
Appeal Decision

Site visit made on 11 December 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/B3030/W/19/3236345

Land north of Low Street, Elston NG23 5PA

- 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 T B Horner and Sons against the decision of Newark & Sherwood District Council.
 - The application Ref 18/01891/FUL, dated 9 October 2018, was refused by notice dated 6 March 2019.
 - The development proposed is described as 'erection of 1 dwelling'.
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Decision

1. The appeal is dismissed

Procedural Matters

2. I note that, between the determination of the planning application and my consideration of this appeal, the Council has adopted a revised version of their Core Strategy. In terms of how this is relevant to the appeal scheme, it appears that Spatial Policy 3 has been amended to remove what seemed to be a requirement to demonstrate a proven local need for new development within settlements it is relevant to. The Council have explained that this change has not altered their conclusions which is to say that they did not object to the appeal scheme on principle grounds. The appellant has referred to this policy change in their evidence. I have had regard to the most up to date adopted development plan in determining the appeal.
3. The appellant has submitted a completed planning obligation. This would ensure the dwelling subject of the appeal as a form of affordable housing. I have taken this into account in my findings.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area with specific regard to the Elston Conservation Area (ECA).

Reasons

5. The appeal site is a parcel of land to the rear of a pair of semi detached two storey dwellings that face Low Street. It is vacant, laid to grass and read as part of a long narrow strip of land extending northeast which also features a hardstanding access to fields beyond. Trees and hedges line one side

boundary, opposite the dwelling known as Tu Pare which is a detached single storey building set back from and roughly level with where the appeal bungalow would be sited. The proposed dwelling would not be in the ECA but part of the appeal site that would comprise the access would be.

6. The surrounding area, in general terms (including land contained within the ECA), is characterised by mainly single tier development. In terms of Low Street, whilst the degree of set back from the frontage varies, primary buildings (for their most part) have a front or side but uninterrupted facing presentation to Low Street in some way. Indeed, when looking at maps provided by the appellant from the late 19th and early 20th centuries it seems that, specifically along Low Street, this was an historic defining feature along with elongated narrow land parcels extending north. This pattern of built form, street presentation and field characteristics combine to make a positive contribution to the character of the area within and adjacent the ECA, thus comprising part of its significance.
7. The appeal scheme would introduce an additional tier of development, in back land form, to the rear of existing frontage development. I note that its degree of set back would be largely the same as Tu Pare. However, Tu Pare does present to Low Street despite its set back, as does Dove Cottage. The appellant also cites the development of Chapel Farm which has a number of buildings further back, but they are nonetheless unique in their identity, contained and somewhat separate from those that face Low Street. The Oaklands is perhaps the only true example of multi-tier back land development running from Low Street and thus is the exception rather than the norm and The Hideaway is located some distance away to the west and read as one of a cluster of buildings around a spur road off Low Street. I therefore do not consider that back land type development is a feature of the area or the ECA.
8. The insertion of a new tier of development in the manner proposed would be contrary to the grain of development along Low Street in particular. A grain which also evidently has some historic basis. It is this layout of built form that is a strong defining feature of Low Street and whilst the new building would not itself be in the ECA, its siting, location and specifically its proximity thereto would be harmful to the pattern of development that clearly defines part of its historical significance. As well as causing harm to the character and appearance of the area, the proposed development would also result in harm to the significance of the ECA, a designated heritage asset. Given the scale of the proposed development I would consider the harmful effects, in the context of the ECA, to be less than substantial. As per paragraph 196 of the Framework¹, I am required to balance them against the public benefits.
9. The proposed development would provide housing which would add to the choice and mix locally, albeit such benefits arising out of new provision would be limited by its scale as a single unit. As I have alluded to above, the appeal scheme is accompanied by a completed planning obligation which would secure the dwelling as an affordable one. The appellant's evidence points to the inherent difficulties in delivering affordable dwellings in the districts smaller settlements given how the development plan seeks to direct qualifying schemes to the larger towns and villages. There is also evidence to suggest that there remains latent need for affordable dwellings in the parish.

¹ The National Planning Policy Framework 2019

10. That said, a single development delivered 10 affordable dwellings as a result of an exception site being granted planning permission in 2017². According to the appellant's evidence, this accounted for three less than that for which the most recent survey indicated a need for. There seems little doubt that some positive weight should be afforded to the provision of one more to meet this identified need but given the scheme is for only a single dwelling such weight would be moderate at best and unlikely therefore to 'win the day' against the harm that I have found. Particularly given the 'great weight' the Framework states should be given to an asset's conservation³.
11. With the above factors in mind, the proposed development would cause harm to the character and appearance of the area and accordingly fail to preserve or enhance the character or appearance of the ECA. As such, it would conflict with the objectives of section 16 of the Framework, Policies SP3, CP9 and CP14 of the Core Strategy⁴ and Policies DM5 and DM9 of the Development Management Policies DPD. Between them, and amongst other things, these policies seek to ensure that new development is of a high standard and contextually appropriate design and appearance, it does not have a detrimental impact on the character of the location, it respects local distinctiveness and the historic environment is safeguarded from harm.

Other Matters

12. The appellant sets out that the appeal site itself was historically host to built form. Be this as it may, the evidence suggests that such was either ancillary to frontage primary buildings or part of groups that as a single entity or curtilage still faced or had some form of single presentation to their street frontage. The conclusions I have reached above do not therefore change.
13. The Council also raise substantive concerns over how the appeal scheme would interrupt the medieval field pattern to the north and thereby result in additional harm to the historic characteristics of the area. The main surviving elements of this field pattern exist to the north side of Low Street and appear more prominently on the historic maps provided by the appellant. Whilst the insertion of a new building within one of the narrow land parcels north of Low Street would reduce its open and undeveloped character, it would be small in scale, located close to other buildings and occupy an area which historically contained other buildings. The harm I have found therefore would not, in my view, extend to such that would impinge on the surviving medieval field pattern.

Conclusion

14. For the reasons I have set out above, and having regard to other matters that have been raised, the appeal is dismissed.

John Morrison

INSPECTOR

² Planning Inspectorate Reference APP/B3030/W/17/3180014; Land off Elston Lane, Elston

³ Paragraph 193

⁴ Plan Review: Review of the Newark and Sherwood Local Development Framework Core Strategy and Allocations Amended Core Strategy March 2019