



Appeal Decision

Site visit made on 16 July 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/B3030/W/19/3227527

Poultry Houses adjacent to Holme Hall, High Street, Holme NG23 7RZ

- 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 Ms J & U Bradwell against the decision of Newark & Sherwood District Council.
 - The application Ref 18/01566/FUL, dated 16 August 2018, was refused by notice dated 30 November 2018.
 - The development proposed is 2 no. new oak framed dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the planning application, the Council has adopted its Amended Core Strategy (ACS) in March 2019. Of relevance is the new Spatial Policy (SP) 3 which relates to its first reason for refusal. As a result of this, the Council no longer objects to the proposal on the basis of proven rural need but still wishes to pursue its objections based on the considerations set out in part (a) within the main issues.
3. Additionally, the Council requests its fourth reason for refusal relating to protected species be withdrawn because this was imposed incorrectly due to an administrative error. Based on a letter from the Appellants' ecologist, including a Method Statement of precautionary measures, there would be no adverse ecological effect. The appeal has been considered on the basis of these updated matters.

Main Issues

4. The main issues are the effects of the proposal on (a) the Council's spatial strategy for housing development, having regard to accessibility to services, facilities and public transport, (b) the setting of a listed building at Holme Hall, Grade II listed, and (c) flood risk.

Reasons

Spatial Strategy

5. ACS policy SP 3 states local services and facilities will be supported and promoted in rural communities. Proposals for new development will be considered in villages "Beyond Principal Villages", subject to various criteria including location, scale, need and impact. In scale terms, the dwellings would

be appropriate to the proposed location and small scale in nature by virtue of their number. In need terms, the new housing would support community services and local services (irrespective of the type of the transport trips) whilst the impact in generating car-borne traffic, amenity of local people or local infrastructure would not be detrimental.

6. However, the location criterion states that development should be in villages which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. The policy indicates that local services include but are not limited to Post Office/shops, schools, public houses and village halls.
7. In this respect, the site lies within the hamlet of Holme to the north of Newark and the only community facilities in the village are a church and a defibrillator located within a former telephone box. The nearest larger settlement is Winthorpe, which is just over 2 miles away on narrow rural lanes with no footways or street lighting. There is mention of public transport service to Newark by public transport by the Appellants. However, there is no evidence showing the level of provision nor did I find any information on this on my site visit. Based on the evidence before me, there would be a poor level of local services to address day to day needs. Winthorpe, itself only has few facilities, being limited to a primary school, pub, church and community centre.
8. For all these reasons, the proposal would conflict with the Council's spatial strategy and dwelling occupiers would have poor accessibility to services, facilities and public transport. Accordingly, the proposal would conflict with policy SP 3 of the ACS and policy DM12 of the Council's Allocations and Development Management DPD 2013. In character terms, the new development should not have a detrimental impact on the character of its location under policy SP 3, which I shall deal with under the next main issue.

Setting of the listed building

9. The appeal site comprises overgrown land with perimeter hedgerows and trees, which formerly had poultry houses. It is adjacent to Holme Hall, a Grade II listed building, which is an attractive early 1800s house set back from the road in large grounds, mainly to the front and rear. The stable block sited to the north is also Grade II listed.
10. The listed building description indicates the Hall to be two and half storeys, of red brick construction with a hipped slate roof with 2 brick stacks to the rear. There is a central doorway with plain surrounds and half glazed door with rectangular overlight. Either side, there are 2 glazing bar sashes with 5 similar sashes to the first floor and 5 similar but smaller sashes to the 2nd floor.
11. The Nottinghamshire Historic Environment Record records the site as an unregistered park and forming part of the older gardens of the Hall but the Appellants' Heritage Assessment (HS) indicates there is no significant evidence that the site formed part of the Hall's gardens. The Council's Conservation Officer has concurred with this and I have no reason to disagree based on the evidence before me. Nevertheless, the Hall has an imposing mansion like presence due to its scale, size and balanced fenestration and entrance features behind a sweeping drive. Despite mature boundary vegetation, this presence extends beyond the existing curtilage by virtue of these qualities.

12. Historically, the Council has also commented that the appeal site would have had established tree cover since the early 19th Century before it was cleared. Given this and the age of the Hall, it would be reasonable to conclude that the Hall would have benefitted from a wider landscaped context. This reinforces my view that the setting extends beyond the existing curtilage, to include the appeal plot. Furthermore, whilst visually the Hall is enclosed by mature vegetation, there is no guarantee that such vegetation would remain in its present form. There can be any number of reasons why landscaping diminishes in extent, such as disease, weather or accidental damage, and replacement landscaping can take a lengthy time to be established.
13. As National Planning Policy Framework (NPPF) makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.
14. The development would comprise a single storey dwelling adjacent to the existing curtilage of the listed building and a little further way, a one and half storey dwelling with a low roof eaves. The larger scale dwelling would be no higher than other nearby houses at Red Tin Cottage and Hadfield Farm. Both new dwellings would be served off an existing access and behind frontage hedgerow. The unassuming single storey presence of the single storey dwelling would be reinforced by its non-fussy 'Coach House' design.
15. The proximity of the development to the Hall does not automatically cause harm to the setting of the listed building. There is a range of design styles and architectural decoration to buildings within the vicinity. On my site visit, there was a recent development of two dwellings opposite the Hall and appeal site, with some contemporary features. However, the larger scale dwelling would be designed with pronounced timber boarding at first floor which would jetty out above the ground floor on the frontage. To the rear, the timber cladding would extend down to the ground floor. The dwelling's roof would be hipped with dormer windows, and there would be ornate detailed chimneys. Such an elaborate 'Arts and Crafts' style design would compete visually with the mansion type design and presence of the listed building.
16. This adverse effect would be reduced by separating distance but the extent of 'Arts and Crafts' style design would still be overly dominant due to its elaborateness. The dwelling would also be on raised ground compared to the road and the submitted plans show a reduction in the height of the frontage vegetation, together with partial removal, to achieve required vehicular visibility splays. Replacement vegetation behind the splay would take a considerable period of time to become established. Consequently, the design of the larger scale dwelling would still stand out markedly and there is no similar example within the vicinity. In this regard, the existing range of design styles and architectural decoration does not diminish the predominant rural vernacular of dwellings in the area, being of simple brick and pan-tile construction, which is locally distinctive.

17. In accordance with the NPPF, the type of harm identified above would be less than substantial. Therefore, it is necessary that this identified harm is weighed against the public benefits of the proposal. It would boost housing for present and future generations in a rural area in accordance with national policy in the NPPF. In this regard, I have noted the Appellants contention of a deficient 5 year housing land supply. This small site would make an important contribution to meeting housing requirements in the area. It would also contribute to the Council's annual requirement of 'self-build' dwellings, a sector which the Government is actively seeking to encourage and incentivise.
18. Given its location, occupants would also help to enhance and maintain the vitality of the rural community, including the services and facilities of nearby villages. In this regard, the NPPF recognises that where there are groups of smaller settlements (such as this), development in one village may support services in a village nearby. It also recognises that housing can enhance and maintain the vitality of rural communities and there will be opportunities for villages to grow and thrive, especially where this will support local services. The Planning Practice Guidance (PPG) also states that a thriving community depends on retaining local services.
19. The proposal will bring local employment opportunities to the area during construction at a time when the industry still seeks to exit a period of demise brought on by the recession and where a period of economic stability will be paramount following the decision to leave the EU. There would also be other financial benefits, payments of Community Infrastructure Levy, Council Tax and the New Homes bonus. The dwellings would be designed to be highly sustainable incorporating many construction features aiming to achieve a zero-carbon property.
20. However, this has to be weighed against the adverse impact on the significance of the heritage asset. Considerable importance and weight is attached to the desirability of preserving the setting of the heritage asset. The benefits would be limited by the small-scale nature of the proposal. Whilst the sustainable construction design is commendable, it is not outstanding or innovative as the proposed measures are found on other eco home schemes. Thus, the harm to the heritage asset significance would outweigh the scheme's benefits.
21. For all these reasons, the development would harm the setting of the listed building. Accordingly, the proposal would conflict with policy SP 3 and Core Policy (CP) 14 of the ACS and policy DM9 of the DPD.

Flood risk

22. The appeal site lies within Flood Zone 2 as defined by the Environment Agency (EA) flood maps which would put the site at a medium risk of flooding. Policies of the Development Plan and the NPPF state development in such areas should be avoided by directing development to areas with the lowest risk of the flooding through the application of a Sequential Test (ST).
23. However, the EA maps are indicative only and both NPPG and Planning Practice Guidance (PPG) advise Appellant's to submit site-specific Flood Risk Assessments (FRA). The Appellants' FRA shows the site to be within Flood Zone 1 taking into account different flooding mechanisms (including overtopping of earth embankments along a dyke) and climatic change. The

Council has not assessed the FRA in technical terms, nor sought the views of the EA on the FRA, with the EA's response submitted prior to the FRA.

24. In conclusion, the Appellants' FRA provides a comprehensive assessment of the site's flood zone classification based on the evidence before me. As a result, there would be no requirement to carry out a ST assessment or Exception Test (ET) assessment (if the ST was satisfied) in this instance. The flood risk would be low and consequently, there would be no harm arising. The proposal would comply with policies CP 9 and CP 10 of the ACS and policy DM5 of the DPD.

Planning Balance

25. There would be a boost to housing supply in accordance with local policies which the Appellants have suggested is deficient. There would be no adverse flood risk. However, the location of the housing would be harmful to the spatial strategy for allocating development, with residents having poor accessibility to services, facilities and public transport. The setting of a listed building would be adversely affected. As a result, there would be conflict with planning policies of the ACS and DPD, and the development plan as a whole.
26. National policy within the NPPF states due weight should be given to development plan policies according to their degree of consistency with NPPF. It has been put to me that the previously adopted Core Strategy 2011 policy SP 3 and DPD policy DM12 are inconsistent with NPPF national policy on promotion of sustainable development and transport in rural areas. ACS policy SP 3 has now been adopted and no further comments have been made from the Appellants on this.
27. However, the new ACS policy does not impose a blanket stance on restricting housing development in some settlements and preventing other settlements from expanding. It is a positive, balanced and nuanced policy that supports and promotes local facilities in rural communities whilst encouraging the countryside protection, enhancement of heritage assets, biodiversity increase and landscape enhancement. It recognises that transport solutions will vary from urban to rural areas by being based on a settlement hierarchy of Newark Urban, Service Centres and Principal Villages, detailed in ACS policies SP 1 and 2. In terms of new housing, this is supported where it helps to support community facilities and local services. For all these reasons, the policy is responsive to local circumstances and support housing developments that reflect local needs consistent with the NPPF.
28. DPD policy DM12 supports proposals that reflect the presumption in favour of sustainable development set out in the NPPF and details the development plan balance. It does not elaborate on the NPPF approach to sustainable development and transport in rural areas but nor should it because its purpose is different in setting out procedural aspects to the approach to decision making. As such, these policies attract full weight based on the evidence before me in this instance.
29. The proposal would conflict with development plan and national policy on heritage assets for all the reasons indicated. I have found no policies to be out-of-date based on the above. Thus, the presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF, would not apply. Even I found, a lack of a 5 year housing land supply, the application of policies in the

NPPF that protect assets of particular importance, provide a clear reason for refusing the development proposed and the presumption would not apply.

30. There are significant considerations that weigh in favour of the proposal as identified in the heritage asset balance. However, these benefits are limited by the small-scale nature of the proposal and considerable importance and weight has been attached to the desirability of preserving the setting of the heritage asset. Although limited to two dwellings, residents would also have to use private motor car to access services and facilities in this rural area which would lead to an increase in vehicle emissions. This would conflict with NPPF policy on tackling climatic change, by amongst other matters, cutting greenhouse emissions.
31. Therefore, the adverse effects of this development would outweigh these other considerations. In summary, there would be no material considerations of sufficient weight or importance that determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.
32. Reference has been made to planning permissions for residential development in rural areas within the District. However, these are in different locations with different local circumstances and demonstrate to me that every proposal has to be considered on its particular planning merits.

Conclusion

33. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR