

APPEAL BY MR N BOURNE AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DWELLING AT BANK TOP, PINWOOD ROAD, ASHLEY HEATH

<u>Application Number</u>	17/00010/FUL
<u>Recommendation</u>	Approval subject to securing of a planning obligation
<u>LPA's Decision</u>	Refused under delegated authority 15th March 2017
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	22nd February 2018

The Appeal Decision

In the context of the Council not being able to demonstrate a five year supply of new housing land in accordance with paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) the Inspector identified the main issues to be;

- Whether the principle of development accords with the development plan;
- The acceptability of the site; and
- The effect on the character and appearance of the area, including the effect on existing trees.

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

- In the Core Spatial Strategy (CSS) Loggerheads is regarded as a key Rural Service Centre but the site lies in an area which is well outside of the defined settlement boundary of this village. On this basis the proposal conflicts with the housing strategy in the development plan. CSS policies are broadly consistent with the Framework and therefore moderate weight should be given to these policies. Local Plan policy is more restrictive than the NPPF and so only limited weight can be placed on such policy.
- Notwithstanding this local policy objection, as paragraph 49 of the NPPF is engaged the development plan commands less weight as it is not to be regarded as up-to-date, therefore consideration has to be given to the other components of sustainable development set out in the NPPF including accessibility of the site.
- On the basis of the evidence and the Inspector's own observations, the Inspector considered that the site does not lie in a location which is easily accessible by public transport to services and facilities necessary for day to day living although it is a relatively short cycle ride away. Local facilities tend to be a good walk away and in part walkers would have to use Pinewood Road which is narrow, unlit and mostly without a pavement. As such there is a likelihood that the occupiers of the proposed house would be likely to depend on the use of a car for their activities. Nevertheless, while promoting a sustainable pattern of growth the NPPF recognises in paragraph 29 that opportunities to maximise sustainable transport will vary from urban to rural areas.
- A new dwelling on the site would not be inconsistent with the established pattern of development in the area. On balance, the proposed house (of modern design with a 'box like' overall form) would not be materially at odds with the mixed general character of the area. Such a design would be consistent with the advice given in paragraph 60 of the NPPF not to stifle original or innovative design.
- It has not been demonstrated that the development proposed could take place without harming trees that are recognised to be high quality and visually important either directly or indirectly in the long term. Such harm to these trees would spoil the contribution that they make to the character and appearance of the area.

Planning balance

- There are concerns over the accessibility of the site because of its distance from local services and facilities and a new dwelling on the appeal site would generally not be in the interests of securing a sustainable pattern of growth. Nevertheless, the Inspector recognised that the area around the site is already comprehensively developed with a low density pattern of housing. In this context a further dwelling could be regarded as a continuation of this established pattern
- There are fundamental concerns about the way in which a new dwelling can be physically accommodated on site with mature trees which are recognised to be worthy of protection. The trees' future well-being would be threatened by the development and this would significantly harm the character and appearance of the area.
- While the proposal would add a dwelling to the supply of housing, it would be likely to have significant adverse effects in the long term. This harm means that the proposal does not meet the environmental role put forward in paragraph 7 of the Framework and would not constitute 'sustainable' development when the NPPF is read as a whole.

Your Officer's comments

The application was refused as the site was not considered to be suitable for a new dwelling given that the services and facilities of the village and beyond could not be safely accessed resulting in heavy reliance on the private car. Impact of the development on the trees within the site was considered, but it was concluded that a dwelling could be accommodated within the site without loss of protected trees.

Whilst the Inspector acknowledged the points made about the site's location, it was the impact of the development on the trees within the site, and the harm that would arise if such trees were lost that led to the dismissal of the appeal. As such the reasons for dismissing the appeal were not the same as the reasons for refusal.