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## Appeal Decision

Hearing Held on 19 June 2018

Site visits made on 18 and 19 June 2018

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 July 2018**

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**Appeal Ref: APP/A3010/W/18/3196331**

**1 Walkeringham Road, Beckingham DN10 4PL**

- 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 Mr Russ Jones of J & W Property Developments Ltd against the decision of Bassetlaw District Council.
  - The application Ref 16/00877/FUL, dated 23 June 2016, was refused by notice dated 13 December 2017.
  - The development proposed is residential development of 33 dwellings with a mix of 2, 3 and 4 bed properties, and including 8 semi-detached units and 2 detached bungalows.
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### Decision

1. The appeal is allowed and planning permission is granted for a residential development of 33 dwellings with a mix of 2, 3 and 4 bed properties, and including 8 semi-detached units and 2 detached bungalows at 1 Walkeringham Road, Beckingham DN10 4PL in accordance with the terms of the application, Ref 16/00877/FUL, dated 23 June 2016, subject to the conditions in the attached schedule.

### Procedural Matters

2. The description of development I have used is from the Statement of Common Ground. It differs from that shown on the planning application form, the decision notice and the appeal form. However, it reflects the scheme that was amended during the course of the planning application, which included, among other things, a change in the number and mix of the proposed dwellings. There were no objections to me using this description when it was discussed at the hearing. I have proceeded on this basis.
3. A signed and completed Section 106 Agreement was submitted after the close of the hearing following discussions around the draft version of the agreement and the need to obtain signatures from various people. It includes a number of obligations to come into effect if planning permission is granted. I shall turn to the agreement later in my decision.

### Main Issues

4. The main issues are:
  - whether the development would accord with development plan policies relating to the location of development in the administrative area of Bassetlaw;

- the effect of the proposal on the development pattern and landscape character of Beckingham;
- the effect of the proposal on the character and appearance of the area; and
- whether the proposal makes adequate provision for affordable housing, education, open space, and a sustainable urban drainage system (SuDS);

## Reasons

### *Location of development*

5. The adopted Proposals Map identifies a Development Boundary for Beckingham. The adopted boundary of the village includes residential properties to the south of the site on Walkeringham Road and Vicarage Lane; and a line of residential properties on the western side of the road. The main thrust of the village is to the south. The appeal site is, outside of, but physically next to this boundary. As a result, for planning policy purposes it is located within the open countryside where new development is strictly controlled. Policy CS1 of the Core Strategy and Development Management Policies DPD (CS&DMP) confirms that until the adoption of the Site Allocations Development Plan Document, development in the settlements identified in the hierarchy will be restricted to the area inside defined Development Boundaries.
6. Beckingham is identified as a Rural Service Centre in Policy CS1 of the CS&DMP. Rural Service Centres are rural settlements that offer a range of services and facilities, including public transport. It makes them suitable locations for limited rural growth. The main parties confirmed that the range of facilities and services in Beckingham remains consistent with those referred to in an appeal decision in 2015 for a scheme on land to the north of Station Road<sup>1</sup>. These include: a village store and post office, primary school, church, village hall, children's play area, tennis court, football / basketball court and a bowls club. While the site is at the northern most point of the village, these facilities are all within walking and cycling distance of the site. As a result, the village is able to meet some of the day-to-day needs of future occupants.
7. I heard from residents about their ability to reach a doctor. I understand that there are no doctors within the village and residents need to travel to either Gainsborough or Retford to visit a surgery. I listened to residents' views that they would need to use a car to reach a doctor's surgery. The car may well be more convenient, but there are several bus services a day connecting the village to Gainsborough, Doncaster and Retford. These would allow residents to access not only a doctor's surgery by public transport, but a wider range of services and facilities that are not available in the village. Despite the site's location outside of the Development Boundary, it is, nevertheless, in a reasonably sustainable location and it has a functional link to the village.
8. Paragraph 47 of the National Planning Policy Framework (the Framework) explains that local planning authorities should have sufficient deliverable sites to provide five years of housing against their housing requirements. The Council accept that they can only currently demonstrate a 3.7 year supply of deliverable housing sites. However, Policy CS1 of the CS&DMP states that over the plan period, additional permissions may be granted where it is demonstrated to the Council's satisfaction that a development proposal will be

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<sup>1</sup> Appeal Decision Ref: APP/A3010/W/15/3005580

- of benefit in addressing a shortfall in the District's five-year housing supply.
9. The justified reasoning for Policy CS8 of the CS&DMP explains that appropriate levels of housing growth for individual villages will be explored in the Site Allocations DPD and is likely to remain limited. New development is likely to include greenfield extensions, where no appropriate sites exist within the development boundaries, but other approaches will be taken where local views and circumstances support them. The main parties agreed that there is limited scope for development inside the Development Boundary, with numerous planning applications in recent times being on land outside of the boundary.
  10. Notwithstanding this, the Council are concerned with the cumulative effect of residential development in Beckingham. Their rationale stems from the Station Road appeal decision, which referred to a potential increase in the size of the village by nearly 20% as a result of the Station Road scheme together with other planning applications and recently completed development. It was submitted by the Council that the appeal scheme, in addition to other planning permissions for residential development since the 2011 Census, would result in an increase in the size of the village of roughly 50%.
  11. From the Council's evidence it was unclear how many of the planning permissions granted since the 2011 Census has been implemented or whether they formed part of the evidence base in the Station Road appeal decision. As I cannot be certain of the alleged increase in the size of the village, this evidence is not reliable, and as such it reduces the weight I am able to afford to the Council's submissions in this regard.
  12. However, it does not change more recent planning applications granted planning permission on sites near to, but outside of the Development Boundary. Of the larger schemes referred to by the Council and residents, reserved matters were recently approved by the Council for two sites on land to the north of Station Road. One part of the site relates to the 2015 appeal decision referred to earlier. In total 65 no. affordable homes are to be built. I was also informed that an outline scheme for 15 dwellings was to be considered by the Council's Planning Committee shortly after the hearing closed on a site known as 'Southfields'. Planning permission had been granted on this site, but this has lapsed. In a separate appeal<sup>2</sup>, consideration will be given of an outline scheme for 58 no. dwellings on land south of Station Road. Outline planning permission has also been granted for 19 no. dwellings on land off Church Street. None of the schemes were being built out, and some require either reserved matters approval or are yet to be decided.
  13. I understand the argument put to me by the Council, the Parish Council and residents who are all concerned about the growth of Beckingham and the effect of cumulative development's on local infrastructure. I note the various schemes referred to in the preceding paragraph would amount to an increase in the region of 29%. While a housing cap may form part of the draft Bassetlaw Plan, this does not form part of the development plan, and it remains to be seen whether it would accord with the approach set out by the Framework. When questioned, the Council accepted that there is no upper limit on development in Beckingham. They could also not identify any harm caused to facilities and services in the village as a consequence of any uplift since the 2011 Census. Furthermore, I am mindful that the development could well enhance or

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<sup>2</sup> Appeal Ref: APP/A3010/W/18/3196146

maintain the vitality of this rural community, or support services in a nearby village. Thus, the proposal would not undermine the village's sustainability.

14. Framework paragraph 47 seeks to significantly boost the supply of housing. Both parties recognised that the appeal scheme would be of a benefit in addressing a shortfall in the District's five-year housing supply. Accordingly, I conclude on this issue that the proposed development would accord with CS&DMP Policies CS1 and DM4; which collectively, among other things, seek to distribute new development in accordance with the settlement hierarchy, unless it can be demonstrated that the proposal would be of a benefit in addressing a shortfall in the District's five-year housing supply. Developments also need to demonstrate that they make clear functional and physical links with the existing settlement and surrounding area.

#### *Development pattern and landscape character*

15. The Bassetlaw Landscape Character Assessment (LCA) identifies the landscape as an intensive arable farmland with hedgerow field boundaries; scattered villages; and narrow hedged lanes with verges and ditches/scrub. The assessment seeks to conserve the open rural character of the landscape by concentrating new development of an appropriate design and scale around existing settlements and conserve and respect the local brick-built vernacular in any new development.
16. The appeal scheme would be next to existing residential development and it would be contained by two roads on the east and west boundaries. Hence, the development would be well related to the village, and it would not extend the village any further to the north than what is already the case on the east side of the road. Mature hedgerows line each boundary. There are a handful of gaps. The hedgerows would be retained and infilled as part of the proposal. Planning conditions are suggested to secure this, and add further landscaping to help assimilate the development into its surroundings. Brick is proposed.
17. For these reasons, I conclude, on this issue that the proposed development would respond to the landscape characteristics of the LCA and the development pattern of Beckingham. As such, in this regard it would accord with CS&DMP Policies DM4 and DM9 together with the LCA; which seek development of a scale appropriate to the existing settlement and surrounding area that complements the character of the built, historic and natural environment, including the landscape setting.

#### *Character and appearance*

18. CS&DMP Policy DM4 states that new development should respect its wider surrounding, in relation to historic development patterns or building/plot sizes and forms; density; and landscape character.
19. I have addressed landscape character above. The Council recognise that the appellant has made an effort to reflect the street scene in terms of the relationship of properties to the road, and the dwelling types. Given the mix of single and two storey properties on Walkeringham Road, the scale of properties proposed to face them is acceptable. The layout of the new dwellings would differ from the linear form of development found to the south and east immediately next to the site. Even so, the proposal would accord with the varied form of development within the village as a whole, which does include suburban type development. Moreover, the proposed density would broadly

reflect the density of development that I saw in the village.

20. Consequently, the proposal would not be at odds with the character and appearance of the site's wider surroundings, in terms of its development patterns or building/plot sizes and forms; and density. I conclude on this issue that the scheme would accord with CS&DMP Policy DM4.

*Planning obligation*

21. In respect of each planning obligation, the three statutory tests of Regulation 122 of the Community Infrastructure (CIL) Regulations and Framework paragraph 204 must be met.
22. The submitted agreement would secure contributions towards education, open space, a sustainable drainage system, and it includes an overage review mechanism insofar as the provision of affordable housing. Each aspect of the obligation would reflect the infrastructure listed in CS&DMP Policy DM11.
23. CS&DMP Policy CS8 states that all housing development resulting in a net gain of one or more units will be required to contribute towards the achievement of affordable housing targets either through on-site provision or through a financial contribution to the delivery or improvement of affordable housing elsewhere. For Beckingham the policy sets a target of 35%.
24. However, in accordance with CS&DMP Policy DM11 the appellant has provided an Assessment of Financial Viability for Affordable Housing & Section 106 Contributions. This concludes that the only viable solution for the scheme to progress is that no affordable housing or section 106 contributions are applied to the development. On this basis, no affordable housing contribution is proposed. While, the Council refused planning permission based on the lack of affordable housing provision in accordance with the target for Beckingham, this approach does not accord with Policy DM11 and the appellant's evidence. The Planning Practice Guidance also states: where affordable housing contributions are sought, obligations should not prevent development from going forward.
25. In the event that there is a dispute between the Council and the applicant about the conclusions of the assessment, CS&DMP Policy DM11 explains that it will be considered by an independent assessor. While this may be the case, no substantive evidence disputing the assessment was produced by the Council. As such, the need for an independent assessor is not warranted on this occasion. Should circumstances change and the development becomes capable of making an affordable housing contribution, an overage review mechanism is proposed. I agree with the main parties that this would meet the three tests, and I consider no conflict would occur with CS&DMP Policies CS8 and DM11.
26. Despite the findings of the appellant's assessment, they confirmed to me at the hearing that the education and open space contributions would be provided out of their own margin for the development. The Council raised no issue with this. I have received a statement from Nottinghamshire County Council in terms of the education provision. The obligation would secure a payment to be spent on Beckingham Primary School to address a projected demand for school places due to a rise in birth rates. In short, there is no capacity at the school to accept more children resulting from additional housing development. Given the type and mix of houses proposed, their location and the identified need, I am satisfied that this obligation would meet the statutory tests.



27. Insofar as the off-site public open space contribution, the monies would be spent on the provision of play equipment at an existing play area facility at the Village Hall recreation ground. While, the Council confirmed that five other developments in Beckingham have been asked for such a contribution, not all those schemes have been approved or determined. As such, the obligation would comply with the pooling restrictions in CIL Regulation 123. The obligation would be in line with CS&DMP Policy DM9 and it would be based on the Bassetlaw Open Space Study. Given the size of the proposed development, the number of units involved and the lack of space on-site for this type of amenity, I consider that this obligation would meet the statutory tests.
28. In terms of SuDS, the agreement would provide for the establishment of a scheme and its future management and maintenance. I am satisfied that this provision meets the statutory tests. A management fee is sought, but as monitoring for the most part is a function of the local planning authority, I do not consider that this fee is necessary to make the development acceptable.
29. In drawing these matters together, I have taken into account the education, open space, SuDS, and the overage review mechanism provisions in the submitted Section 106 Agreement. I have not taken into account the management fee. As such, I have not afforded this provision any weight, and it has not been a reason for granting planning permission.

#### *Other matters*

30. Concerns were expressed at the hearing about the potential for flooding and sewerage problems if the site was built upon, and its effect on dykes near to the site. The Environment Agency confirmed that the site is in flood zone 1, and so did not offer comments. Severn Trent Water Ltd and Nottinghamshire County Council's Flood Risk Management Team raised no objections subject to the provision of a sustainable drainage system and a condition about foul sewerage. The former would be secured through the Section 106 Agreement; the latter is a suggested planning condition. They would address the comments of the Trent Valley Internal Drainage Board (Drainage Board) about surface water run-off rates and site drainage systems. I heard that the Drainage Board would be responsible for the dykes.
31. A split access is proposed. The bulk of vehicle movements would use the access onto Wakeringham Road, while the other would serve three properties and use Vicarage Lane. The effect on the lane would be modest due to the small increase in vehicles using it. Visibility on Wakeringham Road is excellent, and the speed limit to the south is 30mph. Dwellings opposite have driveways leading onto the road. While the scheme would result in regular vehicle movements in and out of the site using the road, these would not be substantial in the context of the village. I concur with the Highway Authority's view that, subject to planning conditions, highway safety would not be harmed.
32. Concerns about privacy are noted. Even though the proposal would result in a change to the local area, the new dwellings would be far enough away from nearby residents so that they would have a suitable degree of privacy. I recognise points around construction, but the effects of this would be temporary. I note concerns about property values, but planning is concerned with land use in the public interest so the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a relevant consideration.

33. It is suggested that the land is of high environmental value, but there is no evidence to support this claim. Residents express points about the scheme's effect on wildlife, but there is no substantive evidence before me which challenges the findings of the Preliminary Ecological Site Appraisal. Even if houses take time to sell, there is a national aim to provide more housing.

### **Conditions**

34. I have had regard to the conditions that have been suggested by the Council and the appellant's comments on them. I have, where necessary, amended the wording to ensure consistency with Framework paragraph 206 and combined and re-ordered the conditions where possible.
35. I have imposed a condition specifying the approved plans as this provides certainty. In the interests of the character and appearance of the site and its surroundings, conditions are necessary before development commences to secure details of the materials to be used, the garages together with tree planting and landscaping, including the retention and protection of existing hedgerows. A pre-commencement condition is also necessary for foul sewerage in the interests of the environment and to prevent flooding.
36. To secure net gains in biodiversity a condition is necessary for the provision of bird and bat boxes within the development and so site clearance works take place outside the bird breeding season. In the interests of highway safety, conditions are necessary so: parking spaces and driveways are surfaced, footways are created on Walkeringham Road and Vicarage Lane, and so future management and maintenance arrangements of the street are put in place.

### **The Planning Balance and Conclusion**

37. I have found no harm in relation to the scheme in terms of the location of development, its effect on the development pattern and landscape character, the character and appearance of the area, and the planning obligation. The Council are currently unable to demonstrate a five-year supply of deliverable housing sites, and the proposal would make a moderate contribution towards the provision of housing in the District. Affordable housing is unlikely to be provided, but this does not, given the scheme's viability diminish the proposal's social contribution, which also includes education and open space contributions.
38. Economic benefits would stem from the construction of the development, both directly and indirectly, while future occupants would spend in the local economy once the dwellings are occupied. Although the private car would be used, on the whole, the proposal, in environmental terms would not undermine the village's sustainability or future occupants' ability to access facilities and services by means other than the car.
39. Given the above, Framework paragraph 14 states that for decision-making this means approving development proposals that accord with the development plan without delay. Thus, planning permission should be granted and the proposal would represent sustainable development when assessed against the policies in the Framework taken as a whole.
40. For the reasons set out above, I conclude that the appeal should be allowed.

*Andrew McGlone*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 016/028/WRB1; 016/028/WRB3; 016/028/WRB5; 016/028/WRB6; 016/028/WRB7; 016/028/WRB8/A; and 016/0128/SL/F.

### *Pre-commencement*

- 3) Development shall not commence until details of the facing and roofing materials, including the eaves and verge treatment, guttering and down pipes and their method of fixing, to be used in the development 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 materials.
- 4) Prior to the commencement of development full details of the garages as shown on plan Ref: 016/0128/SL/F, including their elevations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Development shall not commence until details of the manner in which foul sewerage is to be disposed of from the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.
- 6) No development shall commence until a scheme of tree planting and landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained unless their removal is authorised as part of this planning permission, and set out measures for their protection throughout the course of development. Details of soft landscape works shall include schedules of plants noting species, plant supply sizes and proposed numbers/densities.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

### *Pre-occupancy*

- 7) Before first occupation of any dwelling hereby permitted details of the proposed arrangements and plan for future management and maintenance of the proposed street including associated highway drainage contained within the development have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details until such a time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.



- 8) Before first occupation of each dwelling hereby permitted the parking space and driveway arrangements to that dwelling shall be metalled in a bound material (not loose gravel) and have been drained to prevent surface water draining onto the road and footways.
- 9) No dwelling accessed from Walkeringham Road shall be occupied until a 2 metre footway has been provided up to binder course level across the Walkeringham Road site frontage connecting to the existing footway in a south-easterly direction, and no dwelling accessed from Vicarage Lane shall be occupied until a 2 metre footway has been provided up to binder course level across the Vicarage Lane site frontage connecting to the existing footway in a south-easterly direction. The footways shall include dropped kerbed uncontrolled pedestrian crossing points across junctions and both sides of Walkeringham Road with tactile paving.
- 10) Notwithstanding the approved plans, the screen fences/walls on plots 4, 6, 12, 18, 20, 30, 31 and 33 shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before each dwelling on the named plots is first occupied.
- 11) Before the dwellings hereby permitted are first occupied a scheme and timetable for the implementation of biodiversity enhancements, including the provision of bird and bat boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable.

*Other stage conditions*

- 12) All site clearance work shall be undertaken outside the bird breeding season (March – September inclusive). If clearance works are to be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds in such manner and to such specification as may have been previously approved in writing by the Local Planning Authority.

END OF SCHEDULE

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr Roger Lee	Roger Lee Planning Ltd
Mr Ian Barraclough	Barraton Design
Mr Russell Jones	J & W Property Developments Ltd
Mr James Jones	J & W Property Developments Ltd

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Myles Joyce	Interim Development Manager
Mr Andrew Horton	Nottinghamshire County Council

### **INTERESTED PERSONS:**

Clive Hunter	Resident
Claire Hunter	Resident
Joan Sanger	Resident
Tim Quilter	Resident
Linda Stead	Resident

### **DOCUMENTS SUBMITTED AT THE HEARING:**

- Document 1: Record of Attendance
- Document 2: Signed Statement of Common Ground
- Document 3: Updated draft Section 106 Agreement
- Document 4: Note from Linda Stead
- Document 5: Bus timetable