



Appeal Decision

Site visit made on 8 December 2020

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/P3040/W/20/3259111

Main Street, Hickling LE14 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Foster against Rushcliffe Borough Council.
 - The application Ref 20/00076/FUL, is dated 8 January 2020.
 - The development proposed is a change of use and creation of replacement access to agricultural paddock - Main Street, Hickling.
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Decision

1. The appeal is dismissed and planning permission for the change of use of an agricultural access to residential garden and creation of a replacement access to an agricultural paddock is refused.

Preliminary Matters

2. The description of development replicated in the banner heading above is taken from the application form and is that used by the Council to notify the proposed development. However, it fails to provide an accurate description in relation to the proposed change of use. I have used the description above to provide a more concise description.
3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application for planning permission on a single ground. I have had regard to this statement in framing the main issue.
4. During the course of the planning application the appellant submitted a number of amendments to the initial scheme to the Council and I have taken these into account.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the Hickling Conservation Area (CA).

Reasons

6. The site lies close to the southern extent of Hickling village, the large majority of which lies within the CA. The significance of the CA stems from its pleasant rural character derived from an historic and continuing association with farming whereupon open green fields surround and interject between built development along the substantially linear townscape about Main Street.

7. At the southern extent of the village the Council's Conservation Area Townscape Appraisal and the Hickling Conservation Area Appraisal and Management Plan (2008) identify that the species rich roadside hedges and trees have a positive contribution to the main southern entrance into the village. Taken with the visual effect of green spaces they reinforce the verdant rural character of the locality.
8. The site is a strip of land lying between the roadside hedge and the maturing landscaped front boundary of a modern detached dwelling known as Swan House. The land accommodates a grassed corridor which acts as an unmade field access track that is accessed from Main Street at the southern end of the site. The strip provides a buffer to the more formal appearance of the domestic property and enhances the rural aspect of the road frontage. Taken with the hedge, it provides a positive contribution to this part of the CA which the Council classify as a Quality Rural Street in the CA Townscape Appraisal.
9. The access extends off a broad area of hardstanding which also acts as a shared driveway serving Swan House and another domestic property, Elm House. The strip runs north before turning westwards along the northern side boundary of Swan House where it coincides with the line of a public right of way.
10. The proposal would provide a direct link from Main Street to the perpendicular arm of the track running alongside Swan House. This would render the parallel roadside element redundant to enable its incorporation into the domestic frontage of Swan House. According to the appellant this would facilitate the enlargement of the existing parking/turning area at the front of the dwelling.
11. The revised plan shows that the formation of the new access of about 4m in width with pedestrian visibility splays would require the removal of some 8.1m of the roadside hedge. This would establish an additional break within the line of the hedge that would reduce its contribution to the street frontage. Furthermore, the loss of the green corridor would be lost to additional areas of driveway and turning areas that would change its appearance to one of a domestic nature.
12. The scheme proposes to compensate for the loss of the section of roadside hedge through the planting of new lengths of hedge along the created splays, the sides of the initial length of the new access track and the partial closure of the existing shared access. Whilst this would substantially compensate for the formation of the additional break and reduce the significant width of the existing access point, it would do little to compensate the domestication of the land behind the roadside hedge. Although, subject to suitable management of the roadside hedge, this would not be easily visible from the roadway in growth months, it would be apparent in the winter months from both the roadside and the public footpath. The reduction in the extent of the green buffer formed by the access track would fail to preserve or enhance the character of this part of the CA recognised for its rural qualities.
13. Under the duty imposed under s 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, I conclude that the development would cause harm to the character and appearance of the southern part of the CA. Moreover, the National Planning Policy Framework (the

Framework) is clear at Paragraph 193 that 'great weight should be given to the asset's conservation'.

14. Whilst this harm would be no greater than less than substantial within the context of Paragraph 196 of the Framework, less than substantial harm does not equate to a less than substantial planning objection. I note the possible public benefits of the proposal forwarded by the appellant in terms of potential highway safety improvement. However, there is little evidence that a road safety problem exists in regard to the use of the existing access or that any such situation would be improved by the proposed alternative.
15. I note that the proposed access has been designed to meet a local highway authority design standard and could benefit vehicle turning in some circumstances. However, at the time of my site inspection it was notable that the existing access benefits from greater exit visibility, a significantly greater width and at a point in the highway that is notably wider than the proposed position of the new access. Notwithstanding the additional turn required in using the existing access, to my mind this situation would better facilitate large vehicle access and exit than the proposed access. Although the set back position of the proposed gate would allow vehicles using the access to pull clear of the highway, it would be similarly open to the owner to relocate the existing gate if this is a local cause for concern.
16. Due to the more limited width of the access point, large vehicles entering and exiting the site at the proposed opening would inevitably be required to carry out a slow manoeuvre and utilise much of the narrower width of the carriageway in close proximity to a junction. Based on the evidence before me, I find that any public benefit would therefore be limited and would fail to outweigh the harm I have identified.
17. For the above reasons, I conclude that the public benefits of the proposal would not outweigh the less than substantial harm identified to the character and appearance of the CA. It would conflict with Policies 10 and 11 of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); and, the Framework as they seek to protect heritage assets.

Conclusion

18. For the above reasons the appeal should be dismissed.

R Hitchcock

INSPECTOR