
Appeal Decision

Site visit made on 9 October 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 202

Appeal Ref: APP/A3010/W/20/3255028

**The Moorhouse Farm, High Street, Walkeringham, Nottinghamshire
DN10 4LJ**

- 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 & Mrs Smith against the decision of Bassetlaw District Council.
 - The application Ref 20/00364/FUL, dated 16 March 2020, was refused by notice dated 21 May 2020.
 - The development proposed is the erection of 2 dwellings with improvements to visibility on High Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the more concise description of development used on the decision notice and appeal form, rather than the longer version included on the application form.
3. The site is within the area covered by the Walkeringham Neighbourhood Plan (WNP). This plan has now reached an advanced stage in its preparation, having progressed through examination and with a referendum planned once current restrictions are lifted.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is situated in the central part of the village of Walkeringham. The character of this part of the village differs considerably between the two sides of High Street. On the eastern side, single rows of houses front directly onto the road, interspersed by gaps where agricultural land borders the road. To the rear of these properties, open fields are clearly visible, and built development is mainly limited to outbuildings, with no further residential development.
6. Properties fronting onto the eastern side of High Street vary considerably in their appearance, form, height and siting relative to the road. This diversity contrasts with the regular appearance of the modern bungalows and semi-

- detached houses which front onto the western side of the road, where further residential development on the streets behind is clearly visible.
7. The appeal site is located to the rear of properties fronting onto the eastern side of High Street, and comprises largely of former agricultural land which is now unused and overgrown. There are also a number of buildings and structures on part of the site, grouped together close to the access. The largest and most prominent feature is a metal sheeted workshop, which is used by the appellant for his business. Other structures include a portacabin in a poor state of repair, a shipping container and two static caravans. The site is bounded by hedges along three sides, but there is no clear physical boundary between the site and the agricultural land to the east.
 8. The existing workshop is visible across open fields from a considerable distance, and can be seen from High Street, Mill Baulk Road and Stockwith Road through gaps in the boundary hedgerows. The building is functional and not particularly attractive, but the remnants of various colours of paint provide a rustic character. Whilst I note the appellants comment that it was never an agricultural building, it nonetheless has a barn like appearance that does not appear out of place or incongruous in this rural setting.
 9. The site in general has a somewhat ramshackle feel, but whilst the workshop can be seen in the wider landscape, the other smaller buildings and structures are not prominent features and the site does not detract in any significant way from the rural character of the area.
 10. The existing buildings and structures on the site occupy a modest proportion of the site, but the proposed two storey houses with linked garages would occupy the majority of the plot width. The addition of a large workshop to the rear of plot 1 would further add to the built up proportion of the site. The 5 and 6-bedroom houses would be substantial buildings which, due to their size, height and bulk, would be far more prominent than the existing buildings on the site, and would be clearly visible in the wider landscape.
 11. Furthermore, the position of the proposed dwellings behind existing houses would not reflect the character of this section of High Street, which is defined by sporadic development which fronts directly onto High Street, and where there is an absence of residential development to the rear. As a result of their siting, scale and prominence, the proposed houses would cause harm to the character of the area.
 12. I note the appellant's comments that the site does not appear to be ancillary to the recently constructed host dwelling. However, the workshop building is viewed in the context of the adjacent houses, and the access to the building, between The Moorhouse and Royce, is clearly visible from the street. This reinforces the impression that the site is physically and functionally linked to the host dwelling.
 13. The workshop is currently used for the appellant's business, and any former agricultural use of the land has been abandoned. The site is described by the appellant as being previously developed land, but the existing buildings and structures, some of which are temporary in nature, are grouped together and occupy only part of the site. The remaining, larger portion of the site was formerly in agricultural use and does not constitute previously developed land.

14. The scheme has been designed to resemble a traditional complex of farm buildings, with simple plan shapes and a limited range of materials. However, whilst the design may be sensitive, this does not justify a development of the scale proposed, on this largely undeveloped site.
15. I note the appellant's comments that it would be unrealistic to bring such a small area of arable land back into agricultural use, but it is unclear why the former agricultural land, if suitably restored, could not be incorporated into the adjacent field.
16. Whilst there may be scope to intensify the existing Class B1 use of the workshop building, I have been provided with no further evidence regarding proposals to expand business operations on the site. Moreover, the avoidance of unspecified future harm to neighbour's living conditions, which could potentially result from such intensification, does not justify the proposed development, which would cause harm to the character of the area.
17. I note the Council's comments that the appeal site is located outside of the development boundary defined through Core Strategy Policy CS1, but that due to its age and lack of consistency with the National Planning Policy Framework (the Framework), Policy CS1 is out-of-date. I have no reason to disagree with this conclusion and have afforded limited weight to this policy.
18. The WNP also defines a development boundary, which the appeal site falls outside of. WNP Policy 1 restricts development in this area to that which is necessary to support the rural economy, reflecting its intrinsic, open rural character. The proposal does not comply with this policy.
19. I conclude that the proposal would cause harm to the character and appearance of the area. It would conflict with Core Strategy Policy DM4, which in Part B requires that development respects its wider surroundings in relation to historic development patterns or building/plot sizes and forms, density and landscape character.
20. There is further conflict with Policy 3 of the emerging WNP, which requires that new development reinforces the character of the area, with a layout that maximises opportunities to integrate new development in the existing settlement pattern. Conflict also exists with WNP Policy 1, which restricts development outside the development boundary.

Other Matters

21. It is suggested by both parties that, as a result of Core Strategy Policy CS1 being out-of-date, the presumption in favour of development set out in Framework paragraph 11d) is triggered. However, this only applies where there are no relevant development plan policies, or the most important policies for determining the application are out-of-date.
22. In addition to Policy CS1, the most important policies for determining the application are Core Strategy Policy DM4 and emerging WNP Policies 1 and 3.
23. Framework paragraph 213 advises that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework, and that due weight should be given to them according to their degree of consistency with the Framework.

24. Policy DM4 sets out general design principles which are consistent with the advice contained in Section 12 of the Framework, which is concerned with achieving well-designed places. Policy DM4 is therefore up-to-date and I have afforded full weight to this policy.
25. Whilst the WNP is not yet part of the adopted development plan, it has recently been examined in the context of the Framework and relevant strategic policies. Policies 1 and 3 are therefore not out-of-date, and I have afforded them substantial weight, reflecting the advanced stage of preparation of the WNP.
26. I note the appellant's reference to an appeal (ref APP/R0660/W/15/312935), which commented that policies in the Sandbach Neighbourhood Plan were immediately out-of-date, as they relied on policies in an out-of-date local plan. However, this decision relates to a neighbourhood plan in a different borough, which was prepared within a different local plan context. Furthermore, the Sandbach decision is now some years old and predates more recent guidance on the preparation of neighbourhood plans contained in the Planning Practice Guidance.
27. The Council is able to demonstrate a 5 year supply of deliverable housing sites, so the housing supply situation does not result in policies being rendered out-of-date. Whilst Policy CS1 is out-of-date, other policies which are the most important for determining the application are not. The test set out in Framework paragraph 11d) does not, therefore, apply, and I have considered this appeal in accordance with the development plan.

Conclusion

28. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

R. Morgan

INSPECTOR