



Appeal Decision

Site visit made on 27 June 2018

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2018

Appeal Ref: APP/A3010/W/18/3196146

Land off Station Road, Beckingham DN10 4PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Wildgoose Homes Ltd against the decision of Bassetlaw District Council.
 - The application Ref 17/00052/OUT, dated 20 December 2016, was refused by notice dated 13 September 2017.
 - The development proposed is an outline planning application with all matters reserved for residential development of up to 58 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for an outline planning application with all matters reserved for residential development of up to 58 dwellings at Land off Station Road, Beckingham DN10 4PX in accordance with the terms of the application, Ref 17/00052/OUT, dated 20 December 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have taken the description of development as it appears on the appeal form since this is most accurate and detailed description. It is the same description shown on the Council's decision notice. With these factors in mind, I do not consider any party would be prejudiced by my use of it. I have proceeded on this basis.
3. In their reasons for refusal, the Council have referred only to Local Plan¹ Policies DM3, CS8 and DM4. In addition to these, they have provided copies of Policies CS1, DM5, DM9, DM11 and DM12. I have therefore had sight of these other policies as evidence before me which respectively relate to the settlement hierarchy, housing mix and density, green infrastructure biodiversity, landscape and open space, developer contributions and flood risk.

Main Issues

4. There are two main issues. These are a) the principle of the proposed development with specific regard to its location; and b) its effect in the character and appearance of the area.

¹ Bassetlaw District Local Development Framework : Core Strategy & Development Management Policies Development Plan Document 2011

Reasons

The Principle of Development

5. The appeal site is located outside of the defined settlement boundary of Beckingham. It is an undeveloped area of flat arable land that abuts the southern edge of the settlement. In planning terms and by definition, it is in the countryside where development is generally restricted to certain types². Beckingham is a relatively large village identified as a rural service centre by the Local Plan. It has a range of services which include a village store and post office, primary school, a church, community leisure facilities and a village hall.
6. Policy CS8 sets out that rural service centres may not meet all of the day to day needs of their residents; but they provide a level of service provision above that of other rural settlements. The policy accepts that they will absorb an amount of the districts housing growth albeit there is an inference that such would be limited to that which will sustain local employment, community services and facilities. Policy CS1 explains the distribution of new development in the district for the plan period and specifies that new development should be restricted to within boundaries (to reflect the aims of Policy DM3 and promote sustainable patterns of new development) although there are some exceptions. One such being in instances where the development proposal will be of benefit in addressing the shortfall in the district's five year housing supply.
7. It is common ground that the Council are unable to demonstrate the supply of housing sites as required by the Framework³ and by some degree. The Council's evidence puts the current figure at less than four years. The Framework requires at least five, plus an appropriate buffer.
8. I note the mainstay of the Council's concerns in respect of this main issue relates to the ability of the settlement to absorb the growth when considered in the context of other planning permissions that have been granted up to now. Specifically whether the existing range of services can cope with it and thus meet the aim of reducing the need to travel by unsustainable means and maximise the use of public transport.
9. Whilst some of the quoted dwellings that have the benefit of planning permission are smaller windfall sites and mixed use tourist development, an additional 58 would undoubtedly represent a further increase and in total an eventual uplift in the local population. However, and not necessarily in order of importance, there are other factors to consider. Temporarily putting aside the Council's considerable housing supply deficiency.
10. The population of the settlement would not rise by a significant amount overnight. It would be gradual. Taking into account average annual build out rates. The scheme before me seeks outline planning permission which inherently then has a slight time lag to submit and gain approval for all matters that are reserved. It could reasonably therefore be some time before any bricks are in the ground. This applies to more than two other schemes included in the Council's total number that have been permitted. A lapse rate has to also be considered insofar as there being a possibility that not all of the permitted sites will be built out. The breadth of services currently on offer in

² Local Plan Policy DM3 – replacement of buildings, re use of previously developed land and agricultural/forestry/equine development.

³ The National Planning Policy Framework 2012

the settlement is far from extensive but it cannot be ruled out that population growth may encourage existing services to expand or a greater range thereof to be attracted to Beckingham in the longer term.

11. I agree with my colleague in respect of their decision for land to the north of Station Road⁴ in that Beckingham's services are capable of meeting some of the day to day needs of its residents. It may be that residents will travel to meet other needs that they may have. Some journeys may be by private car although Gainsborough, a large market town in the neighbouring county of Lincolnshire, is a short distance by road and thus journeys would not be long distance. The evidence suggests there is also a regular bus service that links Beckingham with Gainsborough and Doncaster which is slightly further afield. There is a bus stop immediately adjacent to the western boundary of the site.
12. The Framework includes a commitment to reduce the need to travel but not remove it entirely. Some use of the private car is inevitable although the regularity and destination of local bus services coupled with the proximity of one of the stops to the appeal site means that the use of public transport options would be actively encouraged.
13. There is an implicit limitation in the Local Plan's policies concerning the amount of growth that rural service centres should be expected to take but there is no explicit ceiling. It seems clear to me in any event that the proposed development would assist in sustaining local employment, community services and facilities by virtue of its scale. In addition, the Framework has a core commitment to boost significantly (my emphasis) the supply of housing and it seems clear from the evidence that the Council is a persistent under deliverer in this respect. I shall return to the implications of the Council's housing supply position later but in terms of the principle of the proposed development and the Council's concerns therewith, I do not find that any harm would arise for the reasons set out above. I am content therefore that the principle of the proposed development would be acceptable.
14. There would be some conflict with Policy DM3 by virtue of the appeal site's location insofar that the scheme would not be for development set out by its exceptions. This stance does however in itself conflict somewhat with the wider scope of what CS1 may consider appropriate in a situation such as the Council finds itself and one that, to my mind, would carry more weight than the conflict with DM3 given the Framework's commitment as I have set it out above. Certainly for the above reasons I do not see there would be any clear conflict with Policy CS1 or for that matter CS8. The increase in the supply of housing in a location that would promote sustainable patterns of new development and reduce the need to travel would further comply with one of the main thrusts of the Framework.

Character and Appearance

15. As I have alluded to in my earlier findings, the appeal site is a flat and open parcel of arable land on the southern fringes of the settlement. It is bounded by roads to its north and west, and an active railway line to the east. The village hall with its associated grounds and leisure facilities are to the south. Semi mature hedges, trees and fencing demarcate the boundaries. The southern built edge of the settlement faces the site, to the north of Station

⁴ Planning Inspectorate Reference APP/A3010/W/15/3005580

- Road. The village is surrounded by similar contained and enclosed land parcels of varying sizes.
16. The Council refer to the site being part of the Mid Nottinghamshire Farmlands Policy Zone as it is defined by the Landscape Character Assessment (LCA). From the limited information on the LCA I have before me, it appears that one of its main aims is to retain the historic field pattern, concentrate new development to within them and direct that of an appropriate design and scale around existing settlements.
 17. The proposed development would be within a defined field boundary and of a low, arguably more rural than urban density given the extent of the entire land parcel that is proposed to be developed. The facilities associated with the village hall to the south, the roads and railway to the other boundaries contain the appeal site and separate it in landscape terms to the wider countryside beyond. The scheme would not therefore have the appearance of encroaching into the countryside nor appear as an awkward bolt on. The low lying flat nature of the land would also make new built development less conspicuous and allow it to be read in the context of the existing settlement edge which is equally flat.
 18. There are no design parameters before me since the appeal scheme seeks outline planning permission with detailed matters reserved for future consideration. However, and having regard to the type, mix and design of buildings at the existing settlement edge, it does not strike me as impossible to be able to design a series of new buildings that will fit in appropriately with the style, form and scale of existing architecture. There also seems to be the opportunity for it to act as a built link between the existing southern edge of the settlement and the facilities in and around the village hall.
 19. Taking into account the above factors, it is my view that the development of the site would appear as a logical and well integrated extension to the settlement that would not cause undue harm to the character and appearance of the area. I therefore do not see any conflict with Policy DM4 of the Local Plan which seeks to ensure, amongst other things, that new development is of a high quality and contextually appropriate design and appearance that respects local character and distinctiveness.

Housing Supply and the 'Tilted Balance'

20. Paragraph 47 of the Framework, as I have quoted it above, states that the supply of housing should be boosted significantly. As set out by paragraph 49, housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing (CS1 and CS8 in this particular case) should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
21. The Council is unable to demonstrate the required supply of housing sites. In this situation, and as per the direction of paragraph 14, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
22. Whilst I have not found that the proposed development would cause harm having assessed it against the main issues, which include its environmental

aspects, it seems clear to me that the proposed development would make a reasonable and arguably very useful contribution to the current undersupply situation which is noticeably below the required five years plus an appropriate buffer. The scheme also proposes affordable housing in accordance with adopted policy which would yield substantial social benefits. The physical works on site would bring potential investment to the local construction industry and increase the usage and thus support to local facilities ensuring their longer term viability. This would be economically beneficial.

23. Set against the lack of demonstrable planning harm that the appeal scheme would cause I could only conclude that the adverse effects of granting a planning permission would not significantly and demonstrably outweigh the benefits. Consequently, the proposed development would be sustainable development for which the presumption in favour applies.

Planning Obligations

24. There is a completed bilateral obligation before me in the form of an agreement under Section 106 of the Act⁵. Its schedules provide for affordable housing, open space, highways improvements, sustainable urban drainage and education. There is an adopted policy derivation for all of these elements, set out to be acceptable infrastructure provision by Policy DM11.
25. The percentage of the development to be provided as affordable housing is in compliance with the Council's relevant policy position. A breakdown of the mix and type thereof is included. The open space provision is calculated based on the Council's relevant guidance and accounted for. A scheme for sustainable urban drainage is required, subject to approval to ensure that risks concerning the discharge of surface water runoff are minimised in accordance with DM11 and the proper functioning of the appeal scheme. I am content that these elements are necessary to make the development acceptable and related thereto in scale and kind. I have therefore taken them into account.
26. The education contribution is to be directed to Beckingham Primary School to provide additional teaching space for the 12 additional places the scale of the scheme would yield as a direct effect on local infrastructure. This follows detailed information in the evidence pertaining to the calculation methodology adopted by Nottinghamshire County Council. I have sufficient confidence that, taking into account the Council's evidence on the number of contributions that Beckingham Primary has received for this purpose and the wording of the agreement, I am also able to take this contribution into account.
27. I am concerned however as to the highways contribution. The Council's evidence sets out that the highways contribution has been calculated based on actual costs for bus stop improvements. I am satisfied that this would sit squarely with DM11 and is reasonable given the scale of the proposed development. However, the obligation makes no reference as to the specific project the monies are to be provided for and only states that the provisions within the relevant schedule concerning the highway contribution relate to £20,300.00 to be expended by the County Council on infrastructure purposes. With this in mind, I cannot be satisfied that this contribution would not be pooled and as there is some indication contributions for this project have been secured previously I am not certain that it would not be done so excessively

⁵ Town and Country Planning Act 1990

with regard to the relevant CIL Regulations⁶. I have not therefore accorded this element of the obligation any weight and it has not been a reason for granting planning permission.

28. Whilst the provision of additional highway infrastructure would be of assistance to the effects of the scheme going forwards and promote the use of sustainable transport modes there is some bus stop provision in the village already and indeed very close to the appeal site. On inspection it does not strike me as being in poor condition to the extent that there would be a pressing need for additional provision. On this basis, I am satisfied that the development would still be acceptable without the highways contribution.

Other Matters

29. There have been a number of objections to the appeal scheme based mainly around the perceived site specific impacts thereof.
30. As the proposed development seeks outline planning permission, detailed design matters are not fixed. A suitable design and layout, which would be subject to further consideration and public consultation at a later date, would be able to consider the living conditions of existing neighbouring occupiers and respond accordingly, ensuring there would be no adverse effect.
31. The appeal scheme seeks to make provision for pedestrian linkages with the village and its facilities as well as providing further opportunities therefore. I have not seen any compelling evidence to suggest that existing local healthcare facilities are particularly stretched. In any event the expansion of such would be a commercial decision that rests with incumbent or future practice owners and operators. The proposed development makes provision for local infrastructure improvements as well as incorporating on site drainage in accordance with sustainable methods.
32. I do not have a scheme before me to consider the demand for the proposed development only to assess the potential impacts rising out of it. It is also clear that the appeal scheme would give rise to additional traffic but I have no clear evidence before me that this would lead to harm in highway safety terms. I shall come onto this in more detail later but the matter of noise, specifically that arising from the construction phase, can be appropriately addressed by a planning condition.
33. On site investigations in respect of ecological matters have been carried out in the shape of an extended phase 1 habitat survey and the proposed mitigation measures contained therein have been suggested to be secured by a planning condition by the Council. Again, I shall address this in more detail later.
34. Whilst not explicitly corroborated by the Council, there is suggestion in the evidence that the draft Bassetlaw Plan places an upper limit to growth and that the appeal site plus others that have the benefit of planning permission have and will exceed this limit. Be this as it may, this is reference to a draft plan, the relevant stage of which I am not aware of. There is certainly no evidence to suggest that it forms part of the adopted development plan. I accordingly afford the provisions of this plan very limited weight.

⁶ The Community Infrastructure Regulations 2010 – Regulation 123

Conditions

35. I have had regard to the views of local residents and the conditions suggested by the Council in their committee report. I have imposed the following for the reasons I have given and made some changes in the interests of clarity and enforceability.
36. I have attached the relevant standard conditions pertaining to the status of the planning permission as outline, specifying the timescales for the submission and agreement of reserved matters and the commencement of development. For certainty, I have also specified the approved plans. In the interests of the living conditions of neighbouring occupiers, I have attached a condition requiring the agreement of a Construction Method Statement. Given what this seeks to achieve, it is necessary to require such detail prior to the commencement of development.
37. I have not included suggested conditions 6 or 7. In the case of the former, this seeks to restrict development until; in essence, a decision is made on the future maintenance and management of the streets. Since the appeal scheme seeks outline planning permission and the layout of streets, or indeed their status, is not yet a known variable I do not consider such a condition necessary at this stage and in any event, the liability for maintenance of the streets forming the development in the future will be a decision for the developer in conjunction with the highways authority at the appropriate time.
38. With regard to the latter, this concerns the provision of and improvement to bus stops and seeks to limit the bringing into use of the proposed development until such works have been undertaken. The submitted planning obligation is the appropriate vehicle to achieve the required works in this case. I have made comment on the provisions of the completed agreement that is before me above.
39. In regard to the appropriate functioning of the proposed development, I have imposed a condition requiring adequate sewage disposal. It would be sufficient to implement an agreed scheme prior to first occupation. The matter of surface water management has been addressed by the completed planning obligation. There is therefore no need for a condition requiring the agreement of a surface water drainage scheme. The required Construction Method Statement obviates the need for suggested condition 9.
40. The appeal site has been identified as having the potential for land being contaminated. In the interests of appropriate remediation in this respect should any be identified, I have attached an appropriate condition. With regard to the appropriate handling of important species and matters of local ecological importance, I have included a condition specifying that works on site shall be undertaken in accordance with the recommendations of the submitted and considered phase 1 habitat survey. The survey sets out that works should be undertaken outside the bird breeding season which means suggested condition 12 is unnecessary.
41. In the interests of the living conditions of existing and future residents, as well as the appropriate functioning of the proposed development, I have required details of any external lighting to be agreed. Since some could reasonably be integral to the final layout and design of buildings, it would be pertinent to agree such detail prior to the commencement of development.

42. As landscaping is a reserved matter, there would be no need for a separate condition requiring the agreement of a scheme. However, I have set out an appropriate time for its implementation taking into account the practical realities of doing so prior to the completion of the scheme. I have also specified an appropriate period of time in respect of future management. With regard to suggested condition 15, the completed planning obligation includes provisions for and management of the open space. There is therefore no need for this condition.

Conclusion

43. Whilst having regard to all other matters raised, it is for the reasons set out above and subject to the conditions listed in the attached schedule that the appeal is allowed and planning permission hereby granted.

John Morrison

INSPECTOR

Richborough Estates

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing references 1602-001A Site Location Plan and 1602 003B Illustrative Site Layout.
- 5) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from construction works;
 - viii) delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No dwelling hereby permitted shall be first occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a phase 1 desk study and, if required a phase 2 intrusive site investigation has been carried out to identify the nature and extent of any contamination at the site. The site investigation report shall include a risk assessment to assess the risks to the environment and to human health resulting from any contamination present at the site.

Any necessary remedial measures identified by an investigation shall be carried out in full before the occupation of the buildings hereby permitted

commences. The findings of the study and (if necessary) the investigation shall be submitted to and approved in writing by the local planning authority and any development affected thereby shall be carried out in accordance with the approved details.

- 8) The development hereby permitted shall be carried out in accordance with the recommendations of the extended phase 1 habitat survey as submitted, undertaken by Witcher Wildlife Ltd Ecological Consultants, reference 160938/REV1 and dated 3rd October 2016.
- 9) No development shall take place until details of any outdoor lighting to be erected on the site have been submitted to and approved in writing by the local planning authority. Details shall include the height, direction of travel and luminescence and development shall be carried out in accordance with the approved details.
- 10) All planting, seeding or turfing comprised in the approved details of the landscaping reserved matter shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Richborough Estates