



Appeal Decision

Site visit made on 23 September 2019 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/P3040/W/19/3231270

Land off Hawksworth Road, Screveton, Nottinghamshire NG13 8JP

- 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 Chris Newington on behalf of Redmile Developments Ltd. C/O Agent against the decision of Rushcliffe Borough Council.
 - The application Ref 19/00027/FUL, dated 8 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is the erection of 2 no. dwellings with associated access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 dwellings with associated access on land off Hawksworth Road, Screveton, Nottinghamshire NG13 8JP in accordance with the terms of the application, Ref 19/00027/FUL, dated 8 January 2019, subject to the conditions outlined in the schedule at the end of this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Since the issuing of the Council's Decision Notice, the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) has been adopted. Policy 28 of the draft version of this plan was referred to within the Council's decision. Policies GP2 and EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which were also referred to in the decision notice are now superseded. The wording of Policy 28 insofar as it applies to this proposed development has not materially changed between the draft and adopted versions of the Local Plan Part 2. The appeal has been considered against the adopted Local Plan Part 2 policy.

Main Issue

4. The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which the heritage asset is experienced. There is no dispute between the parties that the site lies within the setting of the Top Farm complex of buildings which includes a number of Grade II listed buildings including the farmhouse and adjoining service wing which date from 1702 and
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a cartshed, pigeoncote, stables and boundary wall which date from the 19th century.

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
6. On that basis the main issue in this case is the effect of the proposal on the setting of the listed buildings.

Reasons for the Recommendation

7. The appeal site forms a small part of an originally larger field with a frontage to Hawksworth Road. The site is bound to the west by Church Lane, a narrow unmade rural track which leads to Top Farm. Beyond the lane is a residential dwelling known as Yew Tree Cottage. To the east of the site is a recently allowed development of 6 dwellings¹ and opposite is a row of well- established residential properties. The site is open on the south side to agricultural land which runs to the east of Top Farm.
8. Permission is sought for two single-storey dwellings on the site with access from Hawksworth Road. The buildings, one of which would be partly sunken into the ground, have been individually designed and would have a contemporary appearance, with elements of the design and materials reflecting those of traditional rural buildings. Parking and garden space would be provided with each property.
9. The significance of the heritage assets lies primarily in their ability to demonstrate the buildings' functions and the agricultural way of life in the 18th and 19th centuries. Given their architectural detailing as set out in the list descriptions of the buildings, there is additional architectural value in terms of evidence of the local vernacular.
10. The agricultural context of the heritage assets, the historic relationship of the buildings to the agricultural land around them, adds to their significance as does the presence of the track which indicates an alternative form of access to the farm. The significance of the assets can be most readily appreciated from the land immediately surrounding the buildings particularly viewed from Spring Lane. Views of Top Farm from the appeal site and Hawkshead Road are limited. From the farm, the appeal site, which would project no further into the field than the neighbouring development, is framed by residential to the sides and rear of it. Moreover, the appeal site accounts for only a small element of the wider agricultural context. Accordingly, the site makes a neutral contribution to the significance of the heritage assets.
11. There is no doubt that the appearance of the site would change as a result of the development. However, the proposed dwellings have been carefully designed in terms of their siting and appearance to respect their rural setting and the proximity of the listed buildings. Glimpses of Top Farm from Hawkshead Road would be retained through the site and a landscaped strip would be provided at the side of the lane, along with opportunity for landscaping within the site to help the development assimilate into its rural

¹ Appeal ref: APP/P3040/W/16/3158562

surroundings. Moreover, as set out above, the greater part of the setting, including the lane and the agricultural land immediately south of the farm complex, would remain unchanged. The proposal would thereby have a neutral impact on the significance of the heritage assets and the ability to appreciate them.

12. The Council drawn my attention to a previous appeal decision² for residential development within the curtilage of Top Farm which was dismissed at appeal. While the Inspector refers to the way that the undeveloped pastoral land to the east of the complex flows up to it and into the village, the site and context of that decision appears to differ from the proposal before me and in any event that decision pre-dates the granting of permission in 2016 for the adjoining site to which I have referred.
13. For the reasons set out, the proposal would not have a harmful impact on the setting of the listed buildings or their significance as designated heritage assets. Accordingly, the tests set out in paragraphs 195 and 196 of the Framework, which require a balancing exercise to be carried out where there is substantial or less than substantial harm to the significance of the asset, are not engaged. Moreover, the proposal would be in accordance with policies 10 and 11 of the Local Plan Part 1: Rushcliffe Core Strategy, and policy 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These policies require, amongst other things, that development conserves or enhances the heritage assets and their settings, by having regard to design, massing, scale and by respecting the asset's relationship with the landscape and views.

Other matters

14. I have noted the representations received regarding the effect of the proposal on highway safety. Hawksworth Road is a quiet rural road with low levels of on road parking. Vehicles accessing the development would be able to enter and leave the site in a forward gear. In so doing, the proposed access would provide good visibility of oncoming traffic in both directions, as well as providing views of vehicles reversing out of their drives on the opposite side of the road. Furthermore, adequate provision of off-street parking would be made. No objections to the proposal have been raised by the Council in terms of highway safety and on the basis of the evidence before me I have no reason to disagree.
15. I acknowledge the various concerns expressed about the effect of the proposal on the living conditions of the occupiers of neighbouring property, the effect of the proposal on the character and appearance of the area, and on the infrastructure. However, the Council found these matters acceptable and there is no evidence before me that there would be any demonstrable harm caused by the development in terms of these matters.
16. The Council cannot currently demonstrate a 5 year housing land supply. Although I note local concern about the amount of recent development in the settlement, the addition of two houses would make an albeit small contribution to the housing land supply of the district. Moreover, paragraph 11 of the Framework indicates that where policies that are the most important for determining the application area out of date, as in this case, permission should be granted unless the application of policies that protect assets of particular

² Appeal references: APP/P3040/W/15/3130536

importance provide a clear reason for refusing the development proposed. For the reasons set out, the proposal accords with those policies.

Conditions and Recommendation

17. I have taken into consideration the Council's suggested conditions in the event of the appeal being allowed, in light of advice within the Planning Practice Guidance (PPG).
18. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition, and otherwise than as set out in this decision and conditions, the development needs to be carried out in accordance with the approved plans. I noted the Council's suggestion of a 2 years-time limit condition; however, the reduction of the standard time limit it is not necessary to make the development acceptable. To restrict development in such way would not therefore be in line with the guidance of the PPG.
19. In order to ensure that the development complements its surroundings further details on external materials, landscaping and boundary treatments are required. To ensure that any planting becomes well established it needs to be well maintained. Trees that are to be retained also need to be identified and protected during construction. To control noise, dust and vibration during construction a method statement detailing techniques is necessary. A remediation proposal is also needed if any unexpected contamination is encountered during development. In the interests of highway safety, the site access needs to be constructed, properly surfaced and drained. For the same reason, on-site parking needs to be provided.
20. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of PPG. Some of the conditions require the submission of details for approval prior to the commencement of development on site. I consider the pre-commencement element necessary in each case and note the appellants agreement to the conditions.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the suggested conditions.

S Ashworth

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-001, PL-002, PL003, PL-004, PL005.
- 3) Notwithstanding condition 2, the development hereby permitted shall not progress beyond Damp Proof Course level until details of the facing and roofing materials to be used on all external elevations and hard surfaces have been submitted to and approved in writing by local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not commence until a detailed landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. This shall allow for the retention of the hedgerow along the frontage of the site. The approved scheme shall be carried out in accordance with the approved details in the first planting and seeding seasons following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 5) No operations on site shall commence until the existing trees and/or hedges which are to be retained have been protected in accordance with details that have been approved in writing by the local planning authority and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence without the written approval of the local planning authority. No changes of ground level shall be made within the protected area without the written approval of the local planning authority.
- 6) Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during construction shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved method statement.
- 7) The development hereby permitted shall not be occupied until the vehicular access from Hawksworth Road has been suitably constructed in accordance with the approved plans.
- 8) The development hereby permitted shall not be occupied until the private road has been surfaced in a bound material (not loose gravel) for a minimum distance of 10m from behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
- 9) No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning areas to the public highway in accordance with details first submitted to and approved in writing by the local planning

authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

- 10) If any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the local planning authority, before further work is undertaken in the affected area and works shall proceed only in accordance with the agreed remediation proposals.
- 11) Prior to the erection of any boundary treatments or means of enclosure on site, the details shall first be submitted to and approved in writing by the local planning authority, with the structures thereafter constructed in accordance with the approved details.