



Appeal Decision

Site visit made on 14 July 2015

by **I Radcliffe BSc(Hons) MCIEH DMS**

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

Decision date: 18 August 2015

Appeal Ref: APP/A3010/W/15/3005580

**Land to the north of Station Road, Beckingham, Doncaster,
Nottinghamshire (Grid reference Easting: 478335 Northing: 389944)**

- 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 Construction Limited against the decision of Bassetlaw District Council.
 - The application Ref 14/01369/OUT, dated 20 October 2014, was refused by notice dated 23 February 2015.
 - The development proposed is residential development.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development on land to the north of Station Road, Beckingham, Doncaster, Nottinghamshire (Grid reference Easting: 478335 Northing: 389944) in accordance with the terms of the application, reference 14/01369/OUT, dated 20 October 2014, subject to the conditions in the schedule at the end of this decision.

Procedural matters

2. The application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis. The appellant submitted a plan with the application illustrating how the site could be developed for housing. As the application is in outline the appellant is not tied to the detail shown on this plan. However, given that it shows how 38 dwellings could be accommodated on the site I have treated this as indicative of the appellant's intentions and have assessed the application on this basis. An agreement made under section 106 of the Act was submitted which I have considered as part of the appeal.

Application for costs

3. An application for costs was made by Wildgoose Construction Limited against Bassetlaw District Council. This application is the subject of a separate Decision.

Planning policy

4. The development plan for the area includes the Bassetlaw Core Strategy and Development Management Policies Development Plan Document (CS&DMP). The National Planning Policy Framework ('the Framework') is also an important consideration. The adopted proposals map identifies a Development Boundary for Beckingham. Policy CS1 of the CS&DMP seek to restrict new housing development to within Development Boundaries until the Site Allocations

Development Plan Document is adopted. The appeal site is located adjacent to, but outside, the Development Boundary for Beckingham. As a result, for planning policy purposes it is located within the open countryside where new development is strictly controlled.

Main Issues

5. The main issues in this appeal are;
- the effect of the proposed development on the character and appearance of the area; and,
 - whether there are other material considerations, such as the supply of housing land and the sustainability of the proposed development which would outweigh any harm caused and conflict with the development plan.

Reasons

Character and appearance

6. The Bassetlaw Landscape Character Assessment identifies the countryside in which the appeal site lies as open and gently undulating fields bounded by hedgerows with frequent hedgerow trees. As an open hedged field of pasture the appeal site conforms with this assessment. This area of countryside, which is visible in private views from the adjacent houses within the village to the west, would be lost to development.
7. The field's hedgerows, which form part of the historic field pattern, would be preserved. The location of the proposed scheme on the edge of a settlement, rather than in an isolated location within the open countryside, would also help to conserve the open rural character of the landscape. Nevertheless, whilst this would help ameliorate the effects of the proposal, it would not overcome the harm that would be caused to the character and appearance of the countryside through the loss of the field to development.
8. In terms of the village, the appeal site is located close to its eastern edge where the pattern of development is linear. However, to the west towards the centre of Beckingham the settlement is characterised by development in depth. With the outline planning permission that exists for up to 27 dwellings on land between the appeal site and Station Road, and existing development in the direction of the village centre, the proposed development would appear as a natural extension of the settlement that would consolidate development on its eastern side. Subject to the control that would be exerted at reserved matters stage in terms of layout, scale, appearance and landscaping an attractively designed scheme at a density appropriate to the village could be delivered.
9. Notwithstanding my favourable findings regarding the effect of the proposed development on the form of the village and the quality of its design, this does not obviate the harm that would be caused to the character and appearance of the countryside through the loss of the field to development. This would be contrary to the objectives of policies CS1 and CS8 of the CS&DMP which, amongst other matters, seeks to protect the countryside from development.

Other material considerations

Housing land supply

10. Paragraph 47 of the Framework advises that Local Planning Authorities should have sufficient deliverable sites to provide five years of housing against their housing requirements. The appellant states that the Council's housing supply

is less than five years. The most recent figure referred to is that a 2.5 year supply exists. This has not been disputed by the Council. Policy CS1 of the CS&DMP normally restricts new development to within the Development Boundary of a settlement. However, when less than a five year housing supply exists the policy supports development that would be of benefit in addressing the shortfall.

Sustainable development

11. Sustainable development is at the heart of the Framework. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Beckingham is designated as a Rural Service Centre by the development plan. It has a village store and post office, primary school, church, village hall, children's play area, tennis court, football / basket ball court and a bowls club. These facilities are within comfortable walking and cycling distance of the appeal site. The village is therefore capable of meeting some of the day to day needs of residents. With several bus services a day connecting the village to Gainsborough, Doncaster and other settlements the services and facilities not available in the settlement are accessible by public transport. The appeal site is therefore located in a reasonably sustainable location.
12. Economically, the proposal would generate employment during the construction and fitting out of the proposed dwellings. It would also help support local services such as the village store and post office. Socially, the additional houses would make a contribution to addressing housing need, including the need for affordable housing. With regards to education the County Council states that the extra demand for school places could be accommodated by local schools without the need to expand facilities. In relation to the environment, I have found that the proposal would cause some harm to the character and appearance of the area.
13. In the context of a village the size of Beckingham the proposed development on the appeal site and land to the south would result in a significant number of new dwellings. Taken together with other planning applications and recently completed development this could lead to an increase in the size of the village of nearly 20%. However, given the facilities, services and public transport links the village has such development would not undermine its sustainability.
14. The justified reasoning for policy CS8 of the CS&DMP states that appropriate levels of housing growth for Rural Service Centres, taking into account residents' views, are to be dealt with by the Site Allocations Development Plan Document (SADPD). Where no appropriate sites exist within development boundaries it advises such growth is likely to include Greenfield extensions. However, the evidence of the appellant, which has not been challenged by the Council, is that as the housing requirement is now considerably higher than when the CS&DMP was adopted the SADPD has been withdrawn. As a result, the development plan does not identify an appropriate level of housing growth for the village.
15. Taking all these factors into account, I conclude that the proposal would be a sustainable development. This is a significant factor in favour of the proposal.

Local infrastructure

16. Policy DM11 of the CS&DMP advises that developer contributions will be sought to ensure that new development meets the reasonable costs of providing

infrastructure requirements to mitigate the impacts of new development. Policy CS8 of the same document requires that 35% of the housing built on a site is affordable housing. I have also had due regard to the supplementary planning document 'Planning and Developer Contributions' (SPD). On this basis the Council seeks a section 106 agreement to secure contributions towards affordable housing, public open space and bus stop improvements. The submitted section 106 agreement has been properly completed and secures the contributions sought. The provisions sought have been assessed having regard to the tests in paragraph 204 of the Framework and the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

17. In relation to bus stops, the evidence is that the development will increase the use of the stops and that improvements are needed in order to encourage use of the services. With regards to affordable housing, there is a shortage in the district and in accordance with the development plan the proposed scheme needs to make provision for such housing. In terms of public open space, there is no evidence that there is a shortage in the quantity or quality of provision serving the settlement. As a consequence, it has not been demonstrated that a contribution is necessary to make the development acceptable in planning terms. A management fee is also sought. However, as monitoring for the most part is a local planning authority function this fee is not necessary to make the development acceptable.
18. In relation to these areas of infrastructure, other than with regard to open space provision, there is evidence that improvements are needed or existing provision is failing to meet current demand. Contributions in relation to bus stop improvements and affordable housing are therefore necessary to make the proposal acceptable in planning terms. The contributions are calculated based upon the additional demands the proposed scheme is likely to generate and the cost of improvements and additional provision. The sums sought in relation to these areas are therefore reasonably related in scale and kind to the proposed development. In relation to these matters, unlike with public open space provision, it is also clear that the sums sought would be spent on local provision. As a consequence, the contributions sought, other than in relation to public open space and the management fee, satisfy the tests in the Framework and accord with Regulation 122.
19. Since the application was determined by the Council Regulation 123(3) has come into force. Other than in relation to certain exemptions, such as affordable housing, it prevents the pooling of more than five planning obligations made since 6 April 2010 towards a specific infrastructure project, or particular type of infrastructure. The Council states that in relation to the bus stop improvements in Beckingham only one contribution has been received during this time. This has not been challenged by the appellant. On the basis of the available evidence, I therefore find that the contributions sought in relation to bus stop improvements comply with Regulation 123(3).
20. For the reasons given above, I have therefore only taken into account the provisions of the submitted section 106 agreement that relate to affordable housing and bus stop improvements.

Drainage

21. Concerns have been expressed regarding the potential for flooding and sewerage problems if the site was built upon. However, the Environment

Agency has no objection to the proposed development subject to the attachment of a condition requiring the provision of a sustainable drainage system. Such a system would prevent an increase in the rate of surface water run off from the site. I agree with the conclusions of the Environment Agency on this matter. In relation to sewerage, this matter could be controlled by condition requiring that full details are submitted to and approved by the Council.

Highway safety and congestion

22. The proposed development would use the same access as the site to the south which has planning permission for up to 27 dwellings. I saw that Station Road carries heavy goods vehicles to and from the Wharf by the river Trent. However, Station Road is a long straight road and visibility along it is excellent. I therefore find that with the control that can be exerted in relation to the design of the site access under the extant permission on land to the south highway safety would not be harmed. In terms of the potential for congestion, as the number of houses proposed on the two sites would not generate a sufficient level of vehicle movements to warrant a Transport Assessment the scheme would not materially harm the free flow of traffic.

Pipeline

23. A pipeline crosses the appeal site. Access needs to be maintained to the pipeline and damage to it avoided. This matter could be satisfactorily controlled by condition.

Healthcare

24. Access to a General Practitioner has been raised as an issue. However, on the basis of evidence that the nearest surgeries in Gainsborough are accepting new patients, I find that adequate provision is available.

Overall Conclusions: The Planning Balance

25. The location of the proposed development would be outside the Development Boundary for Beckingham and thus contrary to the development plan. Such a contravention is a consideration that normally would weigh heavily against the proposal. However, the Council does not have a five year housing land supply. In such circumstances, as I have previously noted, policy CS1 of the CS&DMP supports new housing that would be of benefit in addressing the housing shortfall. This approach is consistent with the Framework. It advises that when such a shortfall exists policies relevant to the supply of housing land, such as policy CS8 of the CS&DMP, should be considered to be out of date.
26. The Framework further states that housing proposals should be considered in the context of the presumption in favour of sustainable development. I have found that the proposal would constitute such development. It further advises that permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
27. In terms of adverse impacts, the development would urbanise the site and result in the loss of countryside to development. In conjunction with the permission on land to the south it would also result in more housing than the Parish Council and local residents who have objected to the proposal support. However, given the conflict between the Framework and the approach of the

- development plan on the issue of residential development and housing land supply these are considerations of only some weight against the appeal.
28. In terms of the benefits, the proposed development would be a sustainable development in a location with good access to the services and facilities in the village and reasonable public transport links. The proposal would help address local housing need for affordable housing and the undersupply generally of housing in the District. Collectively these factors are of significant weight in favour of allowing the appeal.
29. My overall conclusion in this case, having considered all the matters raised, is that the adverse impacts of the proposal are limited and do not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
30. There is no doubt that there is strong local feeling about this proposal, as reflected by the volume of objections received at every stage. I recognise that this decision will be disappointing for local residents and am mindful in this regard of the Government's 'localism' agenda. However, even under 'localism', the views of local residents and the Parish Council, very important though they are, must be balanced against other considerations. In coming to my conclusions on the issues that have been raised, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan, the Framework and Planning Practice Guidance. For the reasons set out above, that balance of the various considerations leads me to conclude that the appeal should be allowed.

Conditions

31. In order to ensure that the historic field pattern which is characteristic of the landscape is conserved the hedge along Station Road should be retained and a landscape appraisal carried out. To ensure that the development complements its surroundings further details on landscaping are required. To ensure that any planting becomes well established it needs to be well maintained. In the interests of public health drainage for foul sewerage needs to be provided. To comply with national policy a sustainable drainage scheme should also be provided.
32. Owing to the proximity of the railway, and unknown history of the site and land adjacent to it, there is the possibility that contamination is affecting the site. Given that residential use of the site is to occur a site investigation is therefore necessary. To avoid conflict with the oil pipeline consent for development in the vicinity of the pipeline needs to be received. In the interests of highway safety, a footpath along Station Road needs to be provided along with further details of the streets within the appeal site. To allow control to be exerted over the development details of the phasing of development need to be agreed.
33. Given the potential for nuisance to nearby residents control needs to be exerted on the hours of construction. Weekends and bank holidays are particularly valuable and construction noise on such days would be particularly intrusive. Other than on Saturday mornings I have therefore prevented construction on these days. To protect wildlife hedgerow and tree removal needs to be strictly controlled and mitigation measures carried out. As there are ancient ridges and furrows close to the site an archaeological investigation should also be carried out.

34. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Planning Practice Guidance. A condition requiring dust suppression was suggested. However, as no demolition works would take place such a condition is unnecessary. I have therefore not included it.

Ian Radcliffe

Inspector

Schedule

- 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 begins 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 begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The existing hedge along Station Road shall be retained. No part of the hedge shall be removed unless that removal is authorised as part of this grant of planning permission, or is the subject of written agreement by the local planning authority.
- 5) As part of the reserved matters to be submitted a landscape appraisal should be undertaken appropriate to the scale of the development. It should consider the existing landscape and the sites setting within it and also clearly refer to the Bassetlaw Landscape Character Assessment Policy Zone MN03.
- 6) A scheme for tree planting and landscape treatment of the site shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed scheme shall be fully implemented within 9 months of the date when the last dwelling on the site is first occupied. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a size and species similar to those originally required to be planted.
- 7) Development shall not begin until full details of the manner in which foul drainage are to be disposed of from the site have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the development hereby permitted is first brought into use.
- 8) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be

carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Planning Practice Guidance, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) No development shall take place until a site investigation into land contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the development begins.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be completed before the development is first occupied.
- 10) No development shall take place until such time as proof of consent from the Secretary of State to build and or excavate on, over or adjacent to the gas) oil pipeline in accordance with the approved plans (which shall include details of any proposed pipeline accommodation works within the propose streets) has been submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved plans.
- 11) No development shall take place until a scheme showing the details of a 2m wide footpath on the north side of Station Road, between the eastern boundary of the site and the 'T' junction with Low Street, have been submitted to and agreed in writing by the Local Planning Authority. No more than 5 dwellings shall be occupied until the scheme has been fully implemented in accordance with the approved details.
- 12) No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets thereafter shall be maintained in accordance with the approved management and maintenance details until such 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.

- 13) No development shall be commenced until a phasing and completion plan has been submitted to and approved in writing by the local planning authority. The phasing and completion plan shall set out the development phases and standards that each phase of the development will be completed to. Development shall be carried out in accordance with the approved details.
- 14) No works relating to site preparation or construction shall take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 15) Any removal of hedgerows or trees should take place outside of the bird breeding season (March – September inclusive). Any works carried out to hedgerows or trees during the bird breeding season shall only take place if a suitably qualified ecologist has firstly confirmed in writing the absence of nesting birds.
- 16) Development shall accord with the mitigation measures recommended in the submitted Phase 1 habitat and Protected Fauna Survey.
- 17) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Richborough Estates