



Appeal Decision

Site visit made on 11 December 2018

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 January 2019

Appeal Ref: APP/A3010/W/18/3210053

35 The Paddocks, Station Road, Sutton cum Lound DN22 8PZ

- 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 Mr Daniel Walker of Walker & Son (Hauliers) Ltd against the decision of Bassetlaw District Council.
 - The application Ref 18/00186/OUT, dated 14 February 2018, was refused by notice dated 25 May 2018.
 - The development proposed is up to 42 dwellings plus 2 replacement dwellings together with public open space, landscaping, drainage infrastructure and access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration, save for access. I have considered the illustrative plans and concept visualisations which have been submitted as part of the appeal.
3. In refusing planning permission, the Council deemed that insufficient evidence had been provided by the appellant to enable an appropriate assessment of the presence and significance of archaeological assets within the site and the proposal's likely effect on them. The appellant has now prepared and submitted an Archaeological Desk-Based Assessment with the appeal. The Council agrees with the conclusions of this report that there is no evidence to suggest that the site contains, or has the potential to contain any archaeological remains of sufficient importance to preclude or constrain development. I agree with the Council that their concerns have now been addressed having regard to Policy DM8 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD (CS&DMP), Policy 1 of the Sutton cum Lound Neighbourhood Plan (NP) and guidance within section 16 of the National Planning Policy Framework (the Framework).

Main Issues

4. The main issues are: (i) whether the development would accord with development plan policies relating to the location of development in the administrative area of Bassetlaw; (ii) the effect of the proposal on the character and appearance of the area; and (iii) whether the proposal makes adequate provision for affordable housing, bus stops, open space, and a sustainable urban drainage system (SuDS).

Reasons

Location of development

5. The appeal site is outside of, but next to the settlement boundary for Sutton cum Lound. Hence, for planning policy purposes it is located within the open countryside where new development is strictly controlled. CS&DMP Policy CS1 says that until the adoption of the Site Allocations Development Plan Document (SADPD), development in the settlements identified in the hierarchy will be restricted to the area inside defined Development Boundaries. Nonetheless, the site does have a functional and physical link to the settlement.
6. Sutton cum Lound is a Rural Service Centre which are rural settlements that offer a range of services and facilities, including public transport. It makes them suitable locations for limited rural growth. CS&DMP Policy CS8 sets out that any future development within a Rural Service Centre will be of a scale appropriate to the current size and role of that settlement and limited to that which will sustain local employment, community services and facilities. 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.
7. My attention has been drawn to Strategic Proposal 5 of the Initial Draft Bassetlaw Local Plan (IDBP) which is currently being prepared following the withdrawal of the SADPD. The IDBP is said to contain a target 20 per cent increase in housing in each Defined Rural Settlement. I do not have a copy of this, and the Council have confirmed that the IDBP has since changed. I also do not know the extent of any unresolved objections and the IDBP has not yet been submitted for Examination. It therefore carries little weight. The NP does not, in any event, include such a figure, but to deliver the limited rural growth, the NP allocates three sites on the edge of the settlement for housing. Each site was outside of, but adjacent to the settlement boundary for Sutton cum Lound established through Policy CS8.
8. NP Policies 3, 4 and 5 do not specify the number of houses that should be built on each site. Eight dwellings have been granted planning permission for the site subject of NP Policy 3¹. I note the appellant's comments about the make-up of this scheme, but I do not have the full details of this decision before me. Schemes for the other two sites are yet to come forward, but according to the appellant these sites could deliver a further 20 dwellings. Schemes for these sites would need to accord with the aspirations of the NP to deliver a housing mix that reflects the demonstrable need for smaller market dwellings.
9. The appellant says that there is a major flaw inherent in the NP, in that the preferred sites do not provide land sufficient to deliver the housing growth that NP is intended to achieve. However, schemes for two of these sites have yet to come forward. Irrespective, the site is not one of the three allocated sites which were selected as being suitable, available, achievable and acceptable to the local community. The appeal site did not receive community support. Thus, the scheme needs to be considered against NP Policy 6 which is concerned with infill and redevelopment sites. Yet it is evident that the proposed development is neither infill based on the NP or a redevelopment.
10. CS&DMP Policy CS1 states that over the plan period, additional permissions

¹ Council Ref: 17/01137/OUT

may be granted where it is demonstrated to the Council's satisfaction that a development proposal will be of benefit in addressing a shortfall in the District's five-year housing supply. As the strategic policies of the CS&DMP were adopted in 2011, Framework paragraph 73 explains that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. In refusing planning permission the Council accepted that they could not demonstrate a five year supply. However, this position has now changed. The Council now says that it has a 7.9 year supply, including a 5% buffer to ensure choice and competition in the market for land. The appellant has not disputed this evidence, and thus, despite the provision of 42 new dwellings, which is a benefit in its own right, the proposal would not be of a benefit in addressing a shortfall in the District's five-year housing supply.

11. I note the schemes in Beckingham (Appeal Refs: 3005580 and 3196146) and on land to the north of Ranskill (Appeal Ref: 3171728), but these decisions were all taken in the context of the Council not being able to demonstrate a five year supply of deliverable housing sites. The Ranskill scheme was also for up to 130 dwellings which is considerably more than the quantum proposed in the scheme before me. Hence, from the evidence available, the proposals do not appear to be directly comparable to the appeal scheme which I have considered on its own merits.
12. I conclude, on this issue, that the proposed development would not accord with development plan policies relating to the location of development in the administrative area of Bassetlaw. Conflict would arise with CS&DMP Policy CS1 which seeks to distribute new development in accordance with the settlement hierarchy. The proposal would also not accord with NP Policy 6 as the appeal scheme would not be an infill or a redevelopment site. These conflicts outweigh the scheme's compliance with CS&DMP Policy DM4 insofar as its functional and physical link to the existing settlement. I shall turn to the proposal's effect on the character and appearance of the area in my next main issue.

Character and appearance

13. CS&DMP Policy DM4 seeks to ensure that major developments complement and enhance the character of the area where they will be located. NP Policies 1 and 6 similarly seek to ensure that developments are in keeping with and appropriate to the character of the village.
14. While the appeal scheme is in outline with only access to be determined at this stage I do still need to be satisfied that the site could be developed in a manner which would reflect the character and appearance of the area.
15. Sutton-cum-Lound has expanded from a small, nucleated settlement around the church and manor house with some sporadic linear development along Town Street towards Retford. Further ribbon development took place on Station Road and Sutton Lane in the early part of the last century before a more rapid expansion with the Portland Place development from 1960. The village is fairly large and distinguishable from the surrounding countryside.
16. The site is bound by on two sides by linear residential development on Station Road and Sutton Lane. The Bassetlaw Landscape Character Assessment says that the landscape is generally flat and low lying land with open views towards wooded skylines. This is typical of the site and the area around Sutton cum

- Lound. The site is bound by hedgerows on the southern and western boundaries. Another parcel of land (also in the appellant's ownership) is between the site's western boundary and the East Coast mainline.
17. It has been held² that the Sutton cum Lound has a suburban character. This view was based on the comparative size and the relatively densely packed housing in Portland Place. The character of Station Road and Sutton Lane differ in that the site is bound by residential development which is exclusively laid out in a linear pattern on both sides of the roads which lead out into the open countryside. Properties on these roads, and in the village offer no single one style and there is mixed use of red brick and render.
 18. The proposed access points to Station Road and Sutton Lane would provide vehicular and pedestrian access and offer views from the public realm into the site. Inevitably the site's current appearance would change if the proposed development was built out, and the development could provide a mixture of property types and sizes, and include open space. Even so, the shape and position of the site behind the linear development on these two roads would mean that a housing scheme for up to 42 dwellings on the site would not reflect the linear character of this part of the settlement. Even if the linear form of development next to the site is a more recent phenomenon than the historic core of the settlement, it still strongly influences the character and appearance of the site's surroundings. The effect of the proposal would be evident from both Station Road and Sutton Road, especially around the proposed accesses which would better reveal the site. If development comes forward on the site to the south-east (NP Policy 5) this is likely to partly screen the proposal, but long-range views across the landscape would still be likely.
 19. Concerns are raised by residents about a loss of privacy. However, there are no specific details of the design and location of the proposed new dwellings before me, and there is no reason that an acceptable scheme could not be designed as part of any reserved matters application to ensure residents' privacy is maintained and to incorporate green infrastructure and connectivity as suggested by the appellant.
 20. For these reasons, I conclude, on this issue, that the proposal would result in significant harm to the character and appearance of the area. The proposal would not accord with CS&DMP Policy DM4 and NP Policies 1 and 6 which jointly seek high quality development of a scale appropriate to the existing settlement and surrounding area that is in keeping with the character of the area particularly in relation to historic development patterns.

Planning obligation

21. While a draft Heads of Terms may have been submitted as part of the planning application, there is no completed planning obligation before me.
22. The appellant says that the 2014 Strategic Housing Market Assessment sets out an annual affordable housing need for Bassetlaw of 770 affordable homes. For Rural East sub-market the need is 76 affordable homes. The Framework encourages the delivery of affordable housing and CS&DMP Policy CS8 requires new housing development to contribute towards the achievement of affordable housing targets through on-site provision or through a financial contribution to the delivery or improvement of affordable housing elsewhere. For Sutton cum

² Appeal Decision Ref: APP/A3010/W/17/3182489

Lound the policy sets a target of 25%. This is supported by the Affordable Housing Supplementary Planning Document. The NP also seeks starter homes. Based on the Council's target 11 no. affordable units should be provided. On the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010. The proposal would not secure appropriate financial contributions towards the provision of affordable housing, and would therefore conflict with CS&DMP Policy CS8.

23. A scheme for a SuDS is sought to limit surface water runoff to greenfield runoff rate so that risks associated with the discharge of surface water runoff are minimised in accordance with Policies DM11 and DM12, and to enable the proposed development to function. The improvement to bus stops would accord with Policy DM11 and the contribution sought is reasonable given the location and scale of the proposed development in relation to the bus stops identified for improvement. Policy DM9 says that development proposals will be expected to provide functional on-site open space. Thus, the contribution sought is reasonable due to the size of the development and the appellant's explanation that the appeal scheme would provide a generous area of open space on-site. In drawing these matters together, the obligations sought by the Council are necessary to make the development acceptable and related thereto in scale and kind. The proposal would not secure these contributions and would conflict with CS&DMP Policies DM9, DM11 and DM12.

Other matters

24. I recognise that the appeal scheme would contribute towards the provision of housing in Bassetlaw, that the Framework aims to significantly boost the supply of homes, and there is no ceiling placed upon the delivery of new homes. The proposal would also support growth in the local economy through employment, spending and items such as New Homes Bonus payments; contribute to the viability of the settlement; be within walking distance of a modest range of services and public transport; and that there would not be any harm created in terms of highway safety. There is no reason why the proposed dwellings could not have an acceptable appearance and the site designed to accommodate landscaping. Other concerns raised about the proposal's construction would be short-term and could be mitigated by using suitable planning conditions. Even so, these matters do not alter or outweigh the harm that I have identified in relation to the development plan.
25. The site has been assessed for the potential impact on biodiversity and was found to provide a limited habitat as a result of its management and use. While further surveys are suggested due to the potential for roosting bats and nesting birds on or near to the site, as the outcome of the appeal has not rested on this matter I have not pursued this matter further with the appellant.

Conclusion

26. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR