
Appeal Decision

Site visit made on 17 June 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2020

Appeal Ref: APP/W3005/W/20/3244770

Land to the Rear of 113 Beck Lane, Sutton in Ashfield, Nottinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Draycott against the decision of Ashfield District Council.
 - The application Ref V/2019/0594, dated 12 September 2019, was refused by notice dated 27 November 2019.
 - The development proposed is three dwelling houses with integral garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis treating the layout plan as illustrative.
3. As the appeal is only considering the principle for residential development the third reason for refusal that relates to the layout, access and parking arrangements does not need to be considered further. It is also worth noting that in these circumstances, even though the outline refers to 3 dwelling houses with integral garages, the reserved matters would need to demonstrate that this was appropriate.

Main Issues

4. The main issues in this case are:
 - The effect of the development on the character and appearance of the area; and
 - whether sufficient information has been supplied to enable a full understanding of any effect on ecology.

Reasons

Character and Appearance

5. The site is set in the countryside around 130m back from the Mansfield to Sutton in Ashfield Road. It is currently overgrown having been left to return to nature and appears as a finger of overgrown unkempt land within an area of

agricultural fields. As a consequence of the amount of natural foliage and the trees on the southern boundary, it stands out from the surrounding fields and is clearly visible from the main road and the public footpath to the east.

6. The properties on Beck Lane form a single line of traditional semidetached hipped roofed houses accessed off a small spur road, parallel with the main road. The appeal site would be accessed to the south of this line of properties, from an existing dropped kerb and access which would come directly off the B6029. As the site runs at 90 degrees to these properties and extends significantly further into the fields. it would create a marked contrast with this small group of houses on the road frontage.
7. The development would represent a significant intrusion into an otherwise open area and would be both incongruous and discordant in this countryside location. It is also remote from any services and while there is a footpath and cycle way on the main road the distances involved to access these facilities are likely to mean any occupiers would be highly reliant upon the car.
8. The proposal would result in a series of properties in a location physically isolated from other built development and would both intrude into and adversely affect this countryside location, resulting in inappropriate development in the countryside contrary to policy EV2 of the Ashfield Local Plan Review 2002.

Ecology

9. In order to be able to make a properly informed decision, the decision maker must have information in respect of ecological and biodiversity factors which apply to a site and development at the time the decision is to be made. It is not generally appropriate for this principle concern to be left to the reserved matters stage nor can one landowner rely on a third parties' assessment of neighbouring land. The ecological factors may well be materially different from one site to another.
10. The site is within the Impact Risk Zone for the Teversal pastures Site of Special Scientific Interest and also within an area which may support protected species. Proposals need to ensure that they contribute to and enhance the natural and local environment as expected by the Framework. Developers are expected to submit an ecological survey where there is a reasonable likelihood of the presence of important habitat or species.
11. As the site would appear to have been left to nature for a considerable period, and in an area where there are records of protected species, in the absence of a survey indicating otherwise, I consider the application would not protect or enhance the ecology or biodiversity of the area and would be contrary to the provisions of Part 15 of the Framework.

Other Matters

12. The appellant has sought to rely on planning permissions said to be granted on the neighbouring land, however no details of such applications have been provided to enable me to assess the importance of these proposals or how they might affect this appeal. The appellant also suggests that ecological assessments have been undertaken on this neighbouring land, while their relevance is open to question again, they have not been provided. I, therefore, cannot afford this information any weight in coming to my decision.

Conclusions

13. I therefore conclude that the appeal should be dismissed.

Edwin Maund

INSPECTOR