
Appeal Decision

Site visit made on 27 August 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2020

Appeal Ref: APP/B3030/W/20/3253890

Old Norse House, Station Road, Bleasby NG14 7GD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr & Mrs Bellamy against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00041/FUL, dated 13 January 2020, was refused by notice dated 30 April 2020.
 - The development proposed is described as a 3-bay garage with store above and change of use of land from paddock to residential.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3-bay garage with store above and the change of use land from paddock to residential at Old Norse House, Station Road, Bleasby NG14 7GD in accordance with the terms of the application Ref 20/00041/FUL, dated 13 January 2020, subject to the Schedule of Conditions attached to this decision.

Main Issues

2. The main issues are:
 - Whether the proposed development would result in the unjustified loss of paddock land; and
 - Whether the proposed development would harm the living conditions of current and future occupants of the dwelling called 'Horstead'.

Loss of Paddock Land

3. The appeal site forms part of the grounds of Old Norse House which sits back from Station Road within the village of Bleasby. The proposed development comprises a 2-storey 3-bay garage. It would be located opposite Old Norse House and just behind a 2-storey dwelling currently under construction called Horstead. This latter dwelling fronts onto Station Road.
4. According to the Appellant's plans the proposed garage would measure approximately 9 metres in length, about 6 metres in depth and about 6 metres in height. It would be constructed of timber cladding with a clay tile roof and would be in the style of a traditional agricultural barn with a pitched roof.
5. The grounds of Old Norse House are bisected by Holme Dyke which runs to the River Trent. The section of dyke opposite the dwelling and close to where the proposed garage would be located was culverted so that it now allows direct

- access from the host dwelling to an area of fenced paddock. Aerial photographs from 2007 and 2016 show that the area of grass on the other side of the culvert from the host dwelling was part of a fenced area of paddock.
6. However, recently a compacted road was formed running parallel with Holme Dyke to allow the Trent Valley Internal Drainage Board (the Board) to access and remove any accumulated debris from the open area of the ditch. Construction of this road has resulted in a reduction in the formal paddock area with a small section being severed from the much larger parent element.
 7. Part of this small severed area close to the host dwelling and Horstead has become compacted and is no longer used as paddock. This severed or orphaned area of land would be too small to use as a standalone paddock and reuniting it with the parent land would be impractical given the need to maintain access across it for drainage clearance. Consequently, because of its limited size and usefulness, it is appropriate to consider this area of former paddock as an exception to the normal approach advocated by the Council of prohibiting development on such sites.
 8. Therefore, for the above reasons the proposed development would not result in the unjustified loss of paddock ground. As a result, the proposal would comply with Spatial Policy 3 of the Council's Local Development Framework: Core Strategy & Allocations Amended Core Strategy 2019 (ACS) which requires new development to be small scale in nature.
 9. Furthermore, because the site would be within the built extent of the village the proposal would comply with Policy DM8 of the Newark & Sherwood Local Development Framework Allocations and Development Management Development Plan Document 2013 (DPD) which seeks to control development in the open countryside, away from the main built up areas of villages.

Living Conditions

10. The lounge and first-floor bedroom windows of the rear elevation of Horstead would face the gable-end of the proposed garage about 11-12 metres away. The rear garden of Horstead is enclosed by a brick wall which extends to about 2.0 metres in height.
11. The house sits at a slightly higher elevation than the proposed garage, but this produces only a marginal effect. About half of the lower part of the gable-end of the proposed garage would be hidden behind the brick wall. The ground floor windows have quite open views and therefore these would not be significantly harmed by the proposed garage. The two first floor windows are aligned such that they would look to either side of the steeply pitched roof of the proposed garage. Thus, the outlook from Horstead would not be adversely affected.
12. For the above reasons the proposed development would not cause any harm to the outlook from the rear facing windows of Horstead. The development proposal would therefore accord with Policy DM5 of the DPD which requires new proposals to maintain the living conditions of the current and future occupants of neighbouring buildings.

Other Matters

13. The proposed garage sits within Flood Zone 2. The proposal would not result in any additional dwellings being constructed. Maps within the Appellant's Flood Risk Assessment show that much of the ground around the host dwelling is subject to the likelihood of flooding every 100 years and all of it is subject to the likelihood of that event when including the 20% climate change forecast.
14. Several representations were made expressing concern about the possible effect that the proposed garage might have in regard to future flooding events. However, the size of the development proposal would fall below the threshold at which it would require detailed assessment by the Lead Local Flood Agency. Thus, the impact which the development proposal would have on any future flood event is very minimal.
15. The development proposal would not be easily visible from Station Road. Thus, it would not cause harm to the character and appearance of the wider area.

Conditions and Conclusion

16. In addition to the standard 3-year implementation condition I have, in the interests of certainty and the protection of the character and appearance of the area, attached conditions requiring that the development be constructed in accordance with the submitted approved plans. Further, in the interests of flood protection I have attached a condition requiring that the development be no lower than 15.72 mAOD as specified in the Appellant's Flood Risk Assessment. Finally, in order to protect the living conditions of neighbours I have attached a condition requiring that the garage building shall not be used for any purposes other than those incidental to the enjoyment of the host dwelling.
17. For the above reasons the planning appeal should be allowed.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall not begun later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans, reference 222 1 REV A and 222 2 REV D.
3. The development hereby permitted shall be constructed entirely of the materials detailed in the submitted planning application.
4. The finished floor levels of the development hereby approved shall be no lower than 15.72 mAOD as specified in the Flood Risk Assessment.
5. The garage hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling known as Old Norse House and not for any commercial, industrial or business purposes.

END