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## Appeal Decision

Site visit made on 6 December 2016

**by I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

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

**Decision date: 06 January 2017**

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**Appeal Ref: APP/B3030/W/16/3157932**

**Gable Oak, Old Main Road, Bulcote, Nottinghamshire NG14 5GU**

- 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 Mrs D Grayson against the decision of Newark & Sherwood District Council.
  - The application Ref 16/00697/FUL, dated 8 April 2016, was refused by notice dated 6 July 2016.
  - The development proposed is a new 4 bedroom dwelling and ancillary pool building.
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### Decision

1. The appeal is allowed and planning permission is granted for a new 4 bedroom dwelling and ancillary pool building at Gable Oak, Old Main Road, Bulcote, Nottinghamshire NG14 5GU in accordance with the terms of the application, Ref 16/00697/FUL, dated 8 April 2016, subject to the conditions in the schedule at the end of this decision.

### Procedural matter

2. Two appeal statements, dated 11 November and 14 November 2016, were submitted by the Council. I have taken the content of both into account in determining the appeal. However, in relation to the suggested conditions I have proceeded on the basis that the Council's list in its second appeal statement, dated 14 November 2016, superseded the list of conditions included with its earlier appeal statement.

### Main Issues

3. The main issues are;
  - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
  - the effect of the proposal on the character and appearance of the Bulcote Conservation Area; and,
  - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### Reasons

*Inappropriate development*

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4. The appeal site is located within the village of Bulcote which is located within the Green Belt. Policy 4B of The Newark and Sherwood Core Strategy ('Core Strategy'), adopted in 2011, sets out the Council's policy to Green Belt development. In order to support new housing and employment, it excludes that part of Bulcote attached to Burton Joyce from the Green Belt. As the appeal site is located towards the northern edge of the village, it is not located within that part of Bulcote and so is not excluded from the Green Belt. Within the Green Belt, policy 4B states that development proposals will be judged according to national Green Belt planning policy.
5. Paragraph 87 of the Framework advises that inappropriate development in the Green Belt is by definition harmful to it. Paragraph 89 of the Framework advises that 'limited infilling in villages' is not inappropriate development, but provides no definition of this term.
6. The appeal site is a large triangular plot of private land next to Oak Lodge and other residential development to the east along Old Main Road. Housing to the south on the opposite side of the road faces the appeal site. Across the junction on the opposite side of Nottingham Road recent residential development along Old Main Road has enclosed much of the western side of the site. Therefore whilst to the north west, towards the rear of the site, across Nottingham Road is open undeveloped countryside, the majority of the site is now enclosed by residential development. The appeal site therefore constitutes a gap in development that the proposal would infill. Given that the proposed house would occupy the eastern side of the site, and that open green space in the form of gardens to the proposed house would continue to occupy the western side of the site, the extent of infill would be limited.
7. I recognise that the view of the Inspector in relation to a dismissed appeal for residential development on the site in 1991 was that as the gap was not small and land next to it was not continuously developed it did not constitute infill development<sup>1</sup>. However, this was based upon his interpretation of the term 'infill', rather than 'limited infill', neither of which is defined in the current development plan or national planning policy.
8. Furthermore, on the basis of what the Inspector wrote it is unclear if at that time infilling in villages, whether limited or otherwise, was identified by local or national policy as appropriate development within the Green Belt. In addition, as I have noted, since that decision new development on the opposite side of Nottingham Road means that the site is now effectively enclosed on three sides by residential development. The circumstances of that appeal are therefore materially different to the appeal before me and for the reasons given above I have arrived at a different finding in relation to this matter. Consequently, reference to this decision has not altered my conclusions in relation to this issue.
9. Taking all these matters into account, I therefore conclude that the proposal would constitute limited infilling in a village in compliance with paragraph 89 of the Framework. As a result, it would not be inappropriate development and would comply with policy 4B of the Core Strategy. It is therefore unnecessary to consider whether there are considerations in favour of the appeal which would amount to very special circumstances necessary to justify the development.

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<sup>1</sup> Ref APP/B3030/A/90/173185

*Character and appearance*

10. The appeal site is located within the Bulcote Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Core Policy 14 of the Core Strategy and policy DM9 of the Allocations and Site Management Development Plan Document (A&SMDPD) control development in Conservation Areas. In requiring the protection of the character and appearance of heritage assets, including conservation areas, through high quality design that respects local design features these policies are consistent with the statutory test.
11. Based upon what I have read and seen the Conservation Area covers that part of the village that contains a variety of well designed older buildings the majority of which are set within spacious grounds. The variety of buildings together with their spacious setting and mature trees are important features of the Conservation Area. The significance of the Conservation Area is therefore architectural and historical.
12. The appeal site is located towards the northern edge of Bulcote where large houses on spacious plots predominate. The Conservation Area Appraisal identifies that the appeal site forms part of the former parkland around the Lodge. I saw that it is a large area of open lawn that is enclosed by a tall hedge and mature trees.
13. As an open area of land enclosed by a hedge and mature trees the Conservation Area Appraisal identifies the site as a significant open green space with significant and important tree cover along the boundary with Old Main Road. It identifies an important view across the site from Old Main Road, close to the junction with Nottingham Road, which provides glimpses of the church. To the extent that open views remain across the site above the height of the boundary hedge, I agree with that assessment.
14. The proposed dwelling would have a narrow rectangular plan form and would be orientated so that its narrow elevation faces Old Main Road. Its second storey would largely be contained within its roof space. These design features would reduce its scale and mass allowing it to fit sympathetically into its surroundings. Viewed from the road, with the mature trees and hedges around the perimeter, the proposed house and pool building would therefore be largely screened from view. In terms of the site as a whole, the house would be set back from Old Main Road towards the eastern side of the site, well away from Nottingham Road and would occupy a relatively small proportion of the site. With large areas of the site undeveloped in public views therefore the important view across the site would be preserved along with most of its open nature.
15. The design of the house would be modern but subject to the use of appropriate materials externally, which is a matter that could be controlled by condition, the appearance of the house would complement the variety of development that characterises the Conservation Area.
16. Taking all these matters into account, I therefore agree with the Council and conclude that the proposed development would not harm that part of the Conservation Area in which the appeal site is located, or the Conservation Area as a whole. As a result, the objective of preservation would be achieved. The proposal would therefore pass the statutory test and comply with Core Policy 14 of the Core Strategy and policy DM9 of the A&SMDPD. The proposed

development would also comply with the Framework in relation to good design and preserving the historic environment.

### **Other matters**

#### *Housing land supply*

17. On the basis of a recent appeal decision, the appellant states that the Council has less than a 5 year supply of housing land. In the absence of more recent evidence to the contrary I agree with that position. The proposal would contribute to addressing the shortfall. However, as it would only result in the supply of one additional dwelling the weight I attach to this consideration is limited.

#### *Living conditions*

18. Concern has been expressed that the dwelling would result in overlooking of houses around the junction of Redmays Drive and Old Main Road. However, the eastern elevation of the proposed house, which would face in this direction, would contain only two windows at first floor level and these windows would serve a corridor rather than main habitable rooms. As a result, any views towards dwellings in this direction would be likely to be inconsequential. For this reason and given the significant distance separating the proposed house from Oak Lodge and its garden to the east, and greater distances separating it from houses further away towards the junction of Redmays Road and Old Main Road, privacy would not be harmed.

#### *Wildlife*

19. Whilst the Council has no objection to the proposal on ecology grounds, concerns have been raised locally regarding this matter. As I have noted, the appeal site is set to lawn and the trees and hedges on the site would be preserved. Furthermore, no works of demolition would occur. On the basis of what I have read and seen, there is therefore no reasonable basis for supposing that the site provides a habitat for protected species that would be harmed by the proposed development.

### **Conclusions**

20. The proposal would not be inappropriate development in the Green Belt and it would be a well-designed house that would preserve the character and appearance of the Conservation Area. As a result, it would accord with the development plan. In compliance with paragraph 14 of the Framework, it should therefore be approved without delay.
21. Concern has been expressed that if the appeal is allowed this would set a precedent for similar development. However, each application and appeal is determined on its individual merits. A generalised concern of this nature therefore does not justify withholding permission in this case.
22. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed. In reaching this decision the views of local residents and the Parish Council have been taken into account. However, important though they are, they do not lead me to a different view on the planning merits of the proposal.

#### *Conditions*

23. For the avoidance of doubt and in the interests of proper planning, otherwise than as set out in this decision and conditions, the development needs to be

carried out in accordance with the approved plans. In order to ensure that the development complements its surroundings in the Conservation Area further details on external materials, the detail of the buildings, landscaping, including boundary treatments, are required. To ensure that any planting becomes well established it needs to be well maintained. Trees that are to be retained also need to be protected during construction. Given that the proposed development has been carefully designed to respect the open nature of the site and complement development within the Conservation Area permitted development rights in Classes A to F also need to be removed.

24. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Planning Practice Guidance.

*Ian Radcliffe*

Inspector

### **Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan ref Pln-A.01.1, Proposed site plan reference Pln-A.02.1.1, Proposed ground floor plan reference Pln-A.02.1.2, Proposed first floor plan reference Pln-A.02.1.3, Proposed roof plan reference Pln-A.02.1.4, Proposed north elevation reference Pln-A.02.2.2, Proposed east elevation reference Pln-A.02.2.3, Proposed south elevation reference Pln-A.02.2.4, Proposed west elevation reference Pln-A.02.2.6
- 3) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details.
  - External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
  - Treatment of window and door heads and cills
  - Verges and eaves
  - Rainwater goods
  - Coping
  - Extractor vents
  - Flues
  - Meter boxes
  - Airbricks
  - Soil and vent pipes

- The 'meadow' green roof specification.
- 5) No development shall be commenced until details of the boundary treatments to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with these approved details prior to the first occupation of the dwelling and shall thereafter be retained.
  - 6) No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: an implementation and phasing plan; a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species; a plan showing all the trees and hedges to be retained; and all hard surfacing materials.
  - 7) No development shall be commenced until the trees/hedges shown to be retained have been protected by measures to be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented for the duration of the construction on site and shall include the following: no development (including the erection of site huts) shall take place within the crown spread of any tree, no materials (including fuel and spoil) shall be stored within the crown spread of any tree, no services shall be routed under the crown spread of any tree, no burning of materials shall take place within 10 metres of the crown spread of any tree.
  - 8) All hard and soft landscape works shall be carried out in accordance with the implementation and phasing plan approved under Condition 6 of this permission. The works shall be carried out prior to the first occupation of the dwelling or in accordance with the programme agreed with the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
  - 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:  
  
Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.  
  
Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.  
  
Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.