



Appeal Decision

Site visit made on 8 September 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/B3030/W/20/3254592

3 Pitomy Drive, Collingham, Nottinghamshire NG23 7QS

- 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 Martin Bindemann against the decision of Newark Sherwood District Council.
 - The application Ref 20/00395/FUL, dated 18 March 2020, was refused by notice dated 7 May 2020.
 - The development proposed is the change of use of land to extend the residential curtilage, erection of timber decking and partial replacement of boundary fence with picket handrail.
-

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.

Application for Costs

3. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Preliminary Matters

4. The Council's appeal statement confirms that, in light of the ecology survey submitted with the appeal, the development would accord with Core Policy 12 of the Newark and Sherwood Amended Core Strategy (2019) (ACS). They are satisfied that the additional information demonstrates that the scheme would not have an adverse impact on local biodiversity or protected species and that this no longer forms a reason for refusal. I am satisfied that the additional information would not prejudice interested parties. Consequently, I have accepted the survey and dealt with the appeal accordingly.

Main Issues

5. These are:
 - i. Whether the site represents a suitable location for the proposed development, having regard to the spatial strategy of the development plan; and

- ii. The effect of the proposal upon the character and appearance of the area, and linked to that, whether it would preserve or enhance the character or appearance of the Collingham Conservation Area (CA).

Reasons for the Recommendation

Location

6. Collingham is defined as a principal village and Pitomy Drive is located to the edge of the village. Development outside villages or settlements is regarded as being in the open countryside. The Newark and Sherwood Local Development Framework: Allocations and Development Management Development Plan Document (2013) (DPD) defines the village envelope which broadly follows the fence boundary of properties along the western side of Pitomy Drive, adjacent to The Fleet. Due to the large scale at which the plan is drawn, the thick black line covers a substantial depth of land on the ground. Inevitably, that results in a somewhat imprecise arrangement where the thickness of the line isn't refined enough to account for the detailed lie of the land. In such circumstances it seems necessary to assess the situation on the ground to identify the precise extent of the village envelope, having regard to the characteristics of the area.
7. It is important to note that this part of Collingham has significantly altered since the village envelope was defined. It was drawn around the former farmyard complex of Pitomy Farm, prior to Pitomy Drive being developed. The original approved layout of Pitomy Drive shows that the riverbank was included within the gardens of properties backing onto The Fleet¹. However, the layout was subsequently amended, and as such a new permission was created².
8. The revised layout did not include the bank within the gardens. The residential curtilage of the implemented development does not include the bank which slopes steeply down to The Fleet. Based on the evidence submitted, I understand that all the properties that adjoin the bank on both Hickman Grove and Pitomy Drive own a section of it.
9. On the ground the bank both physically and functionally forms part of the countryside rather than as part of the built-up area of Collingham. Visually the bank is rural in character and undeveloped. I note the neighbouring property has extended their curtilage, similar to the appeal scheme. Though, this development is unauthorised and has been reported to the Council's enforcement team. Therefore, I have not given any weight to the presence of this development.
10. The rear fence creates a clear physical separation between the residential curtilage of No. 3 and the countryside to the west. This fence forms part of the boundary of the estate and it provides a definite, coherent division between the built up area of Collingham and the open countryside. Visually, physically and functionally the riverbank forms part of the countryside and outside the built form of the village.
11. As I have found that the bank is located within the countryside, Spatial Policy 3 of the ACS is applicable. This policy sets out that development in the countryside will be strictly controlled and restricted to uses which require a rural setting and that Policies to deal with such applications are set out in the

¹ Reference 10/01158/FULM

² Reference 14/00720/FULM

DPD. The scheme does not fall within the list of appropriate development types within the open countryside, as set out in Policy DM8 of the DPD. It would therefore represent an inappropriate encroachment into the open countryside.

12. Consequently, the site would not represent an appropriate location for the proposed development, having regard to the development plan. The scheme would conflict with Policy SP3 of the ACS, Policy DM8 of the DPD and the National Planning Policy Framework (the Framework) which seek to encourage sustainable growth and preserve the countryside.

Character and Appearance

13. Pitomy Drive is accessed via Low Street and is located within the CA. At the entrance of the modern housing development are two Grade II listed buildings, barn range and Holly Farm House. Permitted development rights relating to boundary treatments have been restricted to prevent the boundaries of the development site being altered.
14. The site is located within Trent Washlands Landscape, Policy Zone TW PZ 17: Besthorpe River Meadowlands, Policy area which is a large scale, low lying landscape which follows the meandering course of the River Trent. The policy action for this area is to create and reinforce. To achieve this, it seeks to reinforce and strengthen the continuity and ecological diversity of stream and ditch corridors and conserve historic field patterns where they exist by containing new small scale development within historic boundaries.
15. The Collingham Conservation Area Appraisal (2006) (the Appraisal) sets out that the appeal site is located within the Low Street character area. The Appraisal highlights that Low Street was historically Collingham's main street. Paragraph 7.3.29 makes reference to Pitomy Farm which, as discussed in the previous section, has since been redeveloped to form Pitomy Drive.
16. Northcroft Lane, which is a byway, is to the rear of the site. Map 3 of the Appraisal highlights that the site is located within the River Meadowlands landscape character area. This area is a flat low-lying riverine landscape characterised by alluvial meadows, grazing animals and remnant wetland vegetation. This landscape has a strong sense of place and feeling of naturalness. In addition, map 5 of the Appraisal identifies that the area between Northcroft Lane and The Fleet is an important open area contributing to the setting of the CA. It also highlights that views towards the village from surrounding open land, especially from the west, should be protected. These views include looking towards Pitomy Drive from Northcroft Lane.
17. The housing development is visible from Northcroft Lane given that Pitomy Drive sits higher and due to the scale and massing of the properties. However, the proposed development would not be conspicuous from the surrounding area. The existing hedgerow and trees adjacent to The Fleet and Northcroft Lane would largely screen the development. Having said that, development should add to the quality of the area and should be sympathetic to the local character and landscape, regardless of whether it is visible from public vantage points or not.
18. The current fence provides a clear definition between the residential curtilage of No. 3 and the countryside. The scheme would diminish the strong boundary line of the housing development and would result in the boundary of the

development becoming disjointed. The scheme would result in an over engineered structure. The introduction of a timber and glass panel handrail would appear modern and would not reflect the rural character of the bank, watercourse and countryside beyond. The domestication of the riverbank would have a more urbanising visual effect compared with the existing natural use and would result in an intrusive feature.

19. Whilst each application and appeal must be treated on its individual merits, I consider that the approval of this proposal could be used in support of similar schemes. This is not a generalised fear of precedent, but a realistic and specific concern given that the neighbouring property has already carried out a similar development. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and the cumulative effect would exacerbate the harm which I have described above.
20. Taking into account the distance of the proposal from the nearby listed buildings, and the intervening built development, the scheme would not interrupt views of these heritage assets, nor would it have any notable impact upon how the listed buildings are experienced. Thus, the development would have a neutral impact upon the listed buildings and their setting.
21. Framework paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
22. The harm arising to the CA would be less than substantial, as the development would not be conspicuous from the wider area, nonetheless it is of considerable importance and weight. In accordance with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
23. The appellant states that a planning condition could be imposed to require landscape planting along the bank slope, under the proposed decking, which would allow the ecological potential of the bank to be realised and support the actions for the landscape character zone. Whilst I do not dispute that this could be achieved, the benefits arising from such a condition would be limited in scale and would not justify or outweigh the harm to the CA that I have identified, as required by the Framework.
24. The appellant has drawn my attention to the proposed allocation in the emerging Nottinghamshire Minerals Local Plan. In line with paragraph 48 of the Framework, I give this limited weight as it has not been formerly adopted. In any event, given the distance to these site allocations, I am not convinced by the evidence submitted that the adoption of this plan would have a significant impact upon the character and appearance of the area surrounding the appeal site.
25. Consequently, the proposal would have an adverse visual effect upon the character and appearance of the area and would not preserve or enhance the

character or appearance of the CA. Accordingly, the scheme would conflict with Core Policies 9, 13 and 14 of the ACS, Policies DM5, DM7 and DM9 of the DPD, as well as the Framework. These policies seek, amongst other matters, to protect the historic environment and achieve a high standard of design that complements the existing built and landscape environments.

Conclusion and Recommendation

26. The harm to the character and appearance of the area and the CA, and the absence of any substantive public benefits to outweigh that harm would amount to a sufficient reason to dismiss the appeal, irrespective of my findings on the technical issue of whether the site falls within or outside the village envelope. However, for the reasons set out, I have found that the application site falls within the open countryside for the purposes of local planning policy and that the development would be contrary to the aims of policy SP3 of the ACS and Policy DM8 of the DPD for the reasons set out above. The harm to the countryside and failure to comply with the development plan in that respect adds to my findings on the harm to the character and appearance of the area and the CA. For all of those reasons, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR