

18/02020/FUL

Applicant Mr James Roy Bradfield-Carrier

Location Holmefield Cottage London Lane Willoughby On The Wolds Nottinghamshire LE12 6SX

Proposal Demolition of existing farm building and construction of 4no new dwellings with garages and shared drive. (revised scheme)

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application site forms the segment of an agricultural field beyond the southern edge of the built up area of Willoughby On The Wolds. The site measures one third of a hectare and incorporates part of the front garden and vehicular access to Holmefield Cottage to the north. The site is currently grazed by horses. The site also currently contains a large sheet metal agricultural barn to the northern boundary. To the south and west is elevated open countryside situated between Main Street and Back Lane. The northern site boundary forms the defined built up edge of the settlement and to the west is London Lane with a dwelling beyond. The site is accessed from London Lane via the existing vehicular access serving Holmefield Cottage. The site rises steeply from London Lane by approximately 1.5m. A public right of way runs through the site which connects with two other public footpaths within the same field. It is proposed to re-direct the public footpath as part of the application.

DETAILS OF THE PROPOSAL

2. The application seeks full planning permission for the construction of four dwellings with associated parking and garaging with access from London Lane. A single tree is proposed for removal within the highway verge and four trees proposed for removal within the site. The proposed detached dwellings are to be externally faced in red brick and clay pantiles and are to consist of 2 no. four bedroom houses and 2 no. three bedroom houses, each set over two floors. Access is proposed through improvements to the existing vehicular access to be shared with Holmefield Cottage.

SITE HISTORY

3. 17/01267/OUT - (Demolition of redundant farm building) erection of 3 detached houses with garages and shared drive. The application was withdrawn.
4. 18/00504/FUL - Demolition of redundant farm building and creation of 4no. detached dwellings with garages and shared drive. The application was withdrawn.
5. Planning permission for two dwellings was granted beyond the northern boundary of the site with outline planning permission granted in 2018 for a

further single storey dwelling.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Edyvean) does not object to the application. He believes it will provide the type of accommodation that will attract families with school age children to support the village school. He does not consider the development to be outside the village boundary, and he understands that there used to be both farm buildings and a dwelling on the proposed site.

Town/Parish Council

7. Willoughby On The Wolds Parish Council raise no objection to the development.

Statutory and Other Consultees

8. Nottinghamshire County Council as Highway Authority comment that they previously considered the principle of residential development at this site under application reference 18/00504, recommending refusal on grounds of insufficient visibility at the access. Under the current submission, a speed survey has been undertaken to establish 85th percentile speeds from which commensurate splays of 2.4m x 42m (R) and 2.4m x 37m (L) have been derived. Drawing number 10587-001 shows the splays are achievable subject to the removal of a single tree, although it is their opinion a second tree will likely need to be removed. They advise that whilst they have no objection to the principle of removing the affected trees for safety reasons, they are conscious their removal may attract local opposition. It was therefore suggested that the developer approached the parish council to establish whether they would have any objection to the trees being removed, although it was acknowledged that such measures are likely to have wider planning implications.
9. They commented that, with regard to the general site layout, it appears that there is sufficient room for drivers to enter/exit in a forward gear. It should be pointed out that refuse collection wagons will not enter the site, and so a collection point should be provided within the maximum carry distance (25m) of the highway threshold, in a manner that does not compromise access/egress manoeuvres.
10. There is a public footpath running through the site that will need to be diverted under planning legislation to accommodate the new development. The Countryside Access Team have not raised any concerns regarding the proposed alignment, but have requested further clarification of how the way will be formally diverted outside of the red line boundary.
11. It is understood that discussions have taken place with the Parish Council, as suggested by the Highway Authority, and further comments are awaited. These will be reported as part of the schedule of late representations.

12. Nottinghamshire County Council as Public Rights of Way Authority comment that the applicant has taken steps to address the previous concerns about accommodating footpath no 10 – Willoughby into the revised design which would be largely acceptable to the rights of way team. However, it has not been made clear as to whether under the Planning Act required to do this, the section of footpath outside the application area required to connect the diversion, would be diverted under the same Planning Act order. The applicant also needs to be reminded that work cannot begin until the footpath diversion legal order has been certified and confirmed.
13. The Borough Council's Landscape Officer considers the application lacks information in order to make a considered judgement on the impact on trees and that a tree survey in accordance with BS5837 would have assisted in identifying the root protection areas. The proposed grasscrete area and oil tank has the potential to impact on the root protection area of trees across the site frontage. It is recommended that if permission was to be granted, a condition requiring tree protection measures and full landscaping details is applied.
14. The Borough Council's Sustainability Officer considers that the development of this site is unlikely to have an impact on the sustainability of populations of protected and priority species in the area, however, precautions are required for the potential unidentified use of the site. Should permission be forthcoming, a number of recommendations are suggested in line with the submitted Ecological Survey.

Local Residents and the General Public

15. Four letters of support have been received from four properties on grounds that there is a shortage of modest sized and lower priced housing within the village.

PLANNING POLICY

16. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
17. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
18. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

19. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means "*approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are*

most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
20. In relation to design and residential amenity section 12 of the NPPF seeks to ensure the creation of high quality buildings and places, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that *“planning policies and decisions should ensure that developments function well and add to the overall quality of an area, are visually attractive, sympathetic to the local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users”*. Paragraph 130 states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
21. In terms of housing, paragraph 73 of the NPPF requires local planning authorities to identify a five year housing supply with an additional 5% buffer to ensure choice and competition. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

Relevant Local Planning Policies and Guidance

22. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development, Policy 2 deals with Climate Change, Policy 3 deals with Spatial Strategy, Policy 8 deals with Housing Size, Mix and Choice, Policy 10 with Design and Enhancing Local Identity, Policy 16 deals with Green Infrastructure, Landscape, Parks and Open Spaces and Policy 17 deals with Biodiversity.
23. Policy 3 of the NPPF is considered to be of particular relevance to this application. It sets out the strategy for delivery of housing within the Borough which is to be achieved through an approach of urban concentration. It advocates a settlement hierarchy with growth to be concentrated around the main built up area of Nottingham and then key settlements of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington (Willoughby On The Wolds is not identified as a key settlement for growth). Beyond the key settlements, development will be for local needs only, to be delivered through small scale infill sites or exception sites.
24. The Local Plan: Part 2 is an emerging document which, whilst not currently part of the development plan, is at an advanced stage in the process and carries some weight at this time. There are a number of policies which are a material consideration in the determination of this application; Policy 11 relates to housing development on unallocated sites within settlements and Policy 22 considers managing development within the countryside.

25. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been adopted its policies are still a material consideration in the determination of any planning application, where they are consistent with or amplify the aims and objectives of the Core Strategy and have not been superseded. The following policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) are relevant to the consideration of this application; Policy GP1 (Delivering Sustainable Development), Policy GP2 (Design and Amenity Criteria), Policy EN20 Protection of Open Countryside and Policy HOU2 (Development on Unallocated Sites).
26. The 2009 Rushcliffe Residential Design Guide implies that infill development should respect the existing massing, building form and heights of buildings within their immediate locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern. The side spacing to neighbouring properties should also be maintained where a consistent and regular arrangement exists.

APPRAISAL

27. Willoughby is a small village with limited facilities. It does not have a shop, a public house or post office. It has an infrequent off-peak bus service to Keyworth and Ruddington and it has no train station. The nearby settlement of Keyworth does have a wide variety of such facilities; however this is located 4.2 miles away. Providing additional housing in Willoughby, would result in more residents relying heavily upon the private car to access basic facilities such as shopping, health care and employment which would not be sustainable.
28. In order to achieve sustainable development within the Borough, Policy 3 'Spatial Strategy' of The Rushcliffe Local Plan Part 1: Core Strategy (The Plan) identifies a settlement hierarchy for Rushcliffe. Willoughby is not one of the settlements identified for housing growth. Policy 3 goes on to state that in such settlements new housing will be for local needs only.
29. Policy 8 'Housing Size, Mix and Choice' of The Plan states that where there is robust evidence of local need, such as an up to date Housing Needs Survey, rural exception sites or sites allocated purely for affordable housing will be permitted within or adjacent to rural settlements. Whilst the submitted supporting statement claims that the housing proposed will be low cost and meet the needs of local people hoping to stay in the village, no evidence has been submitted to demonstrate how this will be achieved and there is no mechanism in place to secure it. Furthermore, it is not considered that the provision of larger three and four bedroom detached houses would assist the entry level housing market in this area. It is, therefore, not considered that the proposal would meet an identified local need and fails to satisfy Policy 3 and 8 of the Core Strategy and paragraph 77 of the NPPF which seek to support housing in rural locations that meet an identified local need.
30. The application site is located on the edge of the settlement and in open countryside generally comprising moderately large field systems separated by hedgerows with mature standards. The village is based on a ribbon

development pattern with frequent views of the open countryside beyond. The site marks an attractive and important transition point between the built up area of the village and the countryside beyond. Development of the site would result in the loss of a well-defined boundary to the settlement and attractive approach to the village edge, particularly on approach north along London Lane and across the adjacent Field from Back Lane. The rise in site levels from the road and, the open nature of the site and the lack of any established screening to the south, would result in a highly visible form of development that would be detrimental to the rural open character of the area. It is accepted that additional planting to 'hide' the appearance of the new properties could be provided, but it is considered that this would detract from the open nature of this rural approach and would not mitigate against the likely presence of the proposed buildings and their projection into the open countryside.

31. An application for up to 7 dwellings was refused on an adjacent field with access from Main Street to the east (application reference 15/02170/OUT) which was subsequently dismissed on appeal. The inspector concluded in that case that the erosion of the edge of the village which would result from the development would harm the clarity of the boundary between built form and rural hinterland. There are marked similarities between the two proposals in terms of location and impact on the character and appearance of the area. Therefore, it is considered that this appeal decision and the comments of the Inspector should carry significant weight in the determination of this application.
32. As a consequence, not only would the proposal constitute an expansion of the built up area of the village and lead to the loss of a currently well-defined village boundary, but it would also detract from the recreational enjoyment of the countryside, by virtue the public right of way that runs through the site and across the adjacent open fields, due to the visual impact of the development on its setting. The quality of the rural setting is further emphasised by the presence of high quality ridge and furrow within the application site and the wider group of agricultural fields. The extent and quality of Ridge and Furrow which contributes to the undeveloped and natural surroundings would be partly lost if the proposal was approved.
33. Given the above, it is considered that the proposal would cause significant harm to the character and appearance of the local area and that it would therefore be contrary to policies EN20, HOU2, HOU4 and COM11 of the Rushcliffe Borough Non-Statutory Replacement Local Plan that seek, among other things, to ensure that development is not detrimental to local character, does not extend the built up area of a settlement and would not have adverse visual impact. It is also considered that the proposed development would have a detrimental effect on the character and appearance of the approach to the village of Willoughby on the Wolds. It would, therefore, conflict with Core Strategy Policy 10 which seeks to enhance local identity by reinforcing valued local townscape and landscape characteristics, including important views and vistas.
34. The application proposes to utilise the existing vehicular access to Holmeffield Cottage to provide access to the site, to be shared with Holmeffield Cottage. The number of parking spaces for each dwelling and areas for turning within

the site is considered to be sufficient in order to prevent any additional parking pressures on the public highway or be detrimental to highway safety.

35. The application is supported by a transport statement which considers the actual speed of traffic within the vicinity of the access to establish the required visibility. The findings of the survey indicate that real speeds require minimum visibility splays of 37.59m to the south and 42.9 to the north. The required splays can only be achieved if a mature ash tree within the highway verge is removed. The tree forms a group of four trees within the highway verge that contribute to the attractive rural approach to the village. The removal of one tree within the group is not considered to result in unacceptable harm to the character and appearance of the area, which would justify a standalone reason to resist the application. Nonetheless, its removal would contribute to the erosion of the verdant character to this village should the application be approved. The Local Highway Authority raises no objection to the application.
36. It is acknowledged that the council is currently unable to demonstrate a 5 year supply of deliverable housing sites. Paragraph 11 of the framework makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that, where the council cannot demonstrate a five year supply of deliverable housing sites, the relevant policy for the supply of housing should not be considered up to date. Therefore, the 'tilted balance' would be engaged and the presumption in favour of sustainable development means that development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
37. It is accepted that the proposal would provide a small contribution towards the supply of housing, provide limited support for local services and provide short term employment during the construction phase of the development, therefore providing moderate economic and social benefits. However, it is considered that the harm arising through the unsustainable location and the visual harm to the character of the countryside through extending the built up area of the settlement would significantly outweigh the benefits of the scheme and, therefore, it would not accord with the NPPF or the Development Plan. It is therefore considered that the proposal would not represent a sustainable form of development and it is recommended that planning permission is refused.
38. The proposal was the subject of pre-application discussions and the applicant/agent was made aware of the policy objections and unacceptable impacts of the development. Despite making a number of amendments to the scheme to address some of the unacceptable impacts, the proposal remains unacceptable. In order to avoid further abortive costs to the applicant, the application is recommended for refusal without further negotiation.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be refused for the following reason(s)

1. The proposal, if approved, would result in the erection of four dwellings, garages and associated hardstanding, on land considered to be open countryside beyond the established settlement of Willoughby On The Wolds. The development would have a significant detrimental impact on the rural character and appearance of this open countryside location and could adversely affect the amenity of the adjacent public rights of way. The proposal is therefore contrary to policies EN20, HOU2, HOU4 and COM11 of the Rushcliffe Borough Non Statutory Replacement Local Plan which seek to protect the countryside from inappropriate development. The proposal would also conflict with Core Strategy Policy 10 which seeks to enhance local identity by reinforcing valued local townscape and landscape characteristics, including important views and vistas.

2. The proposal is for unallocated residential development on a greenfield site outside of the built up area of a settlement that is not identified within Policy 3 of the Rushcliffe Core Strategy as a sustainable location suitable for further housing growth, except to meet local housing needs. It is not considered that the proposal meets an identified local housing need and in any event it does not comprise a small scale infill site, as required in paragraph 3.3.17 of the Rushcliffe Core Strategy. Any benefits arising from the provision of housing would be outweighed by the harm to the natural, rural environment in this location. The proposal would therefore be contrary to the Council's sustainable development strategy set out in Policy 3. This is also contrary to Policy EN20 (protection of open countryside) of the Non Statutory Replacement Local Plan 2006 and contrary to one of the core principles in the National Planning Policy Framework, which is that planning should recognise the intrinsic character and beauty of the countryside including designated landscapes and also the wider countryside.