

APPEAL BY MISS ANNETTE WESTWOOD AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A NEW 3 BEDROOM DWELLING AT LAND OFF LOVERS LANE, HOOKGATE, MARKET DRAYTON

Application Number **16/00644/FUL**

LPA's Decision **Refused by delegated powers on 28th September 2016**

Appeal Decision **Dismissed**

Date of Appeal Decision **20th March 2017**

The Inspector found the main issue to be whether the occupants of the proposed development would have acceptable access to shops, community facilities, employment opportunities and other services.

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

- The Council accepts that it does not have a five year supply of deliverable housing sites. Accordingly, the policies relating to the supply of housing are therefore not up-to-date when considered in relation to Paragraph 49 of the Framework. By reason of them not being up-to-date and not consistent with the Framework, limited weight is attached to these policies in the determination of the appeal. Where relevant policies are out of date, the advice in Paragraph 14 of the Framework is applicable. This advises that planning permission should not be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or unless specific policies in the Framework indicate development should be restricted.
- The site is between 1.6km and 1.7km from the nearest village of Loggerheads which contains various shops and services. The roads leading from the site to the village are unlit and do not have footways and given the narrow width of Lovers Lane, it is unlikely to be used often by the occupants of the dwelling for access to the village by walking or cycling, particularly during dark mornings and evenings.
- The appellant argues that there is a public footpath network within proximity of the site that provides direct access to the village. Taking the public footpath route, the site is approximately 1.3km from the village. However, the route crosses fields in places and therefore would unlikely be frequently used, particularly so in inclement weather. It is reasonable to conclude therefore that occupiers of the development would be reliant on the use of private vehicles to access basic facilities and services such as shops, schools, health services and employment. Although some of the journeys would be relatively short, given the poor accessibility, they are likely to be frequent.
- Paragraph 55 of the Framework promotes sustainable development in rural areas, providing it would enhance and maintain the vitality of rural communities. However, it also restricts isolated homes in the countryside unless there are special circumstances. The Inspector was not satisfied that there are any special circumstances that would justify the development.
- The proposal represents a new isolated dwelling within the open countryside in an unsustainable location, relying heavily on car transport, for which there are no special circumstances and therefore fails to comply with the sustainability objectives of the Framework.
- The proposal would offer economic and social benefits, albeit limited, by way of the occupants of the dwelling utilising local shops and services. It would also make a positive but limited contribution to the existing shortfall in housing provision in the borough.
- The Inspector concluded that the isolated location of the site and the unacceptable accessibility to shops, community facilities, employment facilities and other services significantly and demonstrably outweighs the social and economic benefits including the contribution it would make to the shortfall in housing supply and the use of previously developed land. The appeal is dismissed.

Recommendation

That the decision be noted.