



Appeal Decision

Site visit made on 5 October 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/B3030/W/20/3251446

Former Transport Cafe, Adj Endeavour Bungalow, Newark Road, Wellow, Newark NG22 0EN

- 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 Ben Yeardley against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01371/FUL, dated 22 July 2019, was refused by notice dated 5 November 2019.
 - The development proposed is the demolition of the former derelict transport cafe and erection of one bungalow for residential use.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the former derelict transport cafe and erection of one bungalow for residential use at Former Transport Cafe, Adj Endeavour Bungalow, Newark Road, Wellow, Newark NG22 0EN, in accordance with the terms of the planning application Ref 19/01371/FUL, dated 22 July 2019, and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the appeal site would provide a suitable location for the proposed dwelling having particular regard to the housing strategy for the area and access to services and facilities.

Reasons

3. The appeal building is located in open countryside where development away from the main built-up areas of villages is strictly controlled by policies of the Amended Core Strategy (CS) and Development Management Development Plan Document (DPD).
4. Spatial Policy 3 of the CS and Policy DM8 of the DPD outline types of development that are considered acceptable in the countryside. This includes, amongst other things, the replacement of non-residential buildings.
5. The appeal building is currently in a poor condition, not secure or watertight. However, walls, window openings and roof trusses are evident and it is clear that it originated from a permanent design and construction, in accordance with the requirements of Policy DM8.
6. I have no substantive evidence demonstrating the owner's past intentions for the building, though understand some maintenance has been previously undertaken. However, given the physical condition of the building, the

significant gap since its last use and absence of any other intervening use, a reasonable person would conclude that it had been abandoned. In this regard, its replacement with a dwelling would conflict with the requirements of Policy DM8.

7. Despite its countryside location, the appeal site is positioned adjacent to an existing dwelling and is not, in my view, isolated. The National Planning Policy Framework (the Framework) acknowledges that opportunities for sustainable transport solutions in rural areas are reduced. Given its location, future occupants would be reliant on private vehicles to access services, although the distances travelled would not be excessive.
8. I therefore conclude that the proposal would conflict with the housing strategy for the area and would not have particularly good access to services and facilities. In this regard, the proposal would conflict with the requirements of Policy DM8 of the DPD and Spatial Policy 3 of the CS. These policies are consistent with the Framework, to the extent that they seek to promote sustainable rural development. However, the scale of development proposed would not significantly undermine the aims of the housing strategy.

Other Matters

9. The former transport café still clearly resembles a building, has not blended into the landscape and would constitute previously developed land, as defined by the Framework. Its deteriorating condition and unkempt appearance detract from the character and appearance of the site. Its replacement, with a modest dwelling of similar proportions, albeit of a simple design, would significantly improve the character and appearance of the site. Moreover, there would be no encroachment into the surrounding agricultural land.
10. Notwithstanding the Council's current housing supply position, the proposal would deliver an additional dwelling, boosting the supply of market housing and make an effective use of the site, as supported by the Framework. As a single dwelling, the overall social and economic benefits would be small. Nonetheless, these benefits weigh in favour of the scheme, in addition to the significant improvements to the character and appearance of the site.
11. No other harms have been identified by the Council. However, the absence of harm is a neutral matter weighing neither for nor against the development.

Conditions

12. The Council has suggested several conditions which I have considered against the advice in the Planning Practice Guidance and amended where appropriate. It is necessary in the interests of precision, to define the plans with which the scheme should accord. Conditions concerning external materials and landscaping are required in the interests of the visual amenity of the site. A condition requiring bat boxes is necessary in the interests of biodiversity enhancement. The Council's suggested condition 7 is not necessary as the enhancement measures it seeks are secured by other conditions.

Conclusion

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.

14. In this instance, the proposal would conflict with the housing strategy for the area and future occupiers would not have particularly good access to services and facilities. However, distances to such facilities would not be excessive and the scale of development would not significantly undermine the housing strategy for the area. Moreover, there would be benefits in significantly improving the character and appearance of the site alongside small social and economic benefits. In my view, these are material considerations that, in this instance, justify taking a decision other than in accordance with the development plan.

15. For the reasons given above, the appeal is allowed.

Robert Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No: 18/028-01 Rev A; 18/028-02 Rev A; 18/028-03; and 18/028-04.
- 3) No development shall be commenced above damp proof course until details (samples upon request) of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
 - Facing materials
 - Roof Covering
- 4) The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) Details of existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction
 - ii) Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - iii) Details of boundary treatment; and
 - iv) Details of all hard surfacing materials.

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall

be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be completed prior to the first occupation of the dwelling.

- 5) The development hereby approved shall not be occupied until details of bat boxes/bricks have been submitted to and approved in writing by the local planning authority. The boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.