



Appeal Decision

Site visit made on 15 January 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/B3030/W/19/3236431

Land off Holme Lane, Winthorpe NG24 2NU

- 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 Mark Cox against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00343/FUL, dated 19 February 2019, was refused by notice dated 29 March 2019.
 - The development proposed is the erection of a single detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Winthorpe Conservation Area (CA).

Main Issues

3. The main issues are (i) the principle of the development in this location, (ii) the impact of the proposed development upon the character and appearance of the CA and (iii) whether the proposal would comply with planning policies which seek to steer new development away from areas at the highest risk of flooding.

Reasons

Principle of the development

4. Although there is established vegetation located around the larger field of which the appeal site forms part, the site is devoid of structures and has an open feel. It sits beyond the dwellings at the edge of the village which form a relatively extensive and continuous boundary between the built form and the open character of the countryside. On entering and exiting Winthorpe along Holme Lane, the appeal site marks a clear transition between the urban form of the village and the rural form of the countryside. Whilst the presence of allotments and utility structures opposite and nearby the site are noted, these are of limited scale and do not have an urbanising impact. Therefore, in my judgment, the appeal site can be considered to fall outside of the village.
5. The relevant development plan policies seek to direct new development into established settlements. The proposed development would represent an

- encroachment into the countryside and would introduce an urbanising form to an area of land that is currently open and undeveloped. That it would sit beyond the extents of the existing village would further increase the impact that it would have in terms of its visual impact and its integration with the existing pattern of settlement. For these reasons, the location of the appeal site means that the proposed development would fail to meet with the objectives of the strategic development plan policies, in particular in terms of failing to protect the countryside from encroachment.
6. The appellant considers that the site is within easy reach of the facilities, amenities and transport infrastructure that are available in Winthorpe and the surrounding area. In this regard, there are some facilities and amenities in Winthorpe and the village is relatively close to Newark which has a much broader offer and is well connected to transport infrastructure. In terms of accessing these, the appeal site would be similarly placed to existing dwellings on Holme Lane. However, the relevant development plan policies seek not only to ensure that new development is in an appropriate location in terms of its accessibility to services, but to ensure the protection and enhancement of the countryside.
 7. I therefore conclude that the proposed development would be on a site which is located outside of the village and within open countryside. This would conflict with the aims of Spatial Policies 1, 2 and 3 of the Newark & Sherwood Amended Core Strategy 2019 (CS) and Policies DM8 and DM12 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document 2013 (DPD), which in combination seek to ensure that development is located within existing settlements and does not encroach into the countryside.

Character and appearance of the CA

8. The Winthorpe Conservation Area Appraisal Draft 2007 (WCAA) divides the village into two character areas – the Gainsborough Road character area and the Holme Lane/Chapel Lane character area. The appeal site is located within the latter and this area is defined by the WCAA as having a markedly more intimate, informal and domestic feel to it, with smaller properties of a more vernacular style and materials. The WCAA further notes that Holme Lane leads out into open countryside and into an area that has a very rural and informal feel.
9. The significance of the CA in this area of Winthorpe therefore lies at least in part with the design and layout of the existing dwellings and the transition between urban and rural. Whilst the appellant has drawn attention to the variation of properties on Holme Lane and that not all properties are small cottages, generally the more recent properties have been designed to be sympathetic to the CA. Those that have not been would not justify the addition of a further building that would cause harm to the CA. Reference has also been made to the WCAA and the appeal site having a domestic feel, however it is clear that the reference to domestic is made with respect to the character area as a whole. The appeal site is devoid of buildings and outside the curtilage of existing dwellings and does not, in my view, have a domestic feel.
10. The proposal would result in the loss of the rural feel of this part of the CA and this would cause significant harm to the character and appearance of the CA. The dwelling itself has been designed to sit sympathetically in its relationship to

Holmefield House, and the plans submitted show that its height and general scale would be appropriate in this regard. However, its design and in particular the proposed style of fenestration which would consist of large and expansive glazing, would be at odds with the more modest and understated styles that are found elsewhere in this part of the CA. The position of the site would further emphasise the impact that the proposed development would have, as it sits in a prominent position immediately adjacent to the entrance to the village. For these reasons, the proposal would also cause significant harm to the character and appearance of the CA.

11. As I have found harm to character and appearance, it follows that the development would neither preserve nor enhance the CA. Given the nature of the development and that the harm is localised, I consider that less than substantial harm to the CA would occur. As the development would result in less than substantial harm, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 196 of the National Planning Policy Framework (The Framework).
12. In this regard, the appellant has drawn attention to the fact that the proposal would represent a self-build project for a local business owner. This would significantly reduce the traveling time of the appellant to work. Furthermore, the proposal would deliver social, economic and environmental benefits, including in meeting housing needs. These factors would however have only a limited public benefit and they do not outweigh the harm that would arise to the CA.
13. I conclude therefore that the development would cause significant harm to the character and appearance of the CA. Consequently, the development conflicts with the design objectives of Spatial Policy 3 and Core Policies 9 and 14 of the CS and Policies DM5 and DM9 of the DPD which collectively seek to protect character and appearance and the historic environment. I have also identified conflict with The Framework, because the harm to the CA is not outweighed by public benefits.

Flooding

14. Both local and national planning policies seek to steer new development away from areas at highest risk of flooding through the application of a sequential test. A sequential test was not submitted with the planning application and therefore no evidence has been provided to demonstrate that there are no reasonably available sites in lower risk flood zones.
15. The appellant has made reference to the fact that the Environment Agency have not raised an objection and that flood mitigation measures would be included in the design of the proposed development. However, it is for the decision maker to determine whether the sequential test is passed. As I have been provided with no information in this regard, I am unable to conclude that there are no reasonably available alternative sites that have a lower risk of flooding than the appeal site.
16. The appellant has also made reference to the proposal being a self-build dwelling, however there is no exemption in either local or national planning policies from the requirement to undertake sequential testing for self-build properties.

17. For these reasons, I conclude that it has not been demonstrated that the location of the site passes the sequential test and therefore a dwelling in this area of flood risk is not justified. Accordingly, the proposal conflicts with the aims of Policy DM5 of the DPD and The Framework, both of which seek to steer new development away from areas at highest risk of flooding.

Other Matters

18. The appellant has made reference to other permissions that have been granted in Winthorpe, however I have not been provided with any information relating to these. In any event, the proposal must be considered primarily upon its own merits and accordingly I have assessed the appeal on that basis.
19. The proposal would provide an additional dwelling however it would make only a very limited contribution to boosting the supply of housing. Furthermore, the economic, environmental and social benefits that the appellant has highlighted would also be limited due to the small scale of the proposal. This consideration does not therefore outweigh the significant harm that I have identified arising from the location of the site, the impact upon the CA and with respect to flood risk.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR