
Appeal Decision

Site visit made on 9 December 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2020

Appeal Ref: APP/A3010/W/19/3228763

Fountain Hill Farm, Gringley Road, Misterton, Nottinghamshire DN10 4AR

- 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 and Mrs Martin Bates against the decision of Bassetlaw District Council.
 - The application Ref 18/01595/FUL, dated 28 November 2018, was refused by notice dated 28 February 2019.
 - The development proposed is manège with retractable LED floodlighting and change of use of land from agricultural to equestrian.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While the proposal seeks a change of use of land from agricultural to equestrian, the appellant states that the land is currently used for the grazing of horses. It is suggested that this use would not change as a result of the proposals. The evidence does not indicate any disagreement between the parties in relation to this part of the scheme.

Main Issues

3. The main issues therefore are:
 - i. the effect of the manège and floodlighting on the setting of the listed building, Fountain Hill Farm House; and
 - ii. their effect on the character and appearance of the area.

Reasons

4. The proposed manège, which would measure 75x50 metres(m) would be situated within a field to the north west of Gringley Road. Further to the north west sits the grade II listed Fountain Hill Farmhouse. While it has an attractive frontage, its listing description, amongst other things includes the pantiled roof and lean-to 2 storey rear range. Land levels slope gently upwards from Gringley Road towards Fountain Hall Farm. An existing manège of smaller size, including four lighting columns sits to the north of the proposed site.

Setting of Fountain Hill Farm House

5. Although the trees which surround Fountain Hill Farm House provide partial screening of views towards it, I observed on my site visit that, with the trees not being in leaf, its frontage is visible in medium distance public views looking north west from Gringley Road.
6. Within these views, the grazed land to the south east of the building makes a positive visual contribution to its heritage significance as a farmhouse largely surrounded by undeveloped open land, which emphasises the status of the building and grants it a degree of primacy.
7. The proposal would see the removal of a large section of pasture which would be replaced by a sand and fibre mix surface with associated telescopic floodlighting columns and fencing. Unlike the existing manège to the north, or Fountain Lodge to the south, that proposed would sit in the line of view from Gringley Road towards Fountain Hill Farmhouse and would include six lighting columns. The large surface area of the manège would see the introduction of an extensive area of artificial surfacing which would significantly alter the largely undeveloped appearance of the land. Further, the tall lighting columns which would surround the manège would introduce modern features which would visually compete with the farmhouse in views from the road.
8. Although I appreciate that for long periods of the year when the trees are in leaf Fountain Hill Farmhouse would not be visible from Gringley Road, there would be large parts of the year when it would be. I also note that the lighting columns would be retractable to 2.6m, although at this height they would still compete visually with the farmhouse.
9. Therefore, the design and siting of the proposal would undermine the historic appreciation of this building and would fail to sustain the experience of the asset within its setting. It would subsequently detract from its heritage significance.
10. The National Planning Policy Framework (the Framework) advises at Paragraph 193 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while the harm to the setting of the building would be less than substantial, the harm is nevertheless a matter of considerable importance in this case.
11. The manège would provide an improved facility for the business over that existing. However, this would primarily be a private benefit. Given the degree of harm I have found that would arise from the proposal, and given that I must have special regard to the desirability of preserving the setting of a listed building, any benefits associated with the scheme would not be sufficient to outweigh this harm, given that I must afford this harm considerable importance and weight.
12. I conclude on this issue that the proposal would be contrary to Policy DM8 of the Bassetlaw District Core Strategy & Development Management Policies DPD (2011) (BDCSDMP) which does not support development which would detract

from the setting of a heritage asset. It would also fail to accord with the Framework.

Character and appearance

13. The site is identified within the Bassetlaw District Council Landscape Character Assessment (2009) (LCA) as being within Policy Zone 02: Walkeringham. This area is noted within the document as having a poor landscape condition where guidance suggests that the open rural character of the area should be preserved by concentrating new development around existing settlements.
14. Given the nature of the development I am not persuaded that the proposal would be harmful to the openness of the rural landscape. Above ground level development would be in the main limited to the provision of timber fencing and the flood lighting columns. The effect on the openness of the area of the fencing would be relatively limited, while the lighting columns would be relatively slender features when viewed within the wider landscape setting.
15. However, the overall focus of the LCA for this area is on the improvement and creation of landscape and built features which would improve the appearance of the area.
16. Unlike the existing manège which is of a smaller size and tucked against an existing group of trees, that proposed would be much more prominently sited and would be of a significantly larger size. Although the wider landscape condition has been identified as being poor, the undeveloped land between Gringley Road and Fountain Hill Farm has an attractive appearance and contributes positively to the landscape character of the area. Through the introduction of artificial surfacing which would cover a large area, the proposal would substantially alter its appearance and would result in a marked shift away from its undeveloped appearance to the detriment of the local landscape character.
17. I conclude on this issue therefore that the proposal would be contrary to Policies DM4 and DM9 of the BDCSDMP which amongst other things require that new development should respect and enhance landscape character as well as the Framework.
18. Had I been minded to allow the appeal a condition could have been added to ensure the lighting scheme was appropriate given that the evidence indicates that the site is considered as a 'dark sky' location.

Other Matters

19. Given that Policy DM4 of the BDCSDMP has multiple requirements it was not unreasonable that the proposal was found to be in accordance with some parts of the policy by the Council, namely relating to residential amenity but contrary to others. Part 127 of the Framework also has multiple requirements relating to different matters. Contrary to the concerns of the appellant, the policies on which this appeal has been determined are applicable to the proposal and do not relate solely to residential development.
20. I note that both Walkeringham and Misterton Parish Council appear to have no concerns other than wishing to ensure appropriate floodlighting. I also note that no objection was raised from some Council departments. However, this does not indicate an absence of harm. The Council clearly sets out why it

considers the application unacceptable and as can be seen from my above findings, I concur with this view.

Conclusion

21. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR