

19/01374/FUL

Applicant Mr & Mrs Belton

Location The Old School House Station Road Widmerpool Nottinghamshire NG12 5PR

Proposal Construction of new dwelling in the grounds of the Old School House (resubmission).

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application relates to a broadly triangular plot of land located immediately to the north of West View Cottage but falling within the ownership of The Old School House. The site is bounded on its western side by Keyworth Road. There is an existing gated access from the highway. The site abuts open countryside to the north east. The site comprises an area of grass enclosed by a hedgerow and post-and-rail fence with mature trees and hedgerow on the north east and western boundaries. The Old School House is a traditional two storey brick building with a pebbledash frontage. The adjoining dwelling at West View Cottage is a bungalow faced in render. The application site is elevated relative to this neighbouring dwelling. There is a ribbon of properties to the west, running along Old Hall Drive. The site is located approximately 125 metres north of the main village of Widmerpool.

DETAILS OF THE PROPOSAL

2. The application seeks full planning permission for the erection of a one-and-a-half storey detached 2 bedroom dwelling. This would be positioned 5 metres to the north of the boundary with the Old School House. The main dwelling would measure 10.5 metres in width and 5.6 metres in depth with a pitched roof measuring 3.65 metres to the eaves and 6.57 metres to the ridge. There would be a lower 2.1 metre wide projection to the northern elevation. The roof would feature front and rear dormers to serve the first floor accommodation. The dwelling would be faced in larch cladding with a clay pantile roof. The submitted planning statement notes that the dwelling would be an energy efficient timber frame building. Environmentally sustainable measures are proposed including solar panels for an electric car charging point, however the solar panels are not shown on the application plans.

SITE HISTORY

3. An outline application for the erection of a one-and-a-half storey detached house was refused in 2006 (planning reference 06/00763/OUT). The application considered siting and means of access only with all other matters reserved. A subsequent appeal was dismissed (appeal reference APP/P3040/A/06/2028827/WF). The Inspector contended that the site lies in an area of sporadic development beyond the settlement and in the countryside. They also considered that a dwelling in this location would be prominent in the landscape when travelling south along Keyworth Road.

4. 18/01494/FUL- New dwelling in the grounds of the Old School House. Refused in 2018. The application was refused on the basis that: It would sit outside of the village and would not constitute limited infill; the site is located in an isolated location in relation to local services and facilities; the site would be heavily car reliant; and the site would fall within a sporadic ribbon development outside of the main built-up area and would result in an encroachment of the open countryside.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Edyvean) supports the application, commenting that it would enable an existing resident to remain in the village through the sympathetic development of the new dwelling, it also makes an existing house available to support the village population.

Town/Parish Council

6. The Widmerpool Parish Council does not have any objections to the application.

Statutory and Other Consultees

7. Nottinghamshire County Council as Highway Authority comment that the visibility at the access is considered sufficient for the speed at which vehicles pass by. They therefore do not wish to object subject to conditions requiring the drive to be surfaced in a bound material for 5 metres from the highway with provision to prevent the discharge of surface water onto the highway, along with the provision of a suitable vehicular crossing prior to the occupation of the dwelling.
8. The Conservation and Design Officer commented that the application is a resubmission of a previous refusal. He notes a lack of private amenity space associated with West View although this appears to be a historical situation rather than arising from the current proposal. The site is not in a conservation area and there are no listed buildings in the vicinity. The plans denote a rectangular area with a dashed line on the boundary with West View, it is unclear what this denotes. The form, scale and overall design of the proposed dwelling appears to be reasonable for the site and its setting. The proposed timber cladding would not reflect the architectural character of the village or surrounding area. The extensive use of timber cladding would not meet the objectives of Policy 10 of the Core Strategy in that it is alien to local identity. The limited use of timber cladding to highlight architectural features such as bays and porches may be considered suitable.

Local Residents and the General Public

9. Two written representations have been received on behalf of the neighbouring property, both neither objecting to or supporting the planning application. The comments are summarised as follows:

- a. The previous application was rejected, there appears to be no significant changes to the current application.
- b. Concerns regarding changes to water table due to the foundations of the building, along with run off from the buildings and drive, which could cause flooding and damp to West View Cottage.
- c. There is a steep bank between the application site and West View Cottage, which is at a lower level, concerns that this could collapse unless there is a barrier to stop heavy vehicles driving close to the bank. Vehicles should be prohibited for a reasonable distance from the boundary and a retaining wall should be provided by the applicant.
- d. The plans do not show the large store building to the rear of The Old School House which houses a tractor and trailer, these can only be accessed alongside the fence of West View.
- e. The previous issues have not been addressed.
- f. It is not a sustainable location, there is only a church and one bus a day.
- g. Confirmation is needed that West View will continue to enjoy the current right of access for maintenance etc.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
11. The emerging Local Plan Part 2: Land and Planning Policies, which has been subject to public examination with hearings in November and December 2018, is also a material consideration. Paragraph 48 of the NPPF allows weight to be given to relevant policies in an emerging local plan. The extent of the weight that can be given to these policies is dependent on the stage of its preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. The plan is currently still under examination but on 7 February 2019 the Inspector appointed to examine the plan wrote to the Council to advise that they thought the plan is likely to be capable of being found legally compliant and sound, subject to main modifications. It can, therefore be afforded some considerable weight subject to the relevant policies not being subject to modifications and providing the relevant policies not being in conflict with the NPPF.
12. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006) and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

13. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of

sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, 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.

Relevant Local Planning Policies and Guidance

14. The Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy 3 of the Core Strategy (Spatial Strategy) sets out the settlement hierarchy within Rushcliffe to accommodate sustainable development, which includes the main built up area of Nottingham and the key settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe On Trent and Ruddington. Outside of these areas (excluding the former RAF Newton site), development shall be for local needs only. The explanatory text to Policy 3 sets out that housing for local needs "...will be delivered through small scale infill development or on exception sites."
15. Policy 8 of the Core Strategy (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes. Paragraph 7 of this policy 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.
16. The proposal falls to be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
17. The Borough Council currently does not have a five year supply of deliverable housing sites and therefore to address this shortfall a limited number of additional housing sites may need to be identified within smaller 'Non- Key Settlements' as set out in paragraph 3.9 of the emerging Local Plan Part 2. Widmerpool is, however not identified as one of these additional settlements.
18. Policy 22 of the emerging Local Plan Part 2 considers land beyond the physical edge of settlements to be countryside which should be protected. Appropriate forms of development are set out under paragraph 2 of this policy. New dwellings are only considered appropriate in the form of rural workers dwellings, or exceptional sites for affordable houses. Paragraph 3.10 of Local Plan Part 2 reinforces that beyond the housing allocations in the plan, development to meet 'local needs' at 'other villages' will be limited to small

scale infill development, exception site development and allocations within Neighbourhood Plans. The paragraph goes on to describe small scale infilling as "... the development of small gaps within the existing built fabric of the village or previously developed sites ..."

19. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe NSRLP. GP2d sets out that development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development. Also of relevance to this application are GP2a (amenity impacts of traffic generation), GP2b (suitable access and parking), GP2c (sufficient ancillary amenity and circulation space), and GP2g (impact on future occupiers from existing nearby uses).
20. The proposal also falls to be considered under policy HOU2 as an unallocated development. The size and location of the site should not detrimentally affect the character or pattern of the surrounding area, and the site should not make a contribution to the amenity of the surrounding area by virtue of its character or open nature. The site should be accessible by a range of services other than by private car. The proposal falls to be considered under EN19 and should ensure that in line with policy EN19a) *"there will be no significant adverse impact upon the open nature of the Green Belt or open countryside, or upon important buildings, landscape features or views"*.
21. The Rushcliffe Residential Design Guide (2009) refers to previously established guidelines for rear garden sizes whereby detached dwellings should be served by rear gardens with a depth of 10 metres and an area of 110 sqm, or an area of 55 sqm for 1- 2 bed dwellings. Where these guideline are not met, developers should demonstrate why smaller gardens are acceptable.

APPRAISAL

22. The current application is a resubmission following the refusal of planning permission for a new dwelling in 2018 (planning reference 18/01494/FUL). The revised scheme proposes a 180 degree rotation of the dwelling, however the overall scheme remains identical to the previous submission in terms of its location within the site and design. The applicant has provided additional information to support the current application in the form of an addendum to the planning statement. The proposal includes environmentally sustainable features.
23. Fundamentally the application remains the same as the 2018 refused scheme and there has been no change to the surrounding context of the site in terms of new development or permissions in the intervening period from this application which affect the current submission. In terms of policy changes since the 2018 application, the emerging Local Plan Part 2 has progressed to examination stage but has not yet been adopted. In light of the advance stages of the LPP2, the policies within it are a material consideration in decision making.

24. Prior to the refusal in 2018, outline planning permission for a 1.5 storey house was refused in 2006 (06/00763/OUT) and the subsequent appeal was dismissed. The application was refused firstly on the basis that the site lies outside of the main built-up area of the village and to the east of a ribbon development in the vicinity of Fairham Brook, contrary to (now superseded) policy H2 of the 1996 Local Plan. In this respect, the Planning Inspector states in paragraph 3 of the appeal decision that: *“The appellant considers that the land is within the settlement. However, I agree with the Council that the site lies in an area of sporadic development beyond the settlement and in the countryside. It would therefore be contrary to criteria (h) of Policy H2 which seeks to prevent development in areas of sporadic development, ribbon development or in the countryside”*.
25. Policy 22 (Development within the open countryside) of the emerging LPP2 carries a presumption against new dwellings in the countryside with the exception of agricultural workers dwellings or rural exception sites, neither of which apply to the current application. Paragraph 6.11 of the LPP2 provides clarification on what comprises ‘countryside’. Development that extends beyond an identifiable settlement boundary, or clusters of buildings separated from the identifiable boundary of the settlement by more than a small scale infill plot are considered to be within the countryside for the purposes of this policy. The main settlement of Widmerpool is located on the south side of Fairham Brook, approximately 125 metres to the south of the application site. There is an intervening field separating the application site (along with The Old School House/ West View) from the main settlement. In considering the definition of ‘countryside’, it is apparent that the site falls outside of the main ‘settlement boundary’ of Widmerpool. The proposal dwelling does not fall within the appropriate forms of development set out under this policy.
26. The application is located between the juncture of Keyworth Road and Station Road, abutting open fields to the north east. A new dwelling would result in the northward extension of development beyond the existing built form. The emerging LPP2 helps to define the term ‘infill’ development, with paragraph 3.10 stating that; *“Small scale infilling is considered to be the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.”* In this instance, there is no development beyond the site to the north or east, with more sporadic development to the west, and the proposal cannot be considered to constitute infill development.
27. The site falls outside of the Key Settlements identified for growth under Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy, and therefore development should be for local needs only. This is clarified through paragraph 3.3.17 which states that local needs will be delivered through small scale infill development or on exception sites. The plot is not previously developed land, the site is situated outside of the village and it would not represent a small scale infill plot. The site is located approximately 1.5 miles south of Keyworth which is allocated in the Core Strategy for minimum of 450 homes in or adjoining the settlement. This settlement is also a sustainable location with a range of shops/ services and a frequent bus service to Nottingham. Given the proximity of this key settlement for growth and the unmet housing allocation for this settlement, it is not considered that the shortfall of the Borough Council's 5 year housing supply should be used as justification for the development of the application

site which is not in a sustainable location for development. Future occupants of any such dwelling would be heavily reliant on travel by car to access basic services and facilities.

28. In light of the shortfall in the 5 year housing supply, the LPP2 makes provision for 'other settlements' in addition to the Key Settlements which may be capable of accommodating limited development. Widmerpool is not identified as one of these additional settlements. This reinforces the point that Widmerpool is not a sustainable location for development.
29. The applicant makes reference to an appeal decision on Old Hall Drive which contends that this area is not a sporadic ribbon development. A planning application for a new dwelling at Wildwood, Old Hall Drive (planning reference 11/01827/FUL). In the appeal decision, the Planning Inspector makes reference to a previous approval for a dwelling at The Old Coach house (planning ref: 09/01680/FUL) in which it was contended that the site did not fall within a sporadic ribbon development. It should be noted however that both The Old Coach house and Wildwood are part of a cluster of properties on the western end of Old Hall Drive. By contrast, there is a distinct ribbon of properties running eastward from Beechbrook to Tall Trees, the application site is located at the eastern end of this ribbon, on the opposite side of Widmerpool Lane.
30. As per the refused 2006 and 2018 applications, the proposal would result in the extension of an area of sporadic/ribbon development outside of the settlement, contrary to policy HOU2f) of the RNSRLP.
31. In considering the visual amenities of the area, the site is located on the northern approach into the village along Widmerpool Lane. Whilst the site benefits from a degree of tree screening along the highway frontage, the proposal would result in a prominent dwelling that would lead to a loss of the open character of the site and the erosion of the rural character of the immediate streetscene.
32. In this regard, attention is drawn to the second refusal reason from the 2006 application (06/00763/OUT), which relates to the impact of the development on the visual amenities of the area, particularly with respect to the loss of roadside hedgerow in order to provide a sufficient visibility splay. In this respect, the Inspector contended that even if the landscaping and boundary treatments were enhanced behind the visibility splay, the proposal would still extend the built-up area of the village contrary to Local Plan policies.
33. In considering the overall pattern of development, the ribbon of properties on Old Hall Drive are well-spaced detached dwellings in large plots. The proposed dwelling would result in a more intensive development that would appear at odds with the adjacent pattern of development.
34. The planning statement proposes a number of environmentally sustainable features such as solar panels feeding an electric car charging point. These details have not been provided on the application drawings and therefore cannot be given significant weight in considering application. Notwithstanding this matter, many of the measures proposed such as solar PV, ground heat source, and electric car charging points are fairly commonplace and it is not considered that such measures outweigh the policy objections to a dwelling in

this location. Furthermore, in considering paragraph 79 of the NPPF, it is not considered that the development would represent a 'design of exceptional quality' that would justify the construction of a dwelling in a location that is isolated from services and facilities.

35. The village is served by the 863 Nottsbus, which provides an hourly bus service, however the last bus is currently at 1446 hours on weekdays and therefore the site would be heavily car reliant. The village has limited services and there is no retail provision. This reinforces the unsustainable nature of the site for a new dwelling.
36. Matters of neighbouring amenity have been considered. It is noted that West View has little outdoor amenity space, however this is a historical feature not affected by the current application. The application site is elevated relative to this neighbour and therefore the potential impact of the development has been carefully considered. The proposed dwelling would be set back 5 metres from the boundary with West View Cottage and the closest point and approximately 6 metres from their garden. The proposed dwelling would be one-and-a-half storeys in height. Taking into account the set-back from the boundary with West View, it is not considered that there would be an overbearing impact on this neighbour.
37. In terms of highway matters, the visibility from the proposed vehicular access is considered to be commensurate to the average vehicle speeds on this stretch of the highway. NCC Highways have not requested any change to the current visibility splay or removal of hedgerow.
38. For the reasons set out above it is considered that the development does not accord with the general national and local planning policies considered above and accordingly it is recommended that planning permission is refused.
39. The application is a resubmission and the applicant was made aware of the policy objections and unacceptable impacts identified in the previously refused application. The applicant chose to resubmit the application without making sufficient amendments to the proposal to address the issues raised. In order to avoid further abortive costs to the applicant, no further negotiation has taken place and it is recommended that the application be refused.

RECOMMENDATION

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

1. The application site is located to the east of a sporadic ribbon of properties outside of the main built-up area of the village and the development would result in the encroachment of the open countryside. The site falls outside of the key settlements for growth identified under Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy and the site would not constitute a small scale infill or exception site for local needs as set out in 3.3.17 of the Core Strategy. Paragraph 3.9 of the Emerging Local Plan Part 2 lists a number of smaller settlements capable of accommodating a limited number of dwellings, which exclude Widmerpool. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful

impact on the pattern or character of the area. The proposed dwelling sits outside of the main settlement and would not constitute infill development as envisaged in 3.3.17 and would, therefore, be contrary to policy 3 of the Core Strategy.

The proposal is also contrary to Policy HOU2 (Development on Unallocated Sites) of the Rushcliffe Borough Non Statutory Replacement Local Plan (2006) which states: "Planning permission for new unallocated development within settlements will be granted providing that:

- c) the development of the site would not extend the built-up area of the settlement;
 - d) the development would not have an adverse visual impact or be prominent from locations outside the settlement
 - f) the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside"
2. The proposed dwelling would result in harm to the rural character and appearance of the area, contrary to paragraph 127 c) of the National Planning Policy Framework whereby development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. A decision to refuse planning permission would accord with paragraph 130 of the NPPF which states that "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, taking into account any local design standards or style guides in plans or supplementary planning documents".