



Appeal Decision

Site visit made on 21 July 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/B3030/W/20/3249856

Land adjacent to 2 Chestnut Close, Weston, Newark, Notts NG23 6SW

- 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 Christopher Raynor against the decision of Newark & Sherwood District Council.
 - The application Ref 19/02061/FUL, dated 19 November 2019, was refused by notice dated 15 January 2020.
 - The development proposed is the construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application date in the banner heading above is taken from the appeal form as no date is given on the application form. Furthermore, I have taken the site address from the appeal form which accurately names the settlement as 'Weston', as opposed to 'Weston on Trent' as stated on the application form.
3. The appellant has submitted an 'Ecological Appraisal and Protected Species Survey' and 'Tree Survey' with this appeal. Whilst these documents were not before the Council when it made its decision on the planning application, the Council have had the opportunity to comment on them as part of the appeal process. The documents do not alter the nature of the proposal, and having regard to the *Wheatcroft Principle*¹, I am satisfied that the additional information would not prejudice interested parties. Consequently, I have taken both reports into account in determining this appeal.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be in accordance with local and national planning policies relating to the location of residential development in the District, with regard to the effect on the character and appearance of the area.
 - The effect of the proposal on the setting of a nearby Listed building; and,
 - The effect of the proposal on biodiversity.

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

Reasons

Location

5. The appeal site comprises an area of grassland which contains a small hardstanding area, a shed and greenhouse. At the time of my site visit an assortment of items were also stored on the hardstanding. Nearby development is mainly residential, located generally to the south and east, separated from the site by an array of boundary treatments. The steeple of All Saints Church² is partially visible beyond intervening vegetation. To the north of the site there are several small rural buildings, some of which are associated with a nearby equestrian use.
6. Weston is defined as an 'other village' according to Spatial Policy 1 of the Newark and Sherwood Amended Core Strategy 2019 (Core Strategy)³. Spatial Policy 3 of the Core Strategy identifies that new housing should be directed towards existing settlements which have good access to services and facilities. It states that development outside principal villages should be appropriate to the location and be small scale in nature and should not have a detrimental impact on the character of the location or its landscape setting.
7. There is no defined settlement boundary for Weston. Therefore, whether or not the site lies in the settlement is a matter of judgment. According to the subtext to Spatial Policy 3 of the Core Strategy, sites in edge of built form locations comprising undeveloped land, paddocks, fields, or open space will not normally be considered as being within the settlement boundary.
8. It is put to me by the appellant that the appeal site is used in connection with an existing property, and I appreciate it lies close to the rear of existing properties and other built form. Moreover, there are other nearby examples of buildings located in 'backland' positions set away from the main street. Be that as it may, the appeal site is largely undeveloped, and positioned facing open countryside to the north and west. The site's openness and rural appearance is a prevalent characteristic such that I find that it has more affinity with the countryside than with the nearby built form. Consequently, I consider that the appeal site lies outside the settlement and for the purposes of planning policy, is in the countryside.
9. Even though the dwelling would in many cases be seen against the backdrop of existing properties, and views of the dwelling from public vantage points would be limited, it would be a large house with an attached garage which would be positioned centrally within the plot. In combination with the residential use of a large area of land around the proposed dwelling, it would represent a significant permanent encroachment into an area of countryside, diminishing the contribution the site makes to the openness of the area. As such, the development would have a harmful effect on the character and appearance of the area, contrary to Spatial Policy 3.
10. Policy DM8 of the Newark and Sherwood Development Management Development Plan Document (DPD)⁴ advises that development away from the

² Grade I Listed

³ Review of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy March 2019

⁴ Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document 2013

main built up areas of villages, in the open countryside, should be strictly controlled. It goes on to say that new dwellings in the countryside should only be permitted if they have an innovative nature of design or are exceptional quality and reflect the highest standards of architecture, significantly enhancing their immediate setting. The appellant asserts that this requirement is more restrictive than paragraphs 77 to 79 of the National Planning Policy Framework (the Framework), which are generally supportive of sustainable development in rural areas, focussing on ensuring that isolated homes in the countryside are avoided.

11. In this regard, I am satisfied that the site's proximity to the existing settlement and other services and facilities means that it would not be isolated in relation to paragraph 79 of the Framework. Even if I was to accept that Policy DM8 is more restrictive and overly prescriptive than the Framework in respect of new dwellings in the countryside, I have identified unacceptable harm to the character and appearance of the area which would also be in conflict with Policy DM8 and the requirement that new dwellings are sensitive to the defining characteristics of the local area. This is echoed in paragraph 170 of the Framework which requires recognition of the intrinsic character of the countryside, thus Policy DM8 is aligned with the Framework in this respect and I apply significant weight to the proposal's conflict with this Policy.
12. For the foregoing reasons, I conclude that the proposal would not accord with the development plan due to its countryside location and unacceptable harm to the character and appearance of the area. It would conflict with Spatial Policy 3, and Core Policies 9 and 13 of the Core Strategy which, amongst other matters, require that developments in the open countryside are strictly controlled having regard to the character of the area, that new development protects or enhances landscapes, and that the design of new development contributes to local distinctiveness. The development would also conflict with Policies DM5 and DM8 of the DPD in that it would fail to be sensitive to the defining characteristics of the area. In addition, the development would fail to recognise the intrinsic character and beauty of the countryside, contrary to paragraph 170 of the Framework.

Heritage

13. The Grade I listed Church of All Saints is a striking 13th Century building⁵ which includes a number of architectural elements which enhance its historic ecclesiastical appearance. The church lies off the main street, positioned centrally within the village. The adjoining graveyard, village buildings and expansive countryside gives the church a peaceful and eminently rural village setting, and these features contribute to its significance.
14. Only part of the appeal site adjoins the boundary of the church grounds, and the proposed dwelling would be offset from the church so as not to interrupt key views of the church from open countryside. Existing vegetation and trees would diminish obtainable views of the dwelling from the church grounds even further. Moreover, given the presence of existing buildings immediately to the south and east of the church boundary, and the proposed dwelling's orientation and position, the proposal would not alter the church's rural village setting. The scale, design and appearance of the dwelling relative to the church means that it would not harm the significance of the setting of the Listed building.

⁵ Which includes additional works carried out to the building up to the and including the 19th Century.

15. Heritage assets are an irreplaceable resource, and therefore any harm requires clear and convincing justification. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I must pay special attention and have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, which I have done in reaching my decision.
16. I conclude that the development would not adversely affect the setting and significance of the Listed church. The development would therefore comply with Core Policy 14 of the Core Strategy and Policy DM9 of the DPD and paragraph 193 of the Framework which require, amongst other matters, that development is compatible with the fabric and setting of Listed buildings and does not harm the significance of heritage assets.

Biodiversity

17. The appeal was supported by an ecological appraisal which includes a site survey. No evidence of any protected species were identified at the time of the survey, with the trees having low potential to support bat roosts, although the survey identified that features within the site have reasonable connectivity for bats and birds. Consequently, the report recommends a number of biodiversity enhancement measures, including bat boxes, landscaping and hedgehog habitat provision. The Council does not object to the proposal in this respect.
18. According to the appellant's tree survey, a limited number of trees could be affected by the proposal. The Council considers that the proximity of the proposed dwelling would result in the removal of two trees. However, due to their condition, the trees are not worthy of protection and the Council concludes that their loss could be acceptably mitigated by replacement planting elsewhere.
19. As a result of the foregoing, the proposal would not unacceptably affect trees which have notable biodiversity value and, subject to appropriate mitigation measures which could be secured by planning condition, the proposal would not unacceptably affect biodiversity.
20. The proposal would comply with Core Policy 12 of the Core Strategy which requires that the biodiversity of the District is preserved or enhanced and that development supports and preserves green infrastructure.

Other Matters

21. I appreciate that rural areas can face housing supply and affordability challenges. However, Spatial Policy 1 of the Core Strategy targets new housing within settlement boundaries, whereas the appeal site lies outwith. Furthermore, the Council's assertion that it can demonstrate a deliverable 5-year housing land supply is not disputed by the appellant. Consequently, the provision of a single dwelling in this location would make little difference to the overall supply of housing in the District, and this does not outweigh the site's unsuitable countryside location and conflict with the development plan.
22. An additional dwelling would bring modest benefits to the local economy through employment opportunities during construction, and through the employment of local services for the upkeep and maintenance of the house when it was occupied. There would be additional benefits from the provision of landscaping and biodiversity enhancement. However, these considerations do

not outweigh the conflict with the development plan I have identified, thus the proposal would not be sustainable development.

23. There are other cases in the District where the Council have supported the provision of new housing on sites that have some similarities with the one before me. On the basis of the information I have received from the appellant regarding these proposals, I am not satisfied that the circumstances of each case are sufficiently similar to the appeal scheme such that it would warrant me reaching a different conclusion on the main issues. The sites either lie in between existing properties or are well contained by a road and other features, which is not the case here. I have determined the appeal case on its own merits having regard to the appeal site's context and the evidence submitted.

Conclusion

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

Matthew Woodward

INSPECTOR