the village and so is deemed to fall within 'open countryside'. Policy CS4 states that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside. The proposal would be contrary to both of these policies, as well as to Policy SP6 of the DPD⁶ which builds on the policy within CS4 and postdates the Framework.
12. Regardless of the precise circumstances described in paragraph 2, the CNP is clearly at a highly advanced stage and as such a high degree of weight can be proportioned to the plan. The CNP does not allocate specific sites for housing, but states that any development should be within the village boundaries (policy COT H1) and should be located within walking distance, 800m, of the centre of the village and public transport to encourage less use of the car (COT H6). Whilst the proposal would accord with many of the aims of the CNP and would be within 800m of public transport, it is 1,400m from the village centre, defined as the post office. The proposal would be contrary to both of these policies.
13. The appellant notes that policy SP6, and the references in policies CS3 and CS4, refer to housing in the countryside and considers that the proposal would be infill development and would not thus constitute isolated countryside development. However, whilst I agree that the proposal is not isolated in terms of surrounding development, and would fill in gaps in existing housing, in policy terms the site lies within the countryside. The provision of a settlement hierarchy in the development plan aims to ensure that development is largely restricted to the identified settlements, where developments are likely to be

⁴ Providing for Journeys of Foot, CIHT, 2000

⁵ Rutland Local Development Framework Core Strategy Development Plan Document July 2011

⁶ Rutland Local Plan Site Allocations & Policies Development Plan Document October 2014

more sustainable. The site is outside of this area and as such is considered by the development plan to be unsustainable for the development proposed. I am also mindful in this respect of the fact that the development plan has been through the various stages of consultation and examination that this entails.

14. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The appellant considers that it is in doubt that the Council can demonstrate such a supply. They state that the latest Strategic Housing Market Assessment (SHMA) dating from October 2015, is the most up to date objective assessment of housing need in the area, and as such represents significant new evidence. The Planning Practice Guidance (PPG) states that considerable weight should be given to the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light, and that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. Use of the figures within the SHMA would result in a shortfall of supply. The appellant also refers to a recent appeal decision in Shropshire⁷ where the Inspector considered that the Framework and the PPG were both significant matters that affected the weight given to the housing requirement in that case.
15. The housing requirement figures used by the Council come from the adopted Core Strategy of 2011, which predates the Framework and the PPG. These figures derive from the revoked East Midlands Regional Plan. However, I note that the examining Inspector of the Core Strategy considered that the figures had been tested with regards to alternatives, both higher and lower, and recent evidence had been taken into account. Therefore the figures were retested as part of the Core Strategy and were found to be sound. Furthermore, I note that the SHMA is not a policy document and was not tested or consulted upon. In these circumstances the PPG states that the weight to be given to such assessments should take this into account. Given this I consider it still to be relevant to give considerable weight to the housing need figures that successfully passed through the examination process of the Core Strategy.
16. The appellant also considers that recent national political events could affect the delivery of committed housing sites and that one site (Site C Uppingham) had attracted a town council objection and was contrary to the Neighbourhood Plan (UNP). They consider that the limited oversupply the Council have is therefore in doubt and is vulnerable.
17. The Council have identified specific deliverable sites for their 5 year supply. At the Hearing this annual report dated from 1st April 2016 and was reasonably detailed and comprehensive. In relation to Uppingham C I note that the only conflict with the UNP (and the town council) was an issue over the provision of 1 bed flats. Finally, in relation to recent national events, I have no evidence that this has caused a slowdown in housing delivery, either nationally or at a local level. Therefore, based on the evidence I have been supplied with and the answers I received at the hearing it appears to me that the Council can demonstrate a 5 year supply of housing sites.

⁷ APP/L3245/W/15/3067596

18. I am mindful of the benefits of the scheme, including economic and social benefits through the delivery of 22 houses. I also give weight to the proposed 8 affordable units that the scheme would provide, and note the proposed provision of public open space within the scheme. However, given the location of the scheme I do not consider that the proposal constitutes sustainable development for which there is a presumption in favour within the Framework.
19. I therefore conclude that the occupants of the proposed development would not have acceptable access to shops and services. The proposal would be contrary to Policies CS3 & CS4 of the Core Strategy, Policy SP6 of the DPD and to Policies COT H1 and H6 of the CNP. The proposal would also be contrary to the Framework which states as a core planning principle that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

Other Matters

20. At the Hearing an Unilateral Undertaking was submitted concerning affordable housing. The Council considered there was a number of outstanding items within this UU, and suggested a condition be employed instead of any consent granted. However, given that I am dismissing the appeal on other grounds I have not considered this matter further.
21. The appellant refers to other appeal decisions in evidence. However, in relation to the North Weald case⁸, I note that the Council could not demonstrate a 5 year supply of housing land. Consequently, although the Inspector found harm in terms of adverse transport impacts, these did not significantly and demonstrably outweigh the benefits of the scheme in that instance. From the information I have it appears that the Worcestershire appeal⁹ case concerned a site immediately adjacent to an existing village, and consequently there were no issues with the sustainability of the location of the site. Furthermore, each case must be dealt with on its own merits.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

⁸ APP/J1535/W/15/3134332

⁹ APP/H1840/W/15/3008340

APPEARANCES

FOR THE APPELLANT:

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Barton Willmore

Mark Utting

Barton Willmore

FOR THE LOCAL PLANNING AUTHORITY

Nick Hodgett MRTPI

Rutland County Council

Sharon Baker MRTPI

Rutland County Council

James Faircliffe FCIH

Rutland County Council

INTERESTED PARTIES:

Andrew Stewart

Ward Councillor

Edwin Rumbelow

Interested Party

Sara Atkin

Local resident

Charlotte Towe

Local resident

Tracey Bedford

Local resident

Richard Giblin

Local resident

Karen & Dean Mackness

Local residents

Anne Watson

Local resident

John Watson

Local resident

Brian and Jill Smith

Local residents

Christopher Donovan

Local resident

Jill Shaffin

Local resident

Robert Broad

Local resident

Frank Chivers

Local resident

Keith Edwards

Local resident

Gavin Swain

Parish Councillor

DOCUMENTS SUBMITTED AT THE HEARING

1. Barton Willmore Five Year Housing Land Supply Calculations
2. Policy SP5 of the DPD
3. Notice regarding 'The publication of the Peterborough Sub-Regional SHMA Update October 2015'
4. Rutland County Council Five Year Housing Land Supply Calculations 31 March 2016
5. Sustainability Survey for Harrier Close, Residents of Harrier Close.
6. Marketing brochure for 'Rutland Place' [now Harrier Close], Abbey Homes August 2006
7. Notes of Rutland County Council concerning the submitted unilateral undertaking
8. Excerpt from Rutland Local Plan Review Issues and Options Consultation November 2015.

Richborough Estates