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## Appeal Decision

Site visit made on 19 August 2019

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> September 2019**

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**Appeal Ref: APP/A3010/W/19/3225330**

**Land adjacent Fairview Cottage, Main Street, Styrrup, Doncaster  
DN11 8NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Dean Dixon against the decision of Bassetlaw District Council.
  - The application Ref: 18/01099/RSB, dated 26 August 2018, was refused by notice dated 23 October 2018.
  - The development proposed is described as a three bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning history of the site is recognised, specifically application Ref: 17/01737/FUL for a three-bedroom detached dormer bungalow with double garage. This was refused in 2018, on the following grounds: suitability of location, with particular reference to access to services; character and appearance; effect on protected trees; and effect on the significance of a non-designated heritage asset.

### Main Issues

3. The main issues are:
  - (a) the effect of the proposed development on the character and appearance of the area, including protected trees
  - (b) whether the proposed development's location is suitable and accessible, and
  - (c) the effect of the proposed development on protected species.

### Reasons

#### *Character and appearance*

4. Main Street is the main road running through the village of Styrrup. At the south-western end of the village, the two sides of Main Street are recognisably different in character. The north-western side of the street reads as mainly a continuum of development between the village entrance and Oaklands Drive, except for an open plot of land adjacent to the latter. The architecture

comprises of one and two-storey dwellings, with a mix of older, rustic stone and brick buildings and some more modern houses. By contrast, the other side of Main Street comprises a substantial block of roadside trees which line the curve of the road leading into the village, and then stretch to the row of cottages adjacent to the appeal site. The site has trees and other vegetation on it, and between it and No.6 Styrrup Croft are roadside hedging and trees, in front of a field.

5. As such, viewed looking in both directions along Main Street, the appeal site reads 'on the ground' as part of a substantial leafy, green strip along the south-eastern side of the south-western end of the road, before the main core of built development on both sides of the road begins. The short row of cottages including Fairview Cottage appears as a brief interlude within the green strip. something of an 'outlier' outside the main core of development on both sides of Main Street.
6. Whether the appeal site is within the main built-up area of the village or the open countryside is disputed. In the absence of a defined settlement boundary within the Bassetlaw Core Strategy and Development Policies DPD (2011) (CS), a Neighbourhood Plan or Village Design Statement, this is a matter of planning judgement. From what I saw on my site visit and the aerial view, the site forms part of a significant area free of buildings, which reads as part of a substantial 'break' in built development on the south-eastern side of Main Street. The above factors together lead me to find that the appeal site is in the countryside, fronting onto Main Street.
7. The presence of the substantial field, free of buildings, to the north-east of the appeal site undermines the contention that the proposal would be infill development. In any case, the proposal would erode the spaciousness and verdancy of a distinctive green and spacious strip of land, which makes an important contribution to the identity of Styrrup as a rural village within a countryside setting.
8. The site has a verdant appearance, with hedgerow trees overhanging it, vegetation on it, and a horse chestnut tree, which is protected by a Tree Preservation Order (TPO)<sup>1</sup> at the front of the site in one corner. The latter is of substantial and characterful stature.
9. I saw the felled trunk of a substantial tree in the other front corner of the site. This corresponds with the location of a sweet chestnut tree which was felled in 2018, apparently without authorisation whilst protected by a TPO<sup>2</sup>. Judging by the photographs of the sweet chestnut in the appellant's tree report, before it was felled, the tree also had substantial and characterful stature in a prominent location, fronting onto Main Street. This is corroborated by the Council's evaluation of the tree for the TPO, which assessed it to be a prominent mature tree with significant amenity value, and an important component of the landscape.
10. As such, the remaining horse chestnut tree provides substantial sylvan character and stature to the verdant south-western entrance of Styrrup. Moreover, it formed part of a pair of protected, characterful trees in this

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<sup>1</sup> TPO Ref: B86.

<sup>2</sup> TPO Ref: TPO/18/00563.

prominent location on Main Street, with a requirement outstanding for suitable replacement planting for the other tree in the pair.

11. During my site visit I saw that the horse chestnut tree had minimal foliage on it, well into summer, and thus I accept the main parties' analysis that it is in decline. As such, it would be justified to replace it, subject to adequate replacement planting.
12. The appellant suggests that replacement planting be addressed through a planning condition, and has submitted a detailed planting plan. However, the mass and the location of the proposed house, which would occupy much of the south-western half of the site, would result in the comparative 'bunching up' of two replacement frontage trees in one front corner of the site, compared to the more generous spacing and occupation of both front corners of the site by the protected horse chestnut proposed for removal and the protected sweet chestnut which has recently been felled and is yet to be replaced on site.
13. Moreover, the proposed expanse of driveway would replace a previously permeable soil surface within much of the potential rooting area of frontage trees on the site. This would reduce the percolation of air and water to the tree roots in the proposed scheme - compared to that which was available to the protected trees - and constrain the vigour of the trees.
14. These factors together would result in the proposal failing to adequately replicate the distribution, stature and presence of prominent protected trees removed from the site. Furthermore, the proposed garage would reduce the extent of greenery in the eastern corner of the site. Therefore, the proposed development would result in a loss of sylvan stature and character in a prominent location along the main 'spine' road through Styrrup.
15. The above factors, in combination, lead me to find that the proposal would be detrimental to the character and appearance of the site and south-western end of Main Street, and to the rural identity of Styrrup and its setting.
16. The proposal's location on Main Street, the rising topography to its rear and the screening afforded by trees and hedging in the landscape beyond are such that the proposed single dwelling would not impact significantly on the wider landscape, beyond the main street of the village and the verdant land on and in the vicinity of the site. Accordingly, the fact that the proposed development is not directed towards the settlements of Harworth and Bircotes would not have a strategic scale impact on the Idle Lowlands Policy Zone 11. As such, this is a neutral factor in my assessment.

It is accepted that the form and detail of the proposed building would acceptably reflect that of traditional buildings in the village. I note the appellant's view, as set out in the Outline Landscape and Visual Impact Appraisal, that the site does not play a significant role in defining the rural character of the village. Nonetheless, I find that the harm identified to the character of the site, the south-western end of Main Street, and to the rural identity of Styrrup and its setting, viewed within and travelling through Styrrup, would be significant, for the reasons described above.

17. In conclusion, the proposal would harm the character and appearance of the area. As such, it would conflict with Policies DM4 and DM9 of the CS. Together

the policies seek to ensure that development respects and protects local character, including landscape assets.

### *Suitability of location*

18. Policies CS1 and CS9, in combination with DM2 and DM3, of the CS broadly restrict new-build housing development in and around the settlement of Styrrup. Supporting text for Policy CS1 of the CS sets out that development within the open countryside, beyond the settlement development boundary, will be strictly controlled. The proposed development would be within the countryside, as described above.
19. Policy CS1 of the CS includes Styrrup among All Other Settlements, on the basis of having limited or no services and facilities or access to public transport. Regular bus services serve Main Street. This provides an alternative to car use, to access services and facilities in Harworth, Worksop and Bawtry by public transport. However, notwithstanding some leisure facilities at Styrrup Hall Golf and Country Club, the village lacks schools, medical centres, shops and employment. The other settlements mentioned above are not realistically walkable, due to a combination of distance and lack of lit pavements on country roads. Moreover, the proposal includes a double garage, which indicates that private car use is likely. The above factors together lead me to find that the proposal would result in some reliance on the private motor car.
20. The appellant considers that Policies CS1 and CS9 of the CS constitute a 'moratorium on development' in relation to Styrrup, which is inconsistent with the Framework. However, in seeking to direct development to locations most accessible to services and facilities, the policies are consistent with the environmental objectives of the Framework.
21. Policy 8 of the emerging Draft Bassetlaw Draft Local Plan (DBLP) indicates that Styrrup might potentially accommodate growth in the future, subject to compliance with other relevant policy. However, given that the emerging DBLP is not at an advanced stage of preparation, I attach limited weight to the policy.
22. The above factors, in combination, lead me to find that the location of the proposed development would not be suitable, due to being within the countryside, and some reliance on the private motor car. As such, it would conflict with Policies CS1 and CS9 of the CS. Together the policies seek to ensure that development in rural locations is suitably located.

### *Protected species*

23. The appellant has submitted an ecological appraisal to the appeal. However, it is not necessary for me to consider this as it would not alter the outcome of the appeal, due to the harm identified in respect of other main issues.

### **Other Matters**

24. The appellant considers that the CS is out-of-date, such that paragraph 11d) of the National Planning Policy Framework<sup>3</sup> (the Framework) would be engaged. This states that permission should be granted unless any adverse impacts of

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<sup>3</sup> Published on 19 February 2019.

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

25. However, paragraph 213 of the Framework sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Moreover, it is not disputed that the Council can demonstrate a five year supply of deliverable housing sites.
26. The proposal would provide an additional dwelling, with associated socio-economic benefits during and after construction. The appeal site is next to and opposite other dwellings and, as such, the proposal would feasibly contribute to the social vitality of the area. Each of these benefits would be tempered by the modest provision of a single home. Overall, the benefits of the proposal are matters of moderate weight in favour of the proposal.

### **Planning Balance and Conclusion**

27. The appeal scheme would result in significant harm to the character and appearance of the area. This would be exacerbated by harm to sustainable location strategy, with particular regard to encroachment into the countryside, and reliance on the private car. These adverse impacts would conflict with Paragraphs 127 and 103 of the Framework. Overall, the adverse impacts of the proposal are of a magnitude which weighs heavily against the grant of planning permission.
28. Consequently, even were I to find that paragraph 11d) of the Framework is engaged, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
29. The proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*William Cooper*

INSPECTOR