



Appeal Decisions

Site visit made on 30 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2019

Appeal A Ref: APP/A3010/W/19/3231660

The Old Coach House, Great North Road, Barnby Moor DN22 8QS

- 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 Mr John Radford against the decision of Bassetlaw District Council.
 - The application Ref 19/00177/FUL, dated 4 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is the retention of the existing boundary wall and gate along the adjoining boundary with the White Horse Public House Car Park.
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Appeal B Ref: APP/A3010/W/19/3231663

The Old Coach House, Great North Road, Barnby Moor DN22 8QS

- 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 Mr John Radford against the decision of Bassetlaw District Council.
 - The application Ref 19/00178/FUL, dated 4 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is the retention of the existing access track across agricultural land.
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Appeal C Ref: APP/A3010/W/19/3234732

The Old Coach House, Great North Road, Barnby Moor DN22 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr John Radford against the decision of Bassetlaw District Council.
 - The application Ref 19/00216/AGR, dated 11 February 2019, was refused by notice dated 15 March 2019.
 - The development proposed is agricultural storage building.
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Decisions

1. **Appeal A** is allowed and planning permission is granted for boundary wall and gate along the adjoining boundary with the White Horse Public House Car Park at The Old Coach House, Great North Road, Barnby Moor DN22 8QS, in

accordance with application Ref. 19/00177/FUL, dated 18 April 2019, subject to the following conditions:

- (1) The development hereby approved shall only be retained in accordance with the details on Drawing ref PC329/A/01.
 - (2) Within one month of the date of appeal decision Ref APP/A3010/W/19/3231660, the face of the wall shall be painted white and the face of the gate shall be painted black to the north elevation facing towards Great North Road. Once painted the north face of the wall and gate shall be maintained thereafter with these respective paint finishes.
 - (3) There shall be no vehicular access to and from Great North Road via the gate approved by this permission.
2. **Appeal B** is dismissed.
 3. **Appeal C** is dismissed.

Procedural Matters

4. As set out above, there are three appeals on this site. Whilst the planning history of the site is relevant to the consideration of all three proposals, I have considered each proposal on its own individual merits. However, to avoid duplication I have dealt with the three appeals together, except where otherwise indicated.
5. I noted on my site visit that the respective developments proposed under Appeals A and B were already complete. The proposal under Appeal C had already commenced with a concrete slab and part construction of external walls already in place. The proposals under all three appeals are therefore retrospective. The description of the proposal on the application forms for Appeals A and B includes the words 'retention of the existing'. These words are not a description of development and I have therefore removed the superfluous text from the description of development for the purposes of my decision for Appeal A.
6. The Council has confirmed that the policies of the Bassetlaw District Core Strategy and Development Management Policies Development Plan Document (2011) (CS) have not been reviewed in the last 5 years as the Council is working on a new local plan to replace it. Paragraph 213 of The National Planning Policy Framework (the Framework) confirms that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
7. Insofar as they seek to protect the character and appearance of the area and highway safety; Policies DM3 (General Development in the Countryside), DM4 (Design and Character) and DM9 (Green Infrastructure; Biodiversity & Geodiversity; Landscape; Open Space and Sports Facilities) of the CS are broadly in accordance with the Framework which amongst other things recognises the intrinsic character and beauty of the countryside and seeks to prevent development that would have an unacceptable impact on highway safety. I therefore consider the policies most important for determining the appeal are consistent with guidance in the Framework and I attribute full

weight to them. In the circumstances the 'tilted balance' under Paragraph 11 of the Framework is not engaged.

Main Issues

8. The main issues for **Appeal A** are the effect of the development on:
 - the character and appearance of the area; and
 - highway safety
9. The main issue for **Appeal B** is whether the development is acceptable having regard to its location in the countryside and the effect on the character and appearance of the area.
10. The main issue for **Appeal C** is whether the requirements of Schedule 2, Part 6, Class A of the GPDO are met with regards to being permitted development for the erection of an agricultural building.

Reasons

Appeal A:

Character and appearance

11. The Grade II Listed White Horse Inn and the curtilage listed building occupied by Yash restaurant are of traditional form and materials and are seen in the foreground to the boundary wall and gates when facing the appeal site from Great North Road. Even accounting for the position of the boundary set back from Great North Road, the height of the boundary treatment in combination with the buff brickwork and heavy-duty appearance of the gates makes the development visually distinct from these buildings and noticeable within the street scene and from the publicly accessible areas associated with the commercial use of these neighbouring buildings.
12. However, the appellant suggests they would be willing to paint this side of the wall white and the gates black in accordance with the suggestion of the Council's Conservation Officer. I concur that this would assist in assimilating the proposal with the aforementioned buildings on Great North Road.
13. With regards to the field side of the boundary, I noted on my site visit that neighbouring boundaries with the field include hard boundary treatments of a domestic nature. The Council advises that the site is located within the Idle Lowlands Policy Zone 09 where specific landscape actions for the area include landscape planting and creation of new hedgerows. Whilst I accept that the wall and gates do not reflect these actions, given the context of neighbouring boundaries and noting the width of the boundary when viewed in the wider landscape, the wall and gates are not materially harmful to landscape character in this particular instance.
14. Provided a condition is attached to paint the boundary treatment on the Great North Road side, I am satisfied that the development would not harm the character and appearance of the area.
16. To conclude and having regard to the ability to attach an appropriate condition for painting of the boundary treatment, the development would comply with Policies DM4 (Design and Character) and DM9 (Green Infrastructure;

Biodiversity & Geodiversity; Landscape; Open Space and Sports Facilities) of the Bassetlaw District Core Strategy and Development Management Policies Development Plan Document (2011) (CS).

Highway safety

17. The Council has questioned the necessity of the gated access noting that the Old Coach House and Barnby Moor Hall both have existing direct access. I concur with the Council that the necessity for the gate is unclear. However, the boundary is set back a significant distance from Great North Road and the site plan submitted with the proposal does not include land providing direct access between the gate to the highway. Access to the highway does not therefore form part of the proposal before me.
18. Notwithstanding the above, I noted on my site visit that visibility, in terms of oncoming traffic on Great North Road, is poor when exiting the car park serving the public house and restaurant. Any intensification of use of the access that could be brought about by the ability to access the appeal site through the gated access on the boundary would have the potential to be detrimental to highway safety on Great North Road. I therefore understand the Highway Authority's legitimate concern in this respect.
19. My attention has been drawn to a comment from the Highway Authority suggesting a condition preventing vehicular access to and from the land via the White Horse Public House access. Whilst I acknowledge this comment was not made specifically in relation to the application subject of this appeal, it is still pertinent given the proposal related to the same boundary wall and gate. The suggested condition would avoid any doubt as to its relationship with activity on the highway. Given the above concerns, I consider such a condition is reasonable and necessary in this instance.
20. The Highway Authority's comments on the previous application also included an additional element to the condition to limit the use of land in the appellant's control to agricultural and stabling uses. I note that the boundary of land in the appellant's control includes various parcels of land including residential curtilages. A condition to restrict the use of land could therefore have unintended implications. Any change of use of the field would also need separate planning permission and therefore controls for this are already in place. Without any evidence to convince me otherwise, I therefore consider this element of the suggested condition would not be reasonable or necessary.
21. For the foregoing reasons, the proposal would not have an impact on highway safety. Consequently, in that regard, the development would comply with Policy DM4 (Design and Character) of the CS and would not conflict with Paragraph 108 of the National Planning Policy Framework (the Framework) which states development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other matters

22. I have a statutory duty to consider whether the proposal preserves the setting of the Grade II Listed Building at the White Horse Inn. The Council has not identified any harm to heritage assets and from what I saw on site and subject to the suggested condition for the wall and gates to be painted, I find no reason to reach a different conclusion.

Conditions

23. Given the development is already in situ, a timescale for implementation is not required. A condition confirming the development shall only be retained in accordance with the approved drawing as well as the suggested conditions outlined under the main issues, for painting of the wall and gates and to prevent the use of the gated access point for vehicular access to and from Great North Road, are also attached for the reasons given.

Conclusion

24. Subject to the above conditions, the development would have an acceptable relationship with the character and appearance of the area and would not have a detrimental impact on highway safety. Appeal A is therefore allowed.

Appeal B:

Character and appearance of the countryside

25. The access track is situated within a relatively flat grass field with mature trees to south, eastern and western boundaries. The landscape here is distinctly rural and separate from the neighbouring residential and commercial curtilages of buildings on Great North Road.
26. Policy DM3 (General Development in the Countryside) of the Bassetlaw District Core Strategy and Development Management Policies Development Plan Document (2011) (DPD) applies to development outside a development boundary and sets out the criteria for where replacement buildings, re-use of previously developed land and agricultural/forestry buildings and domestic equine facilities will be supported.
27. The access track extends between land associated with the residential properties at The Old Coach House and Barnby Moor Hall. The track has a smooth concrete finish with grooves etched in to the surface which give the impression of individual slabs laid out in a pattern. The design of the track with its substantial width and length and the form of surfacing used give it an overtly domestic appearance that is incongruous within a rural landscape.
28. The appellant suggests the access track is required to access the agricultural building proposed under Appeal C. Notwithstanding my conclusions on Appeal C, the access is not of a composition or appearance synonymous with an agricultural access track. Even if it could be demonstrated that a track was necessary for agricultural purposes or any other purpose supported by Policy DM3, there is nothing before me which convinces me that it could not be provided in a layout and materials that would be more sympathetic to the rural location.
29. The appellant contends that the access track is not visible from any public viewpoint. Even so, Paragraph 170 of the National Planning Policy Framework (the Framework) requires decisions to contribute to and enhance the natural and local environment by amongst other things recognising the intrinsic character and beauty of the countryside. The width and length of the drive and materials utilised are discordant within a rural environment and fail to meet this requirement.

30. For the foregoing reasons, the development has a harmful impact on the character and appearance of the countryside. Consequently, in that regard, the development would be contrary to Policies DM3 (General Development in the Countryside), DM4 (Design and Character) and DM9 (Green Infrastructure; Biodiversity & Geodiversity; Landscape; Open Space and Sports Facilities) of the DPD and the requirements of the Framework.

Other Matters

31. The appellant suggests the access track provides a clear opportunity to reduce the level of heavy goods vehicles on highway and that there is currently no control over this. However, I have no detailed information before me to demonstrate that this would be the case.
32. I note the suggestion that there are amenity benefits as a result of the access track with a drastic reduction in noise, activity and general disturbance in and around site access points. No noise surveys have been provided to demonstrate these perceived benefits.
33. In the absence of any substantive evidence on these matters, I am not persuaded that the harm identified to the character and appearance of the countryside would be outweighed.

Conclusion

34. For the reasons set out, Appeal B is dismissed.

Appeal C:

35. Schedule 2, Part 6, Class A relates to agricultural development on units of 5 hectares or more. This includes the erection of a building which is reasonably required for the purposes of agriculture within that unit. The conditions under Class A.2 (2) (i) require that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.
36. As confirmed in my procedural note, the development has already commenced. I am unable to consider a notification for prior approval retrospectively and the issues raised in respect of the size of the agricultural holding are therefore immaterial and the appeal cannot succeed.
37. Whilst I have found that the proposal cannot be considered under the remit of a notification for prior approval, this does not prevent the appellant submitting a planning application for the development to the Council.

Conclusion

38. For the reasons set out, Appeal C is dismissed.

M Russell

INSPECTOR