



Appeal Decisions

Site visit made on 10 March 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2020

Appeal A Ref: APP/B3030/W/19/3239525

Sawmills Farm, Rufford Lane, Ollerton NG22 9DG

- 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 & Mrs D Bower against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00701/FUL, dated 8 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is a replacement dwelling.
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Appeal B Ref: APP/B3030/W/19/3239526

Sawmills Farm, Rufford Lane, Ollerton NG22 9DG

- 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 & Mrs D Bower against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01230/FUL, dated 28 June 2019, was refused by notice dated 7 August 2019.
 - The development proposed is described as a "proposed replacement dwelling. Resubmission of planning application 19/00701/FUL".
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Decision

1. Appeal A is dismissed
2. Appeal B is dismissed.

Preliminary Matter

3. For ease of reference I refer to the different cases as Appeal A and Appeal B in this decision letter as set out in the headers. I have dealt with each appeal on its own individual merits but to avoid duplication, I have considered the appeals together in this document. Although there are two appeals, I have used singular terms in places for the ease of reading.

Main Issue

4. The main issue is whether the development would result in a dwelling that is similar in scale, size and siting to the dwelling it seeks to replace, thus minimising its visual impact on the countryside.

Reasons

5. The appeal site forms a rectangular, single storey former agricultural building that has been converted into a dwelling. The site lies within the countryside

and the proposal seeks to demolish the existing dwelling and replace it with a further dwelling.

6. Policy DM8 of the Newark and Sherwood District Council Amended Core Strategy 2019 (the Core Strategy) states that when considering replacement dwellings in the open countryside, planning permission will be granted where, amongst other things, the existing dwelling is in lawful residential use. The existing structure was a former agricultural building that changed use to a dwelling via the permitted development prior approval process¹. The building has subsequently changed use and is now being occupied as a dwelling, and notwithstanding the Council's reasoning regarding the prior approval process, it is in a lawful residential use. Furthermore, the existing dwelling is not of architectural or historic merit. Therefore, the matter that remains is whether, in the interest of minimising its visual impact on the countryside and maintaining a balanced rural housing stock, the dwellings would be of a similar scale, size and siting to that being replaced.
7. With regard to the siting of the proposed dwelling, it would be placed largely where the existing dwelling is currently positioned. Turning to the scale and size of the proposed dwelling, the Council has provided a table within its written statement that sets out the percentage increase in footprint and floorspace for each appeal, which is not disputed by the appellants. For Appeal A, the increase in floorspace is around 40% which is largely derived from the increase in height of the building to accommodate a first floor. For Appeal B, the proposed dwelling would have an increase in floorspace of some 20% when compared to the existing dwelling. However, one must consider the overall scale and massing of the proposal in assessing whether a development would be similar to that it seeks to replace, which is not merely a mathematical balancing exercise.
8. In considering Appeal A, the overall height of the existing dwelling at some 3.4m means that it is quite diminutive and therefore it has little impact on the landscape. Moreover, when viewed from the A614 to the west of the appeal site the existing dwelling is relatively inconspicuous in the landscape. However, although Policy DM8 states that "*replacement dwellings should normally be of a similar size, scale and siting*", the overall height of the proposal at some 7.2m, coupled with its larger massing would result in a dwelling that would simply not be similar in scale or size to the dwelling it seeks to replace. Furthermore, the increase in height and scale of the building would be seen across the relatively flat and open countryside, which would also fail to minimise its visual impact within the landscape. Thus, for Appeal A the proposal would not be of a similar scale or size and would have a greater visual impact on the landscape, which would be clearly visible from the wider area, such as the A614.
9. Turning to Appeal B, although I accept that the appellant has sought to reduce the size of the proposed dwelling, the development still represents a very large dwelling in comparison to the one it is replacing. Moreover, although the overall height of the proposed dwelling under Appeal B has been reduced to 6.3m it would nonetheless still be almost double that which currently exists. Again, the proposal would fail to minimise the impact of the development in the

¹ Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended).

landscape and it would still result in a building that would not be of a similar size or scale to the existing dwelling.

10. Turning to whether the development would reduce the availability of modestly sized dwellings, as the proposal seeks to replace a three bedroom dwelling with further three bedroom dwellings, I am not persuaded that the development would therefore result in the reduction of such dwellings.
11. However, I do not consider that the proposed developments would result in a dwelling that is of a similar size or scale to that being replaced and would fail to minimise its visual impact on the countryside. Thus, the development proposed under Appeal A and Appeal B would be in conflict with Policy DM8 of the Core Strategy, the specific requirements of which are specified above.

Other Matters

12. The appellant has provided two cases which are considered to demonstrate that the Council has accepted larger replacement dwellings in the District. In considering the proposal at Roza², the Council found that the development would indeed be contrary to Policy DM8. However, as there were other two storey dwellings in the vicinity, the Council considered the effect of the development on the visual amenities of the area to be acceptable for that reason, which is not the case before me. Furthermore, while I accept that the development at The Shed³ was also approved by the Council, the development only sought an increase in height of some 0.4m, the replacement dwelling was considered to be modest in scale and would still sit lower than surrounding buildings. Again, that is not the case before me, and in any event, I have considered both proposals on their individual merits, which is a fundamental principle that underpins the planning system.
13. I acknowledge that the Council may apply a "*rule of thumb*" increase of 40% to replacement dwellings and that professional officers supported the schemes proposed under Appeal A and Appeal B. Nevertheless, I have not been provided with substantive evidence that the figure of 40% is indeed routinely applied to all replacement dwellings or that the Council has failed to make decisions consistently. Moreover, Policy DM8 of the Core Strategy does not provide such a figure and it is a matter of planning judgement as to whether a development would comply with its requirements and on a case by case basis.
14. I accept that the site has historically contained a poultry unit which was far more intensive than the current arrangement. However, that use has since ceased and is no longer visible within the landscape. Furthermore, such agricultural uses and buildings are typically within rural settings and are an accepted form of rural development. I also acknowledge that the principle of replacing a dwelling is supported by Policy DM8 of the Core Strategy and the National Planning Policy Framework in seeking to encourage and promote good design. Moreover, the design of the dwellings is acceptable, suitable materials could also be employed and the development would provide a better quality dwelling in terms of construction. While noting the benefits that would result in these respects, I do not consider that either individually or cumulatively they outweigh the harm identified above.

² Application 18/01497/FUL

³ Application 19/01217/FUL

15. Matters regarding the actions of officers on the conclusion of presenting the planning application to the planning committee are not material to the case before me as other mechanisms exist to resolve such issues.

Conclusion

16. For the reasons given above, and having regard to the development plan when read as a whole, Appeal A and Appeal B is dismissed.

Graham Wyatt

INSPECTOR