



**COMMITTEE DATE**    28/08/2019                      **WARD**            Stanton Hill and Teversal

**APP REF**                      V/2019/0423

**APPLICANT**                      M Hollis

**PROPOSAL**                      Outline Application With All Matters Reserved For 5 Dwellings

**LOCATION**                      Norcroft, 211 Wild Hill, Teversal, Sutton in Ashfield,  
Nottinghamshire, NG17 3JF

**WEB-LINK**                      <https://www.google.com/maps/@53.1436586,-1.3142293,330m/data=!3m1!1e3>

**BACKGROUND PAPERS**    A, C, E, K

App Registered: 02/07/2019

Expiry Date: 26/08/2019

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to as the applicant is related to an elected member of the Council.*

### **The Application**

This is an application seeking outline planning consent with all matters reserved for the erection of a maximum of five dwellings.

The application site comprises of the existing side and rear garden area of 211 Wild Hill, and additional land to the rear of 205 – 207 Wild Hill which is considered to not form part of the residential curtilage of 211 Wild Hill, and 7m (in width) of the adjacent paddock which is intended to be used as the site access.

### **Consultations**

Site Notices have been posted together with individual notification to surrounding residents.

The following consultation responses have been received:

#### ***Resident Comments:***

2x Letters of objection received from local residents in respect of the following:

- Wildlife present on site – bats, badgers and rabbits
- Mature trees will be removed
- Greenfield site
- Increased traffic on Wild Hill

- Overbearing impacts
- Overshadowing impacts
- Loss of privacy
- Overdevelopment of the site
- Neighbours have been told the application will be approved as the applicant has friends on the planning committee

***Teversal Skegby and Stanton Hill Neighbourhood Forum:***

Borderline whether this proposal meets the neighbourhood plan requirements. Intrusions into the countryside are not welcome but the proposal does include an infill plot. There are issues regarding sustainability in this location.

***Ashfield District Council Environmental Health:***

Due to the historic land use of the site, two contamination conditions would be required in relation to ground gases and gas protection measures.

***Nottinghamshire Wildlife Trust:***

No comments to make on the application.

***Natural England:***

No comments to make on application.

**Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

**National Planning Policy Framework (NPPF) 2019:**

Part 5 – Delivering a Sufficient Supply of Homes

Part 12 – Achieving Well Designed Places

Part 15 – Conserving and Enhancing the Natural Environment

**Ashfield Local Plan Review (ALPR) 2002:**

ST1 – Development

ST4 – Remainder of the District

EV2 – Countryside

HG5 – New Residential Development

**Teversal, Stanton Hill, and Skegby Neighbourhood Plan 2016:**

NP1 – Sustainable Development

NP2 – Design Principles for Residential Development

NP3 – Housing Type

NP4 – Protecting the Landscape Character

**Residential Design Guide SPD 2014**

**Residential Car Parking Standards SPD 2014**

### **Relevant Planning History**

**V/2007/0708** – Outline for one dwelling between 209 and 211 Wild Hill – Conditional Consent

**V/2010/0484** – Outline for one dwelling between 209 and 211 Wild Hill – Condition Consent

### **Comment:**

The current application seeks outline planning consent with all matters reserved for the construction of a maximum of five dwellings.

As the indicative site layout plan indicates, four of the proposed dwellings could be sited on land to the rear of 205 – 211 Wild Hill, with one further dwelling situated between 209 and 211 Wild Hill.

The submitted application form states that the area proposed for development comprises of the garden land for 211 Wild Hill. However, part of the land to the rear of 205 – 207 Wild Hill is not within the domestic curtilage of a dwelling house, and instead is a fenced off parcel of overgrown land. The red line boundary also comprises part of an existing paddock to the west of the 211 Wild Hill.

The application site is located outside of the districts main urban areas or named settlements, in an area designated as countryside, as set out within policy ST4 and EV2 of the ALPR 2002.

There is however some limited residential development fronting along the road at Wild Hill to the east of the site, with domestic garages and agricultural buildings sited to the rear of these dwellings. Directly to the north, south and west of the site is open countryside comprising of fields and paddocks.

The main issues to consider in this application are the principle of development, and the impacts of the development on the character and appearance of the area, residential amenity and highways.

### ***Principle of Development:***

The application site is located within an area designated as countryside as outlined within policy ST4 of the ALPR 2002. Under policy ST4, permission will only be granted for sites allocated for development, or development appropriate to the countryside, as outlined in policy EV2 of the ALPR 2002.

Policy EV2 of the ALPR 2002 restricts development in the countryside to defined appropriate forms of development. It also emphasises that development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. Policy EV2 identifies various forms of development, which comprise of appropriate development in the countryside, and amongst the forms of appropriate development, EV2(g) identifies that infill development is acceptable if it

does not harm the scale and character of the area. The supporting text identifies that infilling may be acceptable within small settlements or hamlets, and that infill development will normally comprise of one or two dwellings within a small gap in the existing pattern of development.

In this respect, it is considered that the erection of one dwelling between 209 and 211 Wild Hill would be acceptable in this location. Such development was deemed to be acceptable on 2007 and 2010 but was never carried out.

Whilst outbuildings are apparent to the rear of properties to the east of the site, these buildings comprise of domestic ancillary garages and agricultural buildings, which are typical of a countryside setting.

It is considered that the development proposed to the rear of 205 – 211 Wild Hill does not constitute infill development, and instead, comprises of a form of inappropriate backland development which is out of keeping with the linear pattern of residential development along Wild Hill.

As such, the proposed development as a whole does not fall within the remit to be classed as appropriate development, as identified by policy EV2 of the ALPR, as it does not meet the requirements outlined in EV2(g).

As the Council cannot identify a five year housing land supply, in accordance with the NPPF 2019, the presumption in favour of sustainable development should apply.

It is acknowledged that the proposal would result in five dwellings, which will have benefits in contributing towards the housing supply, although the extent would be limited.

Paragraph 170(b) of the NPPF 2019 makes clear that the countryside, although not designated and with no specific policy protection, nevertheless has worth in the planning balance, given that the countryside is said to have intrinsic character and beauty.

Furthermore, Part 15 – Conserving and Enhancing the Natural Environment identifies that decisions should protect and enhance valued landscapes. Under the Greater Nottingham Landscape Character Assessment 2009, the site is within NC07 Stanley and Silverhill. The landscape strength is identified as moderate-good, and the assessment identifies that Fackley and Stanley are small settlements on lower grounds between hills. The emphasis is on conserving the undeveloped character of the area with any future changes reflecting existing development patterns and primarily focused within settlement areas.

Given the location of the application site, the proposed development would result in the creation of new built form, which encroaches into the surrounding countryside setting. The proposal would subsequently give the impression of additional

urbanisation within the countryside, as it would result in the loss of undeveloped/paddock land which forms part of the verdant and open appearance of the area.

Part 5 of the NPPF 2019, Delivering a Sufficient Supply of Homes, sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new homes should however be avoided in the countryside.

Whilst the application site does not form part of a settlement, it is acknowledged that the site is situated relatively close to some limited residential development along the B6014. The site is however located approximately 1.5 km away from the village of Fackley, which has very few facilities, approximately 2.7 km from the services at the center of Huthwaite and approximately 1.6 km from the High Street at Tibshelf. It is understood that there is a footpath to Fackley and Tibshelf, however, neither of these settlements are within easy walking distance, and whilst there is a local bus service, it is very limited.

Part 9 of the NPPF 2019, Promoting Sustainable Transport, looks to maximise sustainable transport options but recognises that this will vary between urban and rural areas. However, given the location of the application site, any future occupiers of the proposed dwellings are likely to be highly dependent upon private transport to access the majority of services not available in the immediate vicinity of the site.

Taking into account all these aspects, it is considered that the proposal would result in the development of five isolated dwellings, and fails to meet any of the exceptions for rural dwellings, as set out in paragraph 79 of the Framework. Furthermore, the proposal does not meet paragraph 103 of the NPPF, which states that planning should actively manage patterns of growth to support the use of public transport, walking and cycling.

Whilst the proposal would make a small contribution to the supply of housing within the District, it is considered that the development in the proposed location would result in the construction of five isolated dwellings within the countryside, creating an urbanising impact on the appearance of the wider environment, and would result in the dependence on private transportation to access essential services. The proposal therefore does not amount to appropriate development in the countryside, and would be contrary to policy EV2 of the ALPR 2002 and policies contained within the NPPF 2019.

***Character and Appearance:***

Due to the nature of the development along Wild Hill, the siting of dwellings along the southern side of the highway presents a predominately linear pattern of development, with properties generally sited within similarly sized plots, measuring approximately 10-15m in width, and having a depth of approximately 45m. A handful of plots extend to approximately 90m in depth.

This pattern of development serves to create a pleasant, open character and a sense of spaciousness and a relief between residential dwellings.

The erection of four dwellings to the rear of 205 – 211 Wild Hill would therefore be significantly out of keeping with the prevailing pattern of development along Wild Hill, and as such would be harmful to the appearance and character of the immediate locality. The proposed plot sizes for the four dwellings to the rear of the existing residential development would also appear uncharacteristic when observed against the predominantly large and spacious residential plots found within the immediate vicinity of the application site. The proposal would as such appear incongruous with the surrounding character of the area.

In addition to the above, it is considered that approval of the application is likely to result in an urbanising appearance of the site, resulting in a detrimental impact upon the verdant appearance of the wider environment, due to the loss of existing paddock land, which forms part of the countryside character and facilitates the openness of the area.

***Residential Amenity:***

If the principle of residential development on the site was considered to be acceptable, it is considered that the dwellings could be appropriately designed to limit any potential impact in terms of massing, overshadowing or overlooking upon the immediate neighbouring properties.

A residential development in this location also has the ability to provide a good standard of living accommodation and amenity space for any future occupiers.

***Highways:***

No comments have been received from the Highways Authority in respect of the proposed development.

Four of the proposed dwellings would be served of a private drive which is located to the west of 211 Wild Hill. The driveway is indicated on the submitted plans as having an overall width of approximately 7m.

The plans indicate that the access could be of a sufficient width to allow two-way traffic at the access, and within the site, each property would be provided with off-street parking facilities. Sufficient space could also be made available to allow vehicles to turn within the site and egress in a forward direction.

It is further considered that adequate visibility could also likely be achieved at the access point off Wild Hill.

**Conclusion:**

As the Council cannot identify a 5 year housing land supply, the policies which are most important for determining the application should be considered out of date, particularly in relation to housing, and the presumption in favour of sustainable development should be applied, resulting in the tilted balance.

The NPPF 2019 sets out three overarching objectives to sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

It is acknowledged that the proposal would provide a number of benefits, including support for small house builders and other economic benefits that would be generated during the construction of the dwellings and occupation thereafter. The proposal would also assist in providing a contribution towards the Districts housing supply, meeting one of the tenets of the social objective of sustainable development.

Having said this, the scheme would result in the development of five dwellings, which would be contrary to the social objective of sustainable development, due to the proposal fostering a scheme whereby essential services would not be easily accessible for any future occupants, with any future occupants requiring the use of a private vehicle, due to the infrequent nature of the local bus service and the walkability to such services being difficult, contrary to the environmental objective of sustainable development.

Furthermore, the proposal would also conflict with the environmental objective to protect and enhance the natural environment, through the construction of the dwellings within a countryside setting, resulting in a detrimental impact upon the character and appearance of the wider environment and the openness of the countryside, due to the urbanising impact created by the scheme.

As such, the limited benefits of the scheme are outweighed by the inappropriate location of the development, including harm to the character and appearance of the area, and the resultant reliability on private transportation to access essential services. Accordingly, the adverse impact of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

On balance therefore, it is considered that the proposal does not constitute an appropriate and sustainable form of development in the countryside, and it is subsequently recommended that this application is refused on the following grounds:



## **Recommendation: Outline Application Refusal**

### **REASONS**

- 1. The proposal represents an inappropriate form of development within the countryside and does not constitute sustainable rural development, due to its location. The location of the proposed development would lead to any future occupiers being dependent on the use of a private motor vehicle to access essential services. No special circumstances have been submitted to justify the proposal being acceptable. As such, the application is contrary to saved policy EV2 of the Ashfield Local Plan Review 2002, and conflicts with Paragraph 79 and Part 9 – Promoting Sustainable Transport of the National Planning Policy Framework 2019.**
- 2. The proposal represents an unsatisfactory form of development which is out of keeping with the predominant linear pattern of development within the immediate vicinity of the application site, and would result in the erosion of the prevailing sense of spaciousness, giving rise to an urbanising impact on the appearance of the countryside. The scheme is subsequently considered to have a detrimental impact upon the intrinsic character and appearance of the countryside in this location. The proposal is as such contrary to policy EV2 of the Ashfield Local Plan Review 2002 and Part 15 – Conserving and Enhancing the Natural Environment of the National Planning Policy Framework 2019. These policies state that development should not adversely affect the character, quality or amenity of the environment, and should respond to local character.**