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## Appeal Decisions

Site visit made on 14 October 2019

**by Ben Plenty BSc (Hons) DipTP MRTPI**

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

**Decision date: 27 November 2019**

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**Appeal Ref: APP/B3030/W/19/3234339**

**Land adjacent to Holly House, Silver Street, North Clifton, Newark  
NG23 7AU**

- 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 Andrew Croft against the decision of Newark & Sherwood District Council.
  - The application Ref 18/02281/FUL, dated 11 December 2018, was refused by notice dated 7 February 2019.
  - The development proposed is "residential development for one dwelling and detached garage".
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The Council's Decision Notice found the proposal to be contrary to the Newark and Sherwood Core Strategy 2011 and the Newark and Sherwood Allocations and Development Management Development Plan Document 2013 (ADMDPD). The Council also partly determined the proposal in consideration of its emerging Plan and afforded some weight to it. The Newark and Sherwood Amended Core Strategy 2019 (CS) was adopted in March 2019. Therefore, although not stated in the Reasons for Refusal, the Council also finds the proposal contrary to spatial policy 3 and policies 9, 13 and 14 of the CS, which have made small amendments to the 2011 Core Strategy policies. The Council's Statement of Case explains that its policy approach remains unaltered in this policy context. I therefore do not consider that any party would be prejudiced by my taking the recently adopted CS into account in this decision.

### Main Issues

3. The main issues are:
  - whether the appeal site offers a suitable location for new housing development having regard to the Council's settlement strategy policies and the National Planning Policy Framework (The Framework),
  - the effect of the proposed dwelling on the character and appearance of the surrounding landscape including with respect to the two non-designated heritage assets of 'Holly House' and 'Jubilee Cottage', and

- the effect of the proposal on the living conditions of Holly House with respect to outlook, and 'Holly House' and neighbouring gardens in regard to privacy.

## **Reasons**

### *Settlement hierarchy*

4. The Council's Strategic Housing policies are within the CS and the ADMDPD. The Council's settlement hierarchy is set out in spatial policies 1 and 2 of the CS. These establish that the main focus of development will be within the district's Sub Regional Centre, Services Centres and Principal Villages. North Clifton falls within the 'Other Villages' Category where development would be considered through the application of spatial policy 3.
5. Spatial policy 3 seeks to support and promote local services in rural communities. It states that new development should be in villages that have sustainable access to the urban area, service centres or Principal Villages and have a range of services themselves. The policy also supports new housing where it would support community facilities and local services. It also states that development not in villages will be subject to policies set out in the ADMDPD. The companion text for spatial policy 3 states that settlement boundaries are not defined in the Plan, but the settlement limits would not normally include fields, paddocks or open space which form the edge of the built form.
6. Policy DM8 of the ADMDPD considers development away from the built-up areas of villages. In terms of new dwellings, it states that development will be strictly controlled and limited to rural worker's dwellings and new dwellings that would be of exceptional quality, reflecting the highest standards of architecture and that would enhance their immediate setting.
7. The settlement is reasonably well clustered and therefore presents a comparatively clear boundary around its outer extent. The site is part of a field on the edge of the village and is outside of the village envelope. Consequently, policy DM8 applies. Although spatial policy 3 of the recently adopted CS has replaced "main built up area" with "in village" I do not find this change to be so fundamental as to render policy DM8 out of date or inconsistent. However, there is some inconsistency between policy DM8 and the Framework. The site is not isolated and connects directly to the edge of the village. As a consequence, paragraphs 77-78 of the Framework are important considerations. The Framework seeks to significantly boost the supply of housing including in rural areas. This supports housing where it would enhance and maintain the vitality of rural communities and support local services.
8. Being an 'other village' North Clifton has limited services. There is a primary school and church some distance to the south and the village is attended by a mobile library service. Access to public transport is limited. Even taking into account the site's rural context, a future occupier would be heavily reliant on car borne travel to access services and the site would have poor accessibility. Although a dwelling in one settlement could benefit services in another, a single dwelling would only be of negligible benefit to such services. As a result, the proposal would have poor accessibility and make only a limited contribution to the vitality of the rural community.

9. Subsequently, the proposal would not accord with spatial policy 3 of the CS, which seeks new rural housing to be in villages. Also, the proposed dwelling would not accord with policy DM8 of the ADMDPD which seeks to strictly control development in the countryside. Furthermore, the proposal would not accord with the Framework which seeks to promote sustainable development in rural areas that would meet local needs and support the vitality of the settlement.

#### *Character and appearance*

10. The site the subject of this appeal, is a corner of a field with only two physically defined boundaries. It is adjacent to 'Holly House' and other dwellings along Silver Street. The site is at the terminus of the access road. There is a public Right of Way that runs to the front of the site. The local built form is set on relatively flat land. Conversely, the site is on a steep gradient. The submitted layout plan shows a 5m variance from the access point to the rear of the site. The front and side of the field has a broad tree screen, however the field is highly visible and contributes to views of the local open countryside. Consequently, the site makes a positive contribution to the rural character and appearance of the area.
11. Core policy 13 of the CS requires development to be in accordance with the Council's Landscape Character Assessment<sup>1</sup>. The Council's Landscape Assessment guidance places the site within zone ES PZ 01: North Clifton Village Farmlands. The Assessment identifies that the landscape is poor, and the sensitivity is low with an outcome to create new landscape. It concludes that new development should be concentrated around existing settlements and to preserve what remains of the rural landscape. The appeal site would extend the village envelope into the open countryside. Therefore, although the site is partially screened from longer views, its development would erode the rural character of the site. It would not therefore preserve the rural landscape.
12. The proposal would result in the erection of a dormer bungalow and separate detached garage. This would be set back behind 'Holly House', when viewed from Silver Street. However, it would be visible from views along parts of Silver Street and the adjacent right of way. The proposed dwelling would appear as a wide and high structure preventing some views of the open countryside and hillside beyond and would dominate the end of the access road.
13. 'Holly House' and 'Jubilee Cottage' have been identified by the Council as non-designated heritage assets (NDHA). Holly House is a two-storey detached brick dwelling, it includes brick walls of various ages and some relatively recent additions. Jubilee Cottage has brick sides, a white render frontage and roof top solar panels. Its original roof tiles have been replaced with concrete tiles. The significance of both buildings appears to derive from their age and interest. They are also listed on the Nottinghamshire Historic Environment Record. However, these buildings are not on an adopted list nor have they been appraised against local criteria for assessing NDHA. Furthermore, they have been altered with modern interventions. Consequently, the significance of these buildings is diminished.
14. The Framework requires a balanced judgement when weighing applications that directly or in-directly affect a NDHA, having regard to the scale of any harm

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<sup>1</sup> Newark and Sherwood Landscape Character Assessment- East Nottinghamshire Sandlands, Supplementary Planning Document 2013

and/or loss, and the significance of the asset. The proposal would be of a scale and height that would visually dominate the adjacent buildings. The proposal would poorly relate to them, being set back and at a higher elevation. It would therefore read as a modern intervention that would harm the context of the existing buildings. These are close to the highway and create a degree of intimacy that reinforces a sense of place. These buildings also create a complementary group on a relatively flat gradient. In contrast, the proposal would not follow the established pattern of development and have a poor relationship with the adjacent dwellings on the street. It would therefore not positively contribute to the established and historic form of development.

15. As a result of their limited significance, the harm caused to the NDHAs would be moderate. Having less than substantial harm, the Framework requires any harm to be balanced against the public benefits of the proposal. However, any public benefit would be limited to the provision of one additional dwelling towards the local housing stock. Therefore, despite their diminished significance, this benefit would be insufficient to outweigh the harm I have identified to 'Holly House' and 'Jubilee Cottage'.
16. Accordingly, the proposal would not accord with core policies 9, 13 and 14 of the CS, which seek development to achieve a high standard of sustainable design, to preserve the rural landscape and conserve or enhance non-designated heritage assets. Furthermore, the proposal would be contrary to policies DM5 and DM9 of the ADMDPD, which seeks development to reflect the District's landscape and character in scale, form and design and protect and enhance heritage assets. The proposal would also be contrary to the Framework which seeks development to recognise the intrinsic character and beauty of the countryside.

#### *Living conditions*

17. The site would be at an elevated position in comparison to adjacent dwellings. 'Holly House' has a 'T-shaped' footprint with a large two-storey rear return. This dwelling has a garden in between the return and a retained bank adjacent to the appeal site. It has habitable room windows on its rear elevation and the side of the return facing the site. The appellant's contour plan indicates that the ground floor slab-level would be around 2m higher than the ground level of 'Holly House'.
18. The proposal would be a dormer style bungalow. This would be behind the rear building line of the main rear elevation of 'Holly House'. It would create an awkward relationship to the neighbouring dwelling due to its height, proximity and degree of set-back. Although the proposal would be only 1.5 storeys it would present a relatively dominant elevation to occupiers of 'Holly House'. This context would have a harmful effect their outlook. Due to the separation distance the harm is moderate rather than significant. Nevertheless, due to the gradient of the rear garden a condition requiring boundary treatment would not mitigate this harm. Also, such boundary treatment would exacerbate the identified harm to the outlook from 'Holly House'.
19. In regard to overlooking, future occupiers of the proposal would be able to overlook from the rear garden into the windows of neighbouring habitable rooms and private rear gardens. Some overlooking would also occur from the front windows of the proposal into the side and rear garden of 'Jubilee Cottage'. Overlooking would also occur towards 'Penny School House' but to a lesser

degree. The effect of the loss of privacy to 'Holly House' would be substantial as the proposed rear garden would enable a vantage to look down and into habitable rooms of 'Holly House'. In contrast, windows of 'Holly House' already overlook the garden of 'Jubilee Cottage' to some extent. Consequently, the further effect of the proposal onto the privacy of occupiers of 'Jubilee Cottage' would be limited.

20. As such, the proposal would result in substantial harm to the living conditions of occupiers of 'Holly House' in terms of a loss of privacy and a moderately harmful effect in terms of effect to their outlook. Privacy would be lost to the occupants of 'Penny School House' to a lesser extent. There would be only a limited effect in terms of a loss of privacy to the living conditions of further neighbouring occupiers.
21. Consequently, the proposal would not accord with core policy 9 of the CS which seeks development to be an appropriate form and scale to its context. Furthermore, the proposal would fail policy DM5 of the ADMDPD, which seeks separation distances that do not reduce the amenity of neighbouring development. The proposal would also fail the Framework which seeks development that would create a high standard of amenity for existing and future users.

### **Other Matters**

22. The Housing Need Assessment for North Clifton has identified a small need for a two-bedroom dwelling in the village for future occupiers with a local connection. However, the requirement was identified from a small percentage of the village population and this small demand could change due to personal circumstances. I therefore do not find this to be compelling evidence that there is a clearly established and demonstrable need for a two-bedroom dwelling in the village. In any event, this limited need would not outweigh the harm I have identified to the character and appearance of the area and to the living conditions of neighbouring occupiers.
23. The appellant suggests that the Council applied greater weight to the Housing Needs Report in Sutton-on-Trent in regard to an application for 4 dwellings<sup>2</sup>. However, that site appears to be in a different context and I therefore cannot be content that it is directly comparable. Also, the Council gave pre-application advice in regard to a site in Carlton-on-Trent. This was deemed to be within the village, whilst being on its edge. An opinion given on that site has only a limited bearing on the appeal site, which I find to be different in character.
24. The proposal would not affect the living conditions of neighbouring occupiers in respect of overshadowing. However, an absence of harm in this respect can only be considered as a neutral factor in the planning balance.

### **Conclusion**

25. For the above reasons, the appeal is dismissed.

*Ben Plenty*

INSPECTOR

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<sup>2</sup> Planning Application Reference: 19/00868/FUL