



Appeal Decision

Site visit made on 3 April 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/P3040/W/24/3351023

Haulage Contractors at Garage and Premises, Bridegate Lane, Hickling Pastures, Nottinghamshire LE14 3QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rob Brown against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/02275/FUL.
 - The development proposed is erection of 9 new dwellings and extension of existing bungalow and associated landscaping and highway works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework and have received comments which I have taken into account in my determination of the appeal. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.
3. Four of the reasons for refusal relate to highway safety, including parking provision, the internal access and turning provision. The Council has stated that in the light of amended plans, it no longer wishes to advance three of these. Given that the parties have resolved the issues raised in reasons 3, 5 and 6, I have no reason to pursue them further. However, reason 4 relates to visibility splays and remains unresolved between the parties. I have therefore taken this issue into consideration along with the issues raised in the other reasons for refusal.

Main Issues

4. The main issues are;
 - whether the mix of housing proposed would meet an identified need having regard to the relevant policies in the development plan;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect on highway safety with regard to visibility splays.

Reasons

Housing Mix

5. The proposal is for nine new dwellings and refurbishment and extension to an existing bungalow. The Council indicate that in order to meet the requirements of Neighbourhood Plan¹ Policy H14, the development should meet the needs of older households and/or the need for smaller affordable homes for sale or rent. The policy also states that housing with more than three bedrooms will normally only be supported where it is necessary to make best use of redundant or disused rural buildings in accordance with Policy H12. The proposal does not relate to redundant or disused rural buildings. The supporting text to Policy H14 states that dwellings with more than three bedrooms require special justification and those which are considered to be over-sized three bedroom dwellings will be subject to special scrutiny in order to avoid the abuse of Policy H14. This is to ensure that the identified need for two and three bedroom houses and bungalows is met.
6. The 10 dwellings, one of which is the existing/extended bungalow which would have three bedrooms, comprise 2, 3, 4 and 5 bedroom dwellings. Of these, 3 would have four bedrooms and 1 would have five bedrooms. Therefore, four out of the ten would have more than three bedrooms.
7. In terms of providing smaller affordable homes, two of the dwellings would have two bedrooms which would put them at the lower end of the marketing scale but the rest, even the three bedroomed dwellings, would be generously sized (with three double bedrooms) and so would be of a size that would reflect their affordability. No evidence has been submitted to indicate that any of the properties would be available to rent at affordable costs. Furthermore, whilst this mix would offer a range of dwellings, they would not truly offer a range that met the needs for older and less mobile people as bedroom space would be on the upper floors. Even the existing bungalow would have first floor bedrooms.
8. The housing need set out in the Neighbourhood Plan is based on a 2017 survey which the appellant states would not reflect the 2021 census and therefore question its accuracy. However, I note that the Neighbourhood Plan also refers to a survey in 2020, the results of which are reflected in the Plan by allowing the conversion of rural buildings, infill housing developments and the redevelopment of a brownfield site (Faulks depot in Hickling). Whilst this is still before the 2021 census, I consider it sufficiently reflects an identified need especially as the Neighbourhood Plan is only 3 years old.
9. The appellant cites the Greater Nottingham And Ashfield Housing Needs Update (HNU), published April 2024 as being more relevant. This has been prepared in support of the Greater Nottingham Strategic Plan. A copy of this document has not been submitted but the Council state that the HNU is still at its consultation stage and in any event covers a much greater geographical area than the Neighbourhood Plan. In any event, the figures quoted by the appellant still indicate a greater requirement for 2 and 3 bedroom dwellings than for dwellings with 4 plus bedrooms.
10. Whilst Policy H14 indicates that housing with four or more bedrooms would be supported where redundant or disused rural buildings would be utilised (in

¹ Hickling Parish Neighbourhood Plan 2011 – 2028, Adopted March 2022.

accordance with Policy H12), this is not applicable in this case. Policy H14 clearly seeks to meet an identified need for housing that would not be provided by this proposal. Consequently, the mix of housing proposed would not meet an identified need having regard to the relevant policies in the development plan.

11. The Framework, in Chapter 5, is clear in its objective to boost the supply of homes and as the proposal would utilise a previously developed site, its development for housing would be consistent with its aims. However, the Framework states that the overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community. The proposal would provide a mix of homes but they would not meet the requirements of the local community as set out in the development plan.
12. The proposal is therefore something of a missed opportunity in that it fails to meet an identified need and as such would not be consistent with the objectives of the Framework or with the development plan.

Character and Appearance

13. The appeal site is industrial in character comprising a former haulage yard and including some buildings and miscellaneous structures which appear unsightly. It also includes the unoccupied bungalow. However, it is also in part, very open. There is a substantial amount of vegetation, especially around some parts of its boundaries which partially screen the site from certain viewpoints. It is located within a rural area where the countryside is mainly characterised by open land with groupings or scatterings of buildings. These are mostly 1 or 1½ stories high.
14. The proposal would develop the whole of the site and introduce buildings into areas that are currently open. The layout would comprise a compact arrangement of dwellings, with those to the south, plots 5 to 10, forming a linear row. As such, the layout would be formal and urban in character rather than reflect a more organic and fluid character typical of the clusters and groupings of buildings in the surrounding area.
15. There would be substantial tree felling, especially to the south/south east. Although further landscaping is proposed, with the exception of plot 3, the existing bungalow, the proposed layout would leave minimal space for landscaping, although it is proposed to create a tree lined access through the site. This would soften what would be a hard and formal arrangement although I am not convinced that the trees shown on the submitted CGI images would survive in the long term particularly due to pressure from future residents to improve light to north facing houses.
16. The appellant refers to local character comprising a variety of domestic architectural styles, materials, building and plot sizes in the area and whilst traditional forms of building are typical, the area is characterised by its mix and range of styles and periods. Whilst this may be the case, the height of surrounding dwellings is lower than those proposed and tall roofs and steep pitches are not a prevalent characteristic of the area. The 2 and 2½ storey dwellings proposed would create a prominent and distinctive grouping that would be at odds with the rural character of the area.
17. Although there would be some variation in heights and house types, the overall design of the dwellings, including their heights and steep roof designs, fenestration

and materials would further the appearance of a very urban development. Notwithstanding the previous use of the site, the proposed form, scale and general appearance of the development would not be sympathetic to the lower and more sporadic character of buildings in the vicinity.

18. A Landscape and Visual Appraisal (LVA) has been submitted with the appeal and whilst this mostly finds the proposal to have a limited effect on the landscape and visual character of the wider area, this relies to a notable extent on the presence of boundary screening. I accept that existing vegetation does screen the site from various viewpoints and although some tree loss would occur, additional planting is proposed. However, I do not accept that for the proposed development to be acceptable in the landscape, it needs to rely on screening.
19. The appellant refers to a development at Hillcrest Workshops² but the Council dispute that this is comparable. Likewise, another development at Harles Acres in Hickling is referred to by both parties but on the basis of the information presented, I cannot make an informed comparison between these developments and the one before me. In any event, neither of these developments are within the immediate vicinity of the appeal site and I do not consider that they set a precedent for allowing this proposal which, in any case, must be assessed on its own merits.
20. The Framework encourages well designed proposals especially those that are outstanding or innovative³. Furthermore, cumulatively Local Plan Part 1⁴ Policy 10, Local Plan Part 2⁵ Policy 1 and Neighbourhood Plan Policy H9, aim to ensure that new development is sympathetic to the character and appearance of the surrounding area. The proposal would fail to meet the expectations set out in the Framework and these policies but would have a harmful effect on the character and appearance of the surrounding area.

Highway Safety

21. The primary access to the proposed development would utilise the existing access from Bridegate Lane. This is a wide access set back from the road. A secondary access would serve the parking areas for plots 1, 2, 3 and 4. This currently provides the access to the existing bungalow, plot 3 and another property, High Ridge.
22. The Council state that both access points would achieve visibility splays of 2.4 metres x 120 metres, commensurate with the speed limit in place on this section of Bridegate Lane. Bridegate Lane is subject to a 40 mph speed limit as it passes the appeal site increasing to the national speed limit, 60 mph, to the north. The Highway Authority considers that vehicle speeds could exceed the speed limit and therefore visibility splays should be commensurate with the 85 percentile speeds. The appellant subsequently carried out a traffic speed survey in order to determine the appropriate visibility splays based on the 85 percentile speeds. This indicates that visibility splays of 2.4 metres x 60 metres to the south and 2.4 metres x 86 metres to the north would be appropriate.
23. The Council accept the findings to the south but disagree with those to the north. This is due to the transitional speed limit from 40 mph to 60 mph. As vehicles

² Planning Application Ref: 21/00716/FUL.

³ Paragraph 139.

⁴ Rushcliffe Borough Council – Rushcliffe Local Plan Part 1: Core Strategy Adopted December 2024.

⁵ Rushcliffe Borough Council – Rushcliffe Local Plan Part 2: Land and Planning Policies Adopted October 2019.

would be travelling faster as they passed the site from the north, greater visibility would be required for southbound vehicles.

24. Although the parties cannot agree on the necessary visibility splays. I am mindful that both accesses are existing and the primary access previously served the haulage yard. The appellant's analysis indicates that the proposal would result in a net increase of one trip at the morning peak time and a net decrease of two trips in the afternoon peak time. The topography of the area is also relevant as a dip in the road partly obscures vehicles travelling southbound when viewed from the access but the Highway Authority note that drivers in HGV vehicles sit higher and therefore have greater visibility than car drivers.
25. The evidence does not establish that the development could be safely accessed. Whilst the access is existing, this does not mean that it would be for the proposed development. The appellant's evidence indicates that there would be little difference in the vehicular movements between the previous use and that proposed. This would not constitute a benefit to highway safety but at best would provide a neutral effect.
26. Local Plan Part 2 Policy 1 and Neighbourhood Plan Policy H9 require, amongst other things, development to have a suitable means of access that is not detrimental to highway safety. The evidence does not clearly demonstrate this to be the case, therefore there would be a potential harm to highway safety.

Other Matters

27. A significant benefit would be the redevelopment of this previously developed site, and in particular for new homes. The Framework encourages the effective use of land for homes and other uses⁶ but qualifies this by promoting the use of such land where it would help meet identified needs for housing. I have already referred to the specific housing need above. It also states that substantial weight should be given to the use of suitable brownfield land within settlements⁷. The appeal site is not within the settlement.
28. Further benefits include bringing the vacant bungalow back into use and the removal of the unsightly buildings currently on the site. Also, the development would retain some trees and the intention is to supplement the boundaries with native tree and hedgerow planting. However, although the appellant indicates that such planting would flow throughout the development, there would be limited space for meaningful landscaping and I am not convinced that the amount of tree planting shown on the CGI images is realistic.
29. There is no dispute over the amenity provided for future residents including the provision of internal and external space.
30. The appellants refer to the benefits of removing a non-conforming industrial use in a rural area that is largely residential in character. Whilst this may be considered a benefit, I have no evidence that the previous use was the cause for complaint or why specifically it is considered a non-conforming use. I accept that a residential use may be preferable given that there are residential properties close by. However, this preference does not overcome the harms I have identified.

⁶ Paragraph 124.

⁷ Paragraph 125 c).

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR

Richborough