



Appeal Decision

Site visit made on 17 August 2020 by Darren Ellis MPlan

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/B3030/W/20/3252925

The Paddocks, Halloughton, Nottinghamshire NG25 0QP

- 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 Miss S Coupe against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00469/FUL, dated 13 March 2020, was refused by notice dated 20 May 2020.
 - The development proposed is to erect dwelling in garden of existing property.
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for housing, with particular regards to its accessibility to local services;
 - whether the proposal would preserve or enhance the character or appearance of the Halloughton Conservation Area; and
 - the effect of the proposal on the living conditions of the occupiers of The Paddocks.

Reasons for the Recommendation

Whether the site is a suitable location for housing

4. The appeal site is situated in the settlement of Halloughton, which comprises a ribbon development along a lane that extends eastwards from the main road Highcross Hill. Policy SP1 of the Amended Core Strategy (adopted March 2019) (ACS) sets out the settlements that form the sub-regional centre, the service centres and the principle villages. Halloughton is not listed in any of those categories and therefore falls to be considered under policy SP3 of the ACS, which relates to new development in any part of the district beyond the principle villages.
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5. Policy SP3 of the ACS provides the criteria against which proposals for new development in rural areas will be assessed, including location and character. Paragraph 4.25 of Policy SP3 states that the locational criteria supports development in sites in sustainable accessible villages, such as locations within the existing built extent of the village which includes dwellings and their gardens. While the appeal site is at the end of the main built-up area of Halloughton, the site is nevertheless a side garden area of a property within the built extent of the village. The proposal seeks permission to erect a detached dwelling in this garden area.
6. Halloughton has a church but no services such as a shop, post office or public house. There is a bus stop on the main road, about half a mile from the appeal site, which provides a regular bus service into Southwell, which is defined as a Service Centre in the ACS, Nottingham and other settlements. The submitted timetable shows that the bus service runs from early in the morning until late at night, seven days a week. Consequently, while there is no lit footpath between the appeal site and the bus stop, the frequency of the bus service provides a good connection to the services in Southwell. Policy SP3 of the ACS states that where a settlement has no services of its own but is well related to a village that has a good range of services, then consideration will be given to the infilling of small gaps in the settlement. The appeal site is at the western end of the linear pattern of development and although there are properties further to the west they are well set back and do not front on to the street. There is a large gap between these properties and the appeal site. Therefore, the proposed dwelling would not infill a small gap in the settlement.
7. For these reasons, the proposal would not be appropriate development as the proposal would be contrary to Policy SP3 of the ACS, as it does not satisfy the location criteria.
8. The Council's reason for refusal refers to Policy DM8 of the Allocations & Development Management Development Plan Document (adopted July 2013) (DPD), which relates to development away from the built-up areas of villages. As stated above, the appeal site is within the built extent of the village and as such Policy DM8 of the DPD does not apply in this case.
9. My attention has been drawn to a previous application for a new dwelling at Cover Point, Halloughton, that was allowed on appeal¹ in April 2013. However, this application constituted an infill development whereas the proposal before me does not infill a gap. Moreover, the DPD was adopted after the previous appeal was decided and the ACS has been updated since the previous decision was issued. The policy context for the previous proposal is therefore not directly comparable to the current local policies.
10. I have also been made aware of a planning application that was granted in 2017² for a new dwelling adjacent to Cover Point. However, this proposal was also an infill development and again the ACS has been updated since the date of this decision.

¹ Appeal ref. APP/B3030/W/12/2187941

² Planning application ref. 17/00896/FUL

11. My attention has also been drawn to other planning approvals in the villages of Weston³, Wigsley⁴, and Carlton-on-Trent⁵. The proposals in Weston and Wigsley are infill developments and as such satisfy Policy SP3 of the ACS. The proposal at Carlton-on-Trent involves the siting of a static caravan/park home and whilst the location was deemed undesirable for housing, the Inspector found that the benefits of providing a bespoke form of housing for a specific demographic outweighed the conflict with the development plan. For these reasons I am not persuaded that these other approvals are directly comparable to the scheme before me. In any case, this appeal has been determined on its own merits.

Character and Appearance of the Conservation Area

12. The Halloughton Conservation Area (CA) covers all of the village from the main road to the east up to and including the properties to the west of the appeal site. Part of its significance derives from the historical interest of the farmsteads in the village and the church. The Paddocks and the attached Keepers Cottage contribute positively to the street scene and to the historic and rural character of the CA.
13. Halloughton is characterised by predominantly detached dwellings in generous plots, although The Paddocks is a semi-detached dwelling, with a mix of older and newer properties with varying designs in the village. The nature of the village together with the open countryside and farms that surrounds Halloughton creates a strong rural character to the area. The proposed dwelling would be a two-storey detached building, the design seeks to have the appearance of a barn conversion. However, the appearance of a barn-style structure on the appeal site would be incongruous as it would have no apparent connection to a nearby farm. It would be sited next to traditional cottages and houses and would not appear well related to the historic development of this part of the village. The current side garden area of the appeal property and the countryside beyond the site creates an openness which contributes positively to the rural character, and this openness would be reduced as a result of the proposed dwelling. The proposal includes a 1.8m brick wall in between the proposed property and the existing property at The Paddocks which would further be at odds with the rural character of the village, which features low walls, fences and hedges.
14. The appellant states that they are prepared to change the brick boundary wall for a fence and hedge, and that they would accept a condition to approve a landscaping scheme. However, even if such a condition was added, it would not overcome the other harm identified with regards to location and character.
15. As stated above, the proposal would detract from the rural character of the area and the proposal would be incongruous with the area surrounding the appeal site, and as such the proposal would neither preserve nor enhance the character or appearance of the CA and would consequently cause harm to the significance of the heritage asset. The harm would be less than substantial given the limited scale of the development.

³ Planning application ref. 19/01152/OUT

⁴ Planning application ref. 19/01614/FUL

⁵ Planning application ref. 19/01237/FUL, Appeal ref. APP/B3030/W/19/3241843

16. Paragraph 196 of the National Planning Policy Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. The proposal would result in the addition of a new dwelling which would provide additional support for the services in the nearby villages. However, as the proposal is for only one dwelling, I attach limited weight to this benefit. On the other side of the balance, the Framework indicates that great weight should be given to the asset's conservation. Consequently, the benefit of the scheme would not outweigh the harm to the CA.
17. The proposal would also conflict with Policy CP14 of the ACS and Policy DM9 of the DPD, which require great weight to be provided to the preservation of a CA and that development proposals take into account the character and setting of a CA. Furthermore, the proposal would cause harm to the existing rural character and therefore would not satisfy the character criteria as set out in Policy SP3, and would also fail to accord with Policy CP9 of the ACS and Policy DM5 of the DPD which require development to be of a high-quality design that reflects local character.

Living conditions of the occupiers of The Paddocks

18. The proposed dwelling would be laid out and oriented in such a way that two of the windows that would serve a bedroom would overlook the remaining garden area of The Paddocks. The loss of privacy from these windows would cause harm to the living conditions of the occupiers of The Paddocks. I note that the appellant has suggested a condition requiring obscure-glazing to these windows, although if these windows were to be obscured then the only outlook from the bedroom would come from a narrow window in the side elevation of the property, with natural light also provided by the proposed rooflights. This potential lack of outlook would result in unacceptable living conditions of the future occupiers of the proposed dwelling, and as such the proposed condition for obscure glazing would not be suitable in this case.
19. For these reasons, the proposal would cause harm to the living conditions of the occupiers of The Paddocks and as such would be contrary to Policy DM5 of the DPD which requires, amongst other things, for the layout of development to ensure that neighbouring properties do not suffer a loss of privacy.

Other Matters

20. My attention has been drawn to a High Court judgement⁶ which clarifies the definition of 'previously developed land' with regards to land in built-up areas and residential gardens. Paragraph 84 of the National Planning Policy Framework (the Framework) states that the use of previously developed land should be encouraged where suitable opportunities exist. As a result of the harm that has been identified, the proposal does not constitute a suitable opportunity for development whether the site is previously developed land or not.
21. I note the strong level of support received for the proposal from many neighbours and the Parish Council, which weighs in favour of the proposal. However, this support does not outweigh the harm identified above.

⁶ Dartford Borough Council-v-SSCLG [2017] EWCA Civ 141, 14 March 2017

22. I note the appellant's concerns regarding the Council's handling of the case, and in particular the lack of opportunity to make amendments to the proposal. However, this is a matter that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.

Conclusion

23. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR