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Appeal by Sarlat Construction under Section 78 of the Town and Country Planning Act 1990.

Proposed Erection of Four Dwellings on Land off Sealwood Lane, Overseal, Derbyshire,

South Derbyshire District Council Reference: 9/2015/0796

Grounds of Appeal

November 2015

1. Introduction

1.1 This appeal is lodged on behalf of the Sarlat Construction against the refusal of South Derbyshire District Council to grant full planning permission for the erection of 4 dwellings on land off Sealwood Lane, Overseal.

1.2 Contrary to its officer's recommendation, the Council's Planning Committee refused the planning application on 29 October 2015 for one reason only:

"The design of the proposed development would be out of keeping, out of scale and overbearing on the existing settlement, contrary to the Saved Local Plan Housing Policy 11 and Chapter 7 of the NPPF."

1.3 The appellant's case focusses on the single reason for refusal. However, it also deals with other issues that have been raised by third parties, which the Inspector will be required to consider.

2. The Appeal Site and its Surroundings

2.1 The appeal site which covers some 0.23 hectares is situated on the northern side of Sealwood Lane, which links to Burton Road (A444) via Green Lane. The site is situated outside of the defined settlement boundary but is contiguous with a pocket of residential development that fronts both Green Lane and Sealwood Lane. These dwellings are a mix

of two-storey houses and single-storey bungalows/chalet bungalows. The application site lies to the west of the former Coppice Farm which has recently been redeveloped with a two-storey detached house and a bungalow with room(s) in the roof. New residential development has also taken place at the southern end of Green Lane, and planning permission been granted for a new two-storey dwelling on land adjacent to The Oaks, which is also at the southern end of Green Lane.

2.2 The appeal site was part of the former Coppice Farm and is enclosed by mature hedging on three sides. It is overgrown and contains two single-storey brick buildings which were last used for commercial storage purposes. These buildings are of substantial and permanent construction but they have become neglected and as a result they detract from the visual appearance of the site. A grassed paddock area adjoins the site to the west (screened by boundary hedging) and a field track, and residential garden lie to the north. There is little prospect (if any) of the site being returned to agriculture, or of the buildings being used for commercial purposes.



3. The Proposal

3.1 The planning application is for the erection of four dwellings comprising two detached properties facing directly onto Sealwood Lane, with two linked properties towards the rear of the site. Two of the dwellings would be accessed directly off Sealwood Lane, with the remaining two served via a private drive (also from Sealwood Lane). The dwellings fronting Sealwood Lane would be 1.5 storeys in height, with first floor accommodation within the roof space. The dwellings at the rear would be single-storey. Existing hedgerows along the boundaries would be reinstated and additional hedging provided along the north, west and southern boundaries. One of the

existing buildings on the site would be retained during construction of the proposed dwellings to provide a habitat for barn owls (in accordance with the recommendations of Derbyshire Wildlife Trust).

4. The Background and the Principle of Development

4.1 Following discussions with the Council's officers, the appeal proposal was submitted following refusal by the Council of an earlier application for four detached two-storey dwellings on 10 June 2015 (reference: 9/2014/1095). Although that application was also recommended for approval by the Council's Planning Officer, the Planning Committee refused it for the same reason as the appeal proposal i.e.

"The design of the proposed development would be out of keeping, out of scale, and overbearing on the existing settlement, contrary to the Saved Local Plan Housing Policy and Chapter 7 of the NPPF".

4.2 It is noted that the principle of new residential development on the site is not considered by the Council to be unacceptable and its objections (to both the appeal proposal and the earlier application) relate solely to the design and form of the development.

4.3 However, representations were received by the Council from third parties, who did object to the principle of new residential development on the site. To assist the Inspector in dealing with this matter, the following points are made in support of the appellant:

- i) Although the site is located outside of the defined settlement boundary, it is contiguous with a pocket of existing built development fronting both Sealwood Lane and Green Lane. It should also be noted that new housing developments have recently been granted permission by the Council on the adjoining site, and at the southern end of Green Lane.
- ii) The site is in a sustainable location being close to bus stops on Burton Road (A444) and within easy walking distance of the village centre, which includes a range of services, shops and community facilities.
- iii) The site is enclosed and appears both visually and physically separated from the open countryside to the south and west. It has no particular visual merit and it is not considered by the appellant or the Council to be part of a 'valued landscape'.
- iv) The Council does not have a five year supply of deliverable housing sites. Consequently, its Local Plan policies which prevent development in the countryside are out of date.

5 The Main Issue/Reason for Refusal

5.1 At the time of preparing the appellant's grounds of appeal, no substantive evidence was available from the Council regarding its reason for refusal. Consequently, at this stage the appellant must rely solely on the wording of the Council's decision notice.

5.2 Policy H11 (which the Council relies on) states that: “Proposals for new housing developments will be permitted, subject to them providing:

- i) A reasonable environment for the public at large.
- ii) Reasonable amenities in terms of light, air and privacy for both existing and new dwellings.
- iii) Safe, functional and convenient layouts.
- iv) Private amenity space and space for landscaping.
- v) Adequate public open space
- vi) For the development of any suitable adjoining land.

5.3 None of the above criteria appear to particularly relevant to the Council’s specific wording in its reason for refusal, which refer to the development as being “out of keeping, out of scale and overbearing”. Indeed, the appellant considers that the appeal proposal meets each of the listed criteria in Policy H11.

5.4 However, the Council also refers to Chapter 7 of the NPPF in its decision notice. This requires good design and, in particular, seeks to ensure that new development adds to the overall quality of the area; responds to local character and reflects the identity of local surroundings and materials (paragraph 58). For the reasons given below, it is considered that the appeal proposal accords with the requirements of the NPPF.

5.5 It has already been stated that the appeal site is an unremarkable small parcel of land which contributes little to the visual quality of the area. The dilapidated state of the existing buildings; the presence of storage containers, rubbish and the overgrown nature of the site also has a negative impact. The redevelopment for residential use will undoubtedly enhance the appearance of the site and will add to the overall quality of the area, as required by the NPPF.

5.6 With regard to the design and layout of the proposed development, the applicant has sought to ensure that the scale and appearance of the dwellings do not appear out of context with the surrounding development. It is noted that a number of third party objections referred to the proposal being at odds with the form of development in the locality due to the density of the development; the height and scale of the buildings; and the siting of two of the properties behind those on the frontage to Sealwood Lane. Whilst there may be some differences, the test is whether these are unacceptably harmful.

5.7 The Inspector will note (when visiting the site) that the style, height and scale of dwellings on both Green Lane and Sealwood Lane vary considerably. These include single-storey bungalows, ‘chalet’ style dwellings and large two-storey houses. The properties with first-floor accommodation are indicated on the plan accompanying this

statement. This clearly demonstrates the mix of house types in the area. It is also important to note that the dwelling immediately adjoining the site on Sealwood Lane is a two-storey building.

5.8 The proposed dwellings comprise two single-storey properties positioned towards the rear of the site and two dwellings with rooms in the roof spaces on the site frontage. The height and overall scale of the four properties would be comparable with other buildings in the area and it is inaccurate to suggest otherwise. Furthermore, the design details, including window and door detail, and the use of traditional external materials ensures that the dwellings would readily assimilate into their surroundings.

5.9 It is acknowledged that the layout of the development is different to the pattern of development locally, due to the siting of two of the properties behind the two at the front. However, the site was historically a farmyard, which contains agricultural buildings located towards the rear of the site. In designing the layout, the applicant has sought to produce a development that would be similar in character to an agricultural farmyard which would normally comprise groups of buildings spread throughout the site. Furthermore, the site's location on the edge of the existing built up area means that it can be considered as a self-contained development that does not need to fully mimic its surroundings.

5.10 For the above reasons, it is considered that the proposal would not be out of keeping, out of scale, or overbearing. Consequently, it would not conflict with Policy H11 of the Local Plan or with Chapter 7 of the NPPF.

6. Other Matters

6.1 Whilst the main issue concerns the Council's reason for refusal, it is also noted that other matters were raised by third parties. These are dealt with below.

Living Conditions

6.2 Due to a combination of separation distances, boundary treatments and the single-storey height of properties at the rear of the site, there would be no harmful effects on the occupiers of neighbouring property in terms of overlooking, outlook or natural light.

Traffic

6.3 Despite objections being submitted in relation to highway matters, including danger to users of the public footpath on Sealwood Lane, no substantive evidence has been put forward to justify this concern. Vehicles entering and leaving the appeal site would inevitably travel at slow speeds due to the width and length of Sealwood Lane. Furthermore, the lane is relatively straight with good visibility for both drivers and walkers. In addition, the Highway Authority (Derbyshire County Council) considered that a refusal based on highway grounds could not be sustained.

7. Planning Obligation

7.1 The Council requires the appellant to contribute £1,416 towards water quality management in the River Mease. The appellant has no objection to this and a signed planning obligation will be submitted to the Inspectorate within the prescribed period of 7 weeks after the start date of the appeal.

8. Conclusion

8.1 For the reasons given above, it is concluded that the Council's decision is not justified and therefore, the appeal should be allowed.

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29 November 2015