

APPEAL BY APPOLLO DEVELOPMENTS LTD AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF TWO DETACHED DWELLINGS, DEMOLITION OF EXISTING WAREHOUSE AND FORMATION OF NEW VEHICULAR ACCESS AT LAND ADJACENT MAERFIELD GATE FARM, STONE ROAD, BLACKBROOK.

<u>Application Number</u>	16/00460/OUT
<u>LPA's Decision</u>	Refused by delegated powers on 29 July 2016
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	1 February 2017

The Inspector found that the main issue was whether the development proposed is acceptable with regard to the principle of sustainable development.

In dismissing the appeal, the Inspector made the following comments:

Principle of the development proposed

- The general thrust of development policies is to seek to direct the majority of new housing development towards Newcastle town centre and other identified significant urban centres. New housing is prioritised in favour of previously developed land where a range of services can be accessed by foot, public transport and cycling. A number of key Rural Service Centres are also identified.
- Baldwin's Gate is not an identified Rural Service Centre, it is identified as a village and the Core Spatial Strategy (CSS) indicates that no further growth is planned for the villages. The appeal site is approximately 1km from the development boundary of the village and is therefore within the open countryside.
- The appeal site is not therefore in a location where the Development Plan would support new open market housing and the principle of the development conflicts with policy.

Housing land supply

- It is common ground between the parties that the Council is currently unable to demonstrate a five year supply of housing land in line with the requirements of the National Planning Policy Framework (NPPF). As such paragraph 49 of the NPPF is relevant to the consideration of the appeal. The paragraph states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- As policies SP1 and ASP6 of the CSS and policy H1 of the Local Plan seek to control the supply of housing in terms of its spatial distribution and to restrict the provision of new housing in some rural locations, these policies are relevant to the supply of housing. They are not therefore up-to-date for the purposes of paragraph 49 of the NPPF. Paragraph 14 of the NPPF indicates that where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Whether sustainable development – accessible location

- Paragraph 7 of the NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 55 also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The paragraph goes on to state that new isolated homes in the countryside should be avoided, unless there are special circumstances which include where the development would re-use redundant

or disused buildings. The proposed development does not comply with this particular exception.

- Although the appeal site is directly opposite Slater's the area is otherwise defined by an open, agricultural landscape with views of scattered farmhouses and dwellings. The appeal site is therefore in a rural location.
- There is some dispute between the main parties as to whether or not the appeal site is in an accessible location in terms of goods and services that future occupants would rely on to meet their day to day needs. In this regard two appeals were brought to the Inspector's attention. One relating to residential development close to the appeal site (14/00875/OUT) which concluded that the proposed site would not be sustainable. The other, the erection of a warehouse on the appeal site (14/000011/FUL) when it was found on balance that the proposal would not harm the interests of sustainable development. The Inspector in this case gave greater regard to the conclusions within the appeal relating to residential development.
- Taking into consideration the distance of the site from Baldwin's Gate; the limited bus service; and that it is likely that future occupants undertaking large weekly food shops or travelling with children may well find the use of the private car as more convenient, the Inspector concluded that it is likely that future occupants would undertake the majority of trips via the car.
- The Inspector concluded that the development proposed would be in an isolated location and would not enhance or maintain the vitality of rural communities and as such would conflict with paragraph 55 of the NPPF.

Other sustainable development considerations

- Moderate weight was given to the modest contribution to the supply of housing overall and the re-use of some previously developed land.
- The Inspector considered that the existing building on site is not an unduly discordant or harmful feature to the visual appearance of the area. Whilst appearance, scale and siting are reserved matters there is no indication that the two dwellings proposed would cause undue harm to the character and appearance of the area. However the lack of harm in this respect is a neutral matter that does not weigh in favour of the appeal proposal.
- The removal of a sycamore tree that is showing some signs of disease and the retention of the remaining trees and hedgerows is also a neutral matter.
- There are no highway safety concerns or specific accident data relating to the use of the existing access in its current location. The provision of a new access and the incorporation of disabled parking facilities and dedicated parking spaces, which would be required in any event, is also therefore a neutral matter.
- Given that the site currently has an agricultural appearance that blends visually with the surrounding countryside any alteration in the existing landscaping arrangements on the site would also have a neutral affect overall on the character and appearance of the area.
- The appellant refers to permitted development rights to change the use of the existing building to a single dwelling, but there is no evidence that the appellant has formally applied to the Council to do this. Indeed the Council disputes whether the permitted development rights could be exercised in this case on the basis of the extent of the alterations that would be required to make the existing building fit for residential use. Limited weight was therefore attached to this 'fall-back' position.

Overall conclusion

- The Development Plan would not normally permit new open market housings, but due to the lack of a five year supply of housing land, the Inspector attached less weight to the conflict with policies and has gone on to consider the merits of the proposal in light of the relevant sustainable development considerations in accordance with paragraph 14 and 49 of the NPPF.
- There are elements that weigh in favour of the appeal proposal, and several neutral issues. On the other hand, the proposed dwellings would be in a location where future occupants would be likely to be reliant on the private car in order to access everyday goods and services and the site is in an isolated countryside location and as such would fail to enhance or maintain the vitality of rural communities to any

meaningful extent. Paragraph 55 of the NPPF confirms that new isolated homes in the countryside should be avoided, except in the special circumstances listed none of which are relevant to the appeal proposal.

- The adverse impacts of the appeal proposal do significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The development proposed does not therefore amount to a form of sustainable development and the NPPF's presumption in favour does not apply.

Recommendation

That the decision be noted.