



Appeal Decision

Site visit made on 14 January 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/P3040/W/19/3235999

Land South of Ivy House, Main Road, Hawksworth NG13 9DD

- 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 R & A Burns against the decision of Rushcliffe Borough Council.
 - The application Ref 19/01064/FUL, dated 29 April 2019, was refused by notice dated 30 July 2019.
 - The development proposed is erection of single detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have confirmed that since the appeal was submitted, The Rushcliffe Local Plan Part 2: Land and Planning Policies (LP2) was formally adopted on 8 October 2019. The development plan therefore now consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS) and the LP2. I must assess the proposal against the development plan now in place.
3. Following the adoption of the LP2 the Council is also able to demonstrate a 6.0 years housing land supply. Full weight can therefore be attributed to the development plan policies as part of my considerations. In the circumstances the 'tilted balance' under Paragraph 11 of the Framework is not engaged. The appellant has been provided with a copy of the Council's statement and Five Year Housing Land Supply Position Statement (November 2019) and I have taken their final comments into account as part of my considerations.
4. The Council's decision cited Policies HOU2, GP2 and EN2 of the Rushcliffe Borough Non-Statutory Local Plan. However, given the subsequent adoption of the LP2, these policies have been superseded and have not therefore had a bearing on my decision.

Main Issues

5. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy; and
 - the effect of the proposal on the character and appearance of the Hawksworth Conservation Area (CA).

Reasons

Location

6. Policy 1 of the CS and the National Planning Policy Framework (the Framework) set out a presumption in favour of sustainable development. Policy 3 of the CS sets out the spatial strategy to achieve sustainable development in the Borough with the majority of new homes to be provided in or adjoining the main built up area of Nottingham (within Rushcliffe) and further new homes beyond this on specified sites and in or adjoining key settlements. Further homes may be provided in other villages, solely to meet local housing needs. The sub-text to this policy, at Paragraph 3.3.17 confirms that local needs will be delivered through small scale infill development or on exception sites.
7. Policy 11 (Housing Development on Unallocated Sites Within Settlements) of the LP2 confirms amongst other things that the scale and location of proposals should be in accordance with Policy 3 of the CS. Paragraph 3.10 of the LP2 confirms that beyond those villages that have been identified for housing allocations, development to meet 'local needs' at 'other villages' will be limited to amongst other things, small scale infill development, and confirms that this is considered to be the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.
8. The site forms part of a distinct gap to the frontage on this side of Main Road between the neighbouring residential properties at Ivy House and Manor Farmhouse. The proposal would extend the built-up frontage into this large gap rather than infill a small gap within the existing built fabric of the village. The site does not therefore exhibit the characteristics of an infill site under the terms set out within the development plan. Furthermore, the appellant confirms that the proposal is for an open market dwelling and has referred to more general housing needs across the Borough. There is no substantive evidence before me that the development would address a specific local need for a dwelling of the type or size proposed in Hawksworth.
9. In terms of the meaning within the Framework, the site is not isolated given its proximity to other dwellings. However, there are no services or facilities within Hawksworth to meet everyday needs. The evidence before me indicates that bus services only operate through Hawksworth 2 days a week. My attention has been drawn to other settlements at Aslockton and Orston, the first of which has a train station and both of which have primary schools. Furthermore, Bingham offers a greater number of services and facilities as well as primary and secondary schools. However, the distance to these settlements means that occupants would be unlikely to travel to them on more than an occasional basis by foot or bicycle. It is therefore likely that there would be a reliance on the private motor vehicle. The proximity of these settlements does not therefore persuade me that development of the appeal site would be particularly sustainable.
10. The existence of an established engineering and manufacturing business in the village and the availability of internet connections are not matters which convince me that the development of a single dwelling in this location would accord with the sustainable development principles set out in national and local planning policy.

11. To conclude, the proposed open market dwelling would not be in an appropriate location and for the reasons given would be contrary to Policies 1 and 3 of the CS, Policy 11 of the LP2 and the Framework.

Character and appearance of the CA

12. The site is located within the CA, the significance of which derives from the often large buildings with materials predominantly comprising red brick and pantiles, brick and stone walling to property boundaries along the highway, and open spaces including hedgerow and grass verge lined approaches to the village which provide a rural character. The appeal site is an undeveloped parcel of land bound by a tall evergreen hedge to the front boundary with Main Road.
13. The Hawksworth Conservation Area Appraisal and Management Plan (2010) (CAAMP) refers at paragraph 5.3 to the attractive open spaces which contribute to views of positive buildings and allow for views of the surrounding countryside as well as the paddocks around Ivy House Farm which amongst others help to link the village's spaces to the surrounding countryside. Appendix 2 of the CAAMP specifically identifies the site as forming part of a positive open space.
14. The substantial hedgerow to the front boundary currently screens much of the site from the highway. Even so, the site forms part of the gap in built development provided by the positive open space and it is evident in views through the field gate from Main Road that the site is undeveloped and that the countryside lies beyond. At the time of my site visit, the open nature of the site was also appreciable travelling into the village between Manor Farmhouse and Ivy House with glimpses through the trees that exist to side boundaries. Therefore, even accounting for the current degree of screening to the front boundary, development of the site with a two-storey dwelling would inevitably increase the presence of built form within the undeveloped gap.
15. The plans indicate the existing Cypress hedge would be replaced with a native species hedgerow. There is also the potential for future occupants wanting to manage the front boundary treatment at a lower height. It is therefore probable that these factors would further open up views of the development. This would increase the prominence of the development and erode the contribution the positive open space makes to the rural character and appearance of the CA. As a result of these factors, the development would result in harm to the significance of the CA and I disagree with the suggestion that any impact would be near imperceptible.
16. The scheme was amended during the planning application process to remove a garage in order to allow for a view through the repositioned access point towards the countryside. However, this view would still be through domestic curtilage with associated hard landscaping and associated vehicles when they are parked at the property. Consequently, I am not convinced that this aspect of the scheme would mitigate the overall effect of the proposal on the wider rural setting.
17. The appellant suggests that management of the front hedgerow would be an enhancement to the CA and their Heritage Impact Assessment (HIA) considers the roadside boundary makes a minor negative contribution to the CA. The appellant's Landscape and Visual Statement also considers that the site doesn't

currently contribute to a positive open view. However, whilst I observed that the hedgerow was in an overgrown state at the time of my visit, the soft landscaped quality of the site is symptomatic of its rural location. I am not persuaded that development of the site is the only way in which the site could better display the characteristics which led to it being identified as a positive open space nor that the current state of the hedge justifies the erection of a building which would have a more permanent effect on the character and appearance of the CA.

18. On my site visit, I noted the development associated with equestrian use at Manor Farmhouse. However, these buildings were generally not of a residential nature, were set away from Main Road and were of a size and design synonymous with a rural setting. I therefore do not find these examples of other development in the area comparable to the proposal before me.
19. Overall, the proposal would not maintain or enhance the character or appearance of the CA. Having regard to the site-specific considerations described, whilst also acknowledging that the proposal is for a single dwelling and a substantial proportion of the positive open space outside the appeal site would remain, the proposal would result in less than substantial harm to the significance of the CA. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. The Council has an up to date housing land supply and the provision of a single dwelling would make a limited contribution towards the Council's housing requirements. There would be a limited economic benefit through the development of the site and from the potential support of future occupants to rural businesses in the wider area. However, I must pay special attention to the desirability of preserving the setting of the CA. I find therefore that the limited public benefits identified do not outweigh the less than substantial harm that would result from the proposal.
21. For the foregoing reasons, the proposal would not preserve or enhance the character or appearance of the CA. Consequently, in that regard, the development would be contrary to Policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the CS, Policy 28 (Conserving and Enhancing Heritage Assets) of the LP2 and the requirements of the Framework.

Other Matters

22. The appellant contends that the land once formed part of the garden of Ivy House but there has been a change of ownership. However, I note the aerial photography provided by the Council which indicates the land has not formed part of the domestic curtilage since at least 2007. Furthermore, a change in ownership further indicates that the land does not form part of a single planning unit. I am therefore not persuaded by the evidence before me that domestic outbuildings could be erected on the site or that this represents a valid fallback position.
23. The appellant also suggests that Hawksworth had a larger population in the C19 and that no new dwellings have been granted planning permission in the village in recent years. However, I must have regard to the situation now and

any lack of provision of new dwellings in the village is in line with the current status of the village and the strategic approach set out in the Council's development plan.

24. I note there is one third party comment which supports the proposal on the grounds that the development would fit in visually and that housing is required to attract young families to ensure the ongoing development and regeneration of the village. For the reasons already set out the development would not enhance the character and appearance of the CA, nor is there any substantive evidence in respect of local need.
25. The fact that the site is not in the Green Belt and the lack of objection from the Council on grounds relating to the design when considered in isolation, neighbouring living conditions, highway matters, trees and ecology only indicates that other expected requirements of the development plan could be met but does not override the harm identified.

Conclusion

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

M Russell

INSPECTOR