
Appeal Decision

Site visit made on 16 August 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/A3010/W/16/3151248

Land adjacent to Old Hall Lodge, Old Hall Lane, East Markham, Newark, Nottinghamshire NG22 0RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs A W Littlewood against the decision of Bassetlaw District Council.
 - The application Ref 15/01582/OUT, dated 27 November 2015, was refused by notice dated 21 January 2016.
 - The development proposed is residential development including formation of new entrance on to Old Hall Lane.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs A W Littlewood against Bassetlaw District Council. This application is the subject of a separate Decision.

Procedural matter

3. The application that led to this appeal was in outline with only the details of access for consideration at this stage and with all other matters reserved. Accordingly, I have considered the appeal on this basis, and aside from the access proposals, have treated the submitted drawings as illustrative.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the East Markham Conservation Area.

Reasons

5. The appeal site is an open and more or less level field. Although overgrown at the time of my site visit, the field has an agricultural, rural character imparted by the skerry sandstone wall which forms its main boundary to the road. On its other sides mature trees and hedges run along its boundaries, and beyond these dwellings of differing characters are visible.
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6. The appeal scheme seeks to establish the principle of residential use of the site. Proposals for access show a junction with Old Hall Lane roughly in the centre of the site.
7. The site lies within the East Markham Conservation Area. Whilst the *Conservation Area Appraisal and Management Plan* (adopted December 2014) ("the CAA") does not identify the appeal site as being of any special value from an open space point of view, it does highlight that skerry sandstone walling contributes considerably to the area's wider character. Moreover, the CAA identifies several buildings which immediately border the site as contributing positively to conservation area's character. In its current state the field constitutes a visual gap between the more traditional buildings along High Street, and the tighter more modern residential development around Stocks Fold to the south.
8. In the immediate surroundings of the appeal site, development is predominantly residential and of a varied character, in terms of form, architectural style, scale and massing. Furthermore, plot sizes and building lines are similarly varied. However, in the main they are orientated to address historic planned streets through the settlement. This development pattern is noted within the CAA as typical of medieval villages in the area. Consequently, this development pattern is a strong element of the conservation area's character and appearance, and contributes towards its overall significance.
9. Although the Council accept the principle of residential development at the site, I am mindful that the proposal seeks approval of the details of the access, and it is the effects of this that I now turn to consider. Whilst mindful of the status of the illustrative layout plan, and the hypothetical nature of the suggested number of dwellings, the proposed access would tend to limit the opportunity of a layout that was more responsive and sensitive to the prevailing development pattern of the area, potentially leading to dwellings orientated around a cul-de-sac arrangement, rather than addressing Old Hall Lane. This would be at variance with the historic development pattern, and taken together with the existing development at Stocks Fold erode the character and appearance of the conservation area to a harmful degree.
10. For the purposes of national policy the conservation area is a designated heritage asset. Thus I have assessed the appeal scheme in line with the National Planning Policy Framework ("the Framework"), which at paragraph 132 states that "great weight should be given to the [designated heritage] asset's conservation". Due to the scale of the site in the context of the conservation area as a whole I have assessed that the appeal scheme would cause less than substantial harm to the conservation area's significance. However, less than substantial harm does not mean that this harm should be attached less than substantial weight in the planning balance, and paragraph 134 of the Framework makes it clear that this harm should "be weighed against the public benefits of the proposal".
11. In the current case, I have been referred to recent appeal decisions¹ within the District which suggest that the Council cannot demonstrate a five year supply of housing land. This may be the case, however, the uncertain number of dwellings, which given the scale of the site would likely be modest, would only make a limited contribution to meeting this requirement and thus would be a

¹ APP/A3010/W/16/3145198 & APP/A3010/W/16/3145198

limited social benefit that would not outweigh the harm caused by the proposal to the conservation area's significance.

12. The scheme would have economic benefits, principally during its construction phase through employment and supply of materials, and also could bring some limited increased spending in local facilities from the occupants of the scheme. However, these would likely be of a modest scale, and the harmful effects of the development would subsist long after the economic benefits of the construction phase had faded away. Moreover, on the whole these benefits could be delivered by a residential scheme anywhere within the district and would not, in themselves, help to justify development on this site.
13. For these reasons, the appeal scheme's environmental harm to the significance, character and appearance of the conservation area would clearly outweigh any modest social and economic benefits of the scheme, and thus the proposal would not constitute sustainable development for the purposes of paragraphs 14 and 49 of the Framework.
14. I am aware that there are no highway safety objections to the proposal and that the Council accepts the principle of residential development of the site. However, the proposal would be at variance with the conservation area's historic development pattern, and thus harmful to its character and appearance. As no public benefits would clearly outweigh the harm to the conservation area's significance in this case, the proposal would conflict with the Framework; Policy DM8 and objectives SO7 and SO9 of the *Bassetlaw Core Strategy and Development Management Policies DPD*; and the guidance contained within the CAA. Taken together, and amongst other matters, the policies and guidance seek to ensure that new developments sustain or enhance the significance of heritage assets, and avoid harm to the character and appearance of their surroundings. For these reasons too, and in the absence of any substantive details to the contrary, the proposed development would conflict with the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. The appeal scheme would thus be contrary to the development plan, insofar as the policies that have been brought to my attention are concerned, and no material considerations have been advanced that would outweigh this conflict. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR