
Appeal Decision

Site visit made on 17 May 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 May 2016

Appeal Ref: APP/F1040/W/15/3139898

Land at Sealwood Lane, Overseal, Swadlincote DE12 6JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Read against the decision of South Derbyshire District Council.
 - The application Ref 9/2015/0796, dated 25 August 2015, was refused by notice dated 29 October 2015.
 - The development proposed is erection of four dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I understand that the examination of the South Derbyshire Local Plan Part 1 (SDLP) is now complete and that following consultation on final modifications to the SDLP the Inspector's report has been published. It is likely that the SDLP will be adopted by the Council very soon. Though not referred to in the Council's reason for refusal, reference has been made to Policy BNE1 of the SDLP in the Council's statement. The policy relates to the design of developments. As such, given the advanced stage of the SDLP, in reaching my decision I have had regard and given weight to Policy BNE1 of the SDLP.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises a piece of land located adjacent to Sealwood Lane in an elevated position relative to Green Lane. It contains a number of existing buildings located centrally within the site and also contains a steel container located nearer to Sealwood Lane. The appeal site previously formed part of Coppice Farm, with part of the farm site adjacent to the appeal site having recently been redeveloped and containing two dwellings, including a two storey dwelling and detached garage nearest to the appeal site. The site is currently overgrown and there is significant hedging along part of the Sealwood Lane frontage and along the side boundaries. Sealwood Lane is a public right of way (PROW) and there is another PROW adjacent to the rear boundary of the site.

The immediate surrounding area is semi rural in character and appearance with only a small number of dwellings on Sealwood Lane. Green Lane is more residential in character and largely contains single storey dwellings set back from the road.

5. The proposal to construct four dwellings would significantly increase the amount of built development on the site. Unlike the existing buildings which are located centrally within the site, the dwellings would be located in much more prominent positions. The detached dwellings would be closer to Sealwood Lane, forward of the recently constructed dwellings at Coppice Farm. The north east elevation of the dwelling to the rear of the site would run parallel to and be in close proximity to the adjacent PROW and would span a significant part of the length of the rear boundary. Though the dwellings would in the main be one and one and a half storeys, the scale of building on site would nevertheless be relatively large compared to the existing buildings and the size of the site particularly given that one of the detached dwellings would have a two storey gable fronting onto Sealwood Lane.
6. The scale of the dwellings together with the formation of roadside parking spaces, the vehicular access to tandem development to the rear and the amount of hardstanding proposed means that the site would appear cramped and out of keeping with the semi rural character of the immediate surrounding area. I note the appellant's view that the development is self contained on the edge of the built up area, the attempt to mimic the layout of a farmstead and the use of traditional design details and materials, however none of these matters overcome the harm that would result from the proposal.
7. Though I acknowledge that there is a mix of property styles and sizes in the vicinity of the site, most of the dwellings nearby are located on Green Lane which is much more residential in character than Sealwood Lane. I acknowledge that the appeal site is presently overgrown and the existing buildings dilapidated. However whilst the current appearance of the site does not make a positive contribution to the appearance of the area, this does not justify the proposal which would be harmful to the character and appearance of the area.
8. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to Housing Policy 11 of the South Derbyshire Local Plan and to Chapter 7 of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, buildings that are well designed for their purpose and their surroundings. Though I note that the appellant has questioned the relevance of Housing Policy 11, I am satisfied that it is relevant to the proposal. The proposal is also contrary to Policy BNE1 of the SDLP which requires, amongst other things, new development to be well designed and to create places that respond to their context.

Other Matters

9. At the time of making the decision the Council could not demonstrate a five year supply of deliverable housing sites and did not object to the principle of residential development on the site despite it being outside of a settlement boundary. Though the Council has suggested that it will have a five year housing land supply once the SDLP is adopted, until that time and in line with

paragraph 49 of the Framework relevant policies for the supply of housing should not be considered up to date.

10. Paragraph 14 of the Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
11. The proposal would have some modest economic benefits by providing employment during the construction period and by supporting the local economy. The proposal would provide four additional dwellings in a reasonably sustainable location close to other dwellings and contribute to the range of housing available in the local area. However these benefits would be limited given the small number of dwellings proposed. The adverse impact of the harm to the character and appearance of the area would significantly and demonstrably outweigh these limited benefits when assessed against the policies in the Framework taken as a whole and I therefore conclude that the proposal is not acceptable in light of the presumption in favour of sustainable development.

Conclusion

12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR