



Appeal Decision

Site visit made on 19 February 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2019

Appeal Ref: APP/A3010/W/18/3217007

The Croft, West Moor Road, Walkeringham DN10 4LR

- 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 Anthony Bamford against the decision of Bassetlaw District Council.
 - The application Ref 18/00088/OUT, dated 17 January 2018, was refused by notice dated 24 May 2018.
 - The development proposed is described as an 'outline application for 10 dwellings'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
3. The appellant has submitted a number of drawings and documents with the appeal that were not before the Council at the time of its decision. They appear to relate to a subsequent re-submission to the Council that is not before me to consider. Notwithstanding this, I have taken them into account as they do not change my overall conclusion, and so there is no possible prejudice.
4. During the course of the appeal, an updated Revised National Planning Policy Framework (Framework) and the 2018 Housing Delivery Test results were published, which I have considered in my decision. In the interests of fairness, the appellant and the Council were given the opportunity to comment on this matter.

Main Issues

5. The main issues are (i) whether the proposal would be in a suitable location for housing with regard to the effect on the character and appearance of the area; (ii) the effect on flood risk and drainage; and (iii) the effect on highway safety in relation to the proposed access arrangement and the free flow of traffic.

Reasons

Character and Appearance

6. The appeal site consists of part of a field that is located to the rear of dwellings along West Moor Road. The boundary with the rest of the field is undefined and the site also abuts a further field to the south. The part of the site towards its narrow site frontage contains stable type buildings. There is a linear pattern of built development along the same side of West Moor Road. Shortly past the site, this pattern is replaced by open countryside. On the opposite side of the road is a field which forms part of an area known as 'The Moor' which this part of Walkeringham has historically developed around, also in a largely linear fashion.
7. The part of the site where the proposed dwellings would be located lies outside of the development boundary of Walkeringham, under the Bassetlaw Local Development Framework Core Strategy & Development Management Policies DPD (2011) (DPD). Policy CS1 of the DPD states development in the settlements identified in the hierarchy will be restricted to the area inside defined development boundaries. The proposal would not accord with the policy in this regard.
8. In these surroundings, the proposal would involve a development of some size located well to the rear of the existing properties on West Moor Road. It would be in marked contrast to the linear pattern of built development and, hence, it would unduly disrupt this aspect of the character of this part of the village. For similar reasons, it would also not be in keeping with how development has historically taken place around 'The Moor', and so it would further detract from the character in this respect.
9. When the site's largely undeveloped form is considered with its proximity to the fields, its character is also appreciably informed by the countryside. This is further evidenced by the limited amount of development there is beyond the site, along West Moor Road. As a consequence, it forms part of the rural setting to the village. The proposal would notably project into the countryside representing, in effect, a distinct and outlying cluster of development at the end of the village. This would not be in keeping with the transition from the village into the countryside and, hence, it would appear uncomfortable in these surroundings.
10. In my view, the site is untypical of the Mid-Nottinghamshire Farmlands Policy Zone 02: Walkeringham in the Bassetlaw Landscape Character Assessment (LCA) because the overall poorer landscape condition of this zone is noticeably less evident where the site is found. There is a more coherent pattern of typically countryside attributes which provide a pleasing rural and open character around this part of the village. Detracting features that are visible from the site are few and distant, and so the visual appearance is not unduly disrupted. Nonetheless, the associated LCA landscape actions include to conserve what remains of the open rural landscape by concentrating new development of appropriate design and scale around the existing settlement. The proposal, with its adverse effects on the character and appearance, would not accord with this action.
11. The harm that would arise would not be overcome by screening from West Moor Road by existing buildings, the proposed single storey form of the

dwelling and by the proposed landscaping. These matters would not address that the proposal would not be in keeping with the linear pattern of development and that it would incur into the rural setting of the village. For the reasons that I have set out above, it would not represent a continuation of the existing built development.

12. I conclude that the proposal would not be in a suitable location for housing with regard to the effect on the character and appearance of the area. Therefore, it would not comply, in this regard, with Policies DM4 and DM9 of the DPD where they concern local character and distinctiveness, including historic development patterns and landscape character; and that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. This is in addition to the conflict that I have identified with Policy CS1.
13. The proposal would also not accord with the Framework where it states that planning decisions should ensure developments are sympathetic to local character. As a consequence, that the site is not in a valued landscape for the purposes of the Framework in the sense that it is not the subject of a designation, or shares undifferentiated attributes with such land, does not alter my conclusion.

Flood Risk and Drainage

14. Policy DM12B states that proposals for new development (other than minor extensions) in Walkeringham, amongst other settlements, will only be supported where it is demonstrated that it will not exacerbate existing land drainage and sewerage problems.
15. The proposed means of surface water drainage is reliant on attenuation on site with a connection then made to discharge to the public system. Information on the use of SuDS systems and an indication of the attenuation have been provided. As such, the proposal would be unlikely to exacerbate existing land drainage and sewerage problems. If I were minded to grant permission, this is a matter which could be dealt with through a planning condition.
16. The proposal would not have an unacceptable effect on flood risk and drainage. As a result, it would comply with Policy DM12B and with the Framework in this regard concerning the need for the planning system to take full account of flood risk.

Highway Safety

17. The site access would be formed by the demolition of part of a stables building that abuts West Moor Road. This road allows for 2-way traffic and operates at 30 miles per hour until near to a bend to the south of the proposed site access. A footway and grass verge also run along this side of the road. At the time of my site visit, it was lightly trafficked and as the amount of existing development in the area is fairly limited, I have no reason to believe that at any time it would suffer from significantly greater levels of traffic.
18. The access into the site would be set back from the carriageway so that adequate levels of visibility would be maintained, even though part of the building adjacent to the access would remain. The visibility of pedestrians along the footway would be satisfactory. A width of access road into the site and the potential for footways that could be achieved would be to a similar

level to West Moor Road itself. With its size, provision for turning could be made within the site.

19. With the likely traffic generation arising from 10 dwellings, this arrangement would not be unacceptable, including having regard to the more occasional movements of service vehicles. Similarly, West Moor Road and the local road network would be able to accommodate the level of traffic generated.
20. The proposal would not have an unacceptable effect on highway safety in relation to the proposed access arrangement and the free flow of traffic. Thus, it would comply in this regard with Policy DM4 of the DPD which states that development is not to be of detriment to highway safety and with the Framework where it sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Planning Balance

21. The Council's most up to date position¹ indicates that it has a 5 year housing land supply of deliverable sites for the purposes of the Framework. This is contested by the appellant although there is not substantive evidence before me to the contrary. On this basis, the potential exception under Policy CS1 which concerns addressing a shortfall in the 5 year housing land supply does not apply. The Housing Delivery Test results also do not indicate that the delivery of housing has been substantially below the housing requirement over the past 3 years.
22. Nevertheless, a 5 year housing land supply does not act as a ceiling or as a disincentive to the grant of further planning permissions as the Framework makes it clear that the Government's objective is to significantly boost the supply of housing. The proposal would contribute towards such an objective, as well as to the housing mix and for the needs of groups with a specific housing requirement. The appellant has indicated it would be aimed at meeting the needs of an ageing population and has supplied details of demand. It would also provide a benefit to the local economy, be accessible to local services and ecological improvements are intended. These attract moderate weight in my decision.
23. The proposal would not have an unacceptable effect on the living conditions of the occupiers of the nearest dwellings. This carries neutral weight. The same applies as regards the effects on flood risk and drainage, and highway safety.
24. In relation to the Draft Bassetlaw Plan, as this is still at an early stage of preparation, it attracts limited weight in my decision, including its approach to the pattern of growth. For similar reasons, so does the Walkeringham Neighbourhood Plan.
25. The Framework's economic, social and environmental objectives are not criteria against which every decision can or should be judged, as the Framework makes clear. I have referred to the relevant matters which they contain within my decision.

¹ Bassetlaw District Council, Five Year Housing Land Supply Statement For the Period: 1 April 2018 to 31 March 2023, Published October 2018

26. In relation to the adverse impacts, the proposal would not be in a suitable location for housing with regard to the effect on the character and appearance of the area. There would be conflict with DPD policies CS1, DM4 and DM9, and with the Framework, in this regard. This is afforded significant weight in my decision. On an overall basis, the benefits that would arise would not outweigh the harm.
27. In addition, even if I were to conclude there is a shortfall in the 5 year housing land supply as has been suggested by the appellant and that the policies which are most important for determining the application should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
28. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

Conclusion

29. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR