



Appeal Decision

Site visit made on 7 December 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: 30 December 2020

Appeal Ref: APP/B3030/W/20/3258461

Land to the south-east side of Caunton Road, Caunton Road, Hockerton, Newark NG25 0PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Craven Smith Milnes against the decision of Newark Sherwood District Council.
 - The application Ref 20/00225/OUT, dated 10 February 2020, was refused by notice dated 26 March 2020.
 - The development proposed is an outline application for two detached dwellings (access only).
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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.

Procedural Matters

3. All matters are reserved except for access. Appearance, landscaping, layout and scale are reserved matters for future approval. I will proceed on the basis that details shown on the submitted drawings in respect of matters that are reserved for future approval are for illustrative purposes.

Main Issues

4. 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 its proximity to services; and
 - ii. The effect of the proposal upon the character and appearance of the area, and linked to that, whether it would harm the setting and/or significance of any heritage asset.

Reasons for the Recommendation

Location

5. Spatial Policy 1 of the Amended Core Strategy (2019) (ACS) sets out the settlement hierarchy which outlines the intended delivery for sustainable development within the District. Hockerton is not identified as a principal village and as a result is classed as an 'other village'.
6. Spatial Policy 3 of the ACS sets out a number of sustainability criteria for the consideration of development in 'other villages' which includes location, scale, need, impact and character. The supporting text explains that the locational criterion supports the development of sites in sustainable accessible villages which means locations within the existing built extent of the village. The policy does not define village envelopes but states that the built extent of the village would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form.
7. There are existing residential properties to either side of the appeal site. However, there is only one property directly to the north. I observed on my site visit that Norwood and The Paddocks to the south of the appeal site denote the end of the main built up area of the village. The cottage to the north is clearly distinct from the main settlement visually and in terms of its location on account of the intervening agricultural land. Beyond The Bungalow to the north, which is a modest single storey dwelling, built development becomes extremely limited. There is no built development adjacent to the site to the east or west. For these reasons, the development would not meet the locational criterion because the site is undeveloped and forms part of an open agricultural field at the edge of the built form of Hockerton.
8. Spatial Policy 3 also states that within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question.
9. The width of the plot is large in comparison to other residential plots to the eastern side of Caunton Road. The Bungalow to the north of the appeal site currently reads as visually separate to the main built up area. In the context of the adjacent plot sizes, the development would not infill a small gap and the development would result in the joining of The Bungalow into the built extent of the village. Therefore, for the purposes of Spatial Policy 3, I consider that the site is located within the open countryside and would not represent infilling 'within' a village.
10. Policy DM8 of the Newark and Sherwood Local Development Framework: Allocations and Development Management Development Plan Document (2013) (DPD) is applicable to development in the open countryside. This policy sets out a closed list of development types which would be acceptable in the countryside. The appellant has not assessed the development against this policy and, based on the evidence submitted, I do not consider that the scheme meets any of the exceptions.
11. Core Policy 2 of the ACS seeks primarily to secure affordable housing on exception sites and the need for such housing must be demonstrated by an

- appropriately constituted housing needs survey (HNS). Similarly, paragraph 77 of the National Planning Policy Framework (the 'Framework') states that, in rural areas, decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
12. The appellant has submitted a HNS which is dated 2017. They assert that the HNS demonstrates that there is a local need for one 3-bedroom affordable dwelling as well as open market dwellings consisting of two 3-bedroom houses, two 2-bedroom bungalows and one two-bedroom bungalow in Hockerton and Kirklington.
 13. The Council highlight that since the HNS was conducted, planning permission has been granted for new dwellings in the local area. It appears that the dwellings proposed would not be affordable which the policy primarily seeks to deliver. Furthermore, it is unclear at this outline stage whether the development would satisfy the number of bedrooms and type of dwelling that the HNS found a demand for. The HNS also does not specify which village the need relates to. Therefore, there is insufficient evidence to demonstrate that the scheme would meet a local need and represent a rural exception site in line with Core Policy 2 and the Framework.
 14. The Framework, at paragraph 78, seeks to promote sustainable development in rural areas and indicates housing should be located where it will enhance or maintain the vitality of rural communities. Spatial Policy 3 has similar aims regarding the location of new development. The appellant states that the appeal site offers the opportunity to enhance or maintain the vitality of a local community by supporting services in nearby communities and employment would be generated during construction. The dwellings may, to a degree, support local services and facilities but there is no compelling evidence before me which demonstrates that the proposal would truly maintain or enhance community vitality.
 15. Future occupiers would need to travel to other settlements to meet their day to day needs because the services and facilities are extremely limited in Hockerton. The appellant highlights that a wider range of facilities are available approximately 2km away in Southwell and there are regular bus services to Newark. They have not provided details of the frequency of the bus services, but I note that the HNS found that residents would like to see the bus service improved.
 16. I observed on my site visit that there is no footway to walk from the appeal site to the A617 and there is only street lighting to the eastern side of Caunton Road. The absence of a footpath made walking along Caunton Road an unpleasant experience given the frequency of vehicles. Similarly, the A617 is difficult to cross given the lack of pedestrian crossings and volume of traffic. These factors are likely to discourage future occupiers using the bus service. Even in the context of the rural area in which the site is located, the availability of sustainable transport options is limited and unsuitable in comparison to more sustainable locations. The scheme is likely to result in unsustainable travel patterns and a reliance on the use of a private car.

17. The appellant has drawn my attention to an approved application in a nearby village which was granted planning permission¹. However, the two sites cannot be directly compared as the development complied with Spatial Policy 3 of the ACS. The location plan of the approved scheme in Caunton demonstrates that the site is surrounded by substantially more built development than the scheme before me. In any event, each application must be determined on its individual planning merits.
18. For the reasons given above, the site would not represent a suitable location for the proposed development, having regard to the spatial strategy of the development plan. Accordingly, it would be contrary to Spatial Policy 3 of the ACS, Policy DM8 of the DPD as well as the Framework which collectively seek, amongst other matters, to promote sustainable travel patterns, to locate development where it will enhance or maintain the vitality of rural communities and to ensure that development is sensitive to established built form and landscape character.

Character and appearance

19. The appeal site is located within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 34 'Hockerton Village Farmlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). Within this zone, the area is generally very gently undulating, visual features tend to be medium distance views to frequently wooded skylines although often enclosed by vegetation and there is a mix of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture. The landscape condition is defined as good and the policy action for the zone is to conserve and reinforce. The SPD identifies that there are several threats in this policy zone which includes further residential development.
20. The cottage to the north is currently distinct from the village and reads as part of the countryside where built development is sporadic. The fields between the cottage and the village, including the appeal site forms part of a wider agricultural backdrop which positively contributes to the rural setting of the village when approaching from the north. The site has an open and spacious character and sits higher than the main built up area of Hockerton. Although appearance, landscaping, layout and scale are reserved matters for future approval, it is likely that two dwellings would be prominent from the highway, particularly when approaching from the south, due to the site's elevated position and openness.
21. The development of the site would undoubtedly significantly alter the character and appearance of the area. As found in the previous section, the proposal would result in the development of an undeveloped agricultural field which does not form part of the built extent of the village. The introduction of two dwellings within the plot would be seen as encroachment into a currently open field which forms part of the wider open countryside. The form would not relate well to the existing settlement pattern and would result in a continuous stretch of uncharacteristic ribbon development on the outskirts of the village. For these reasons, the presence of two dwellings would be prominent and visually intrusive given the open nature of the site and its importance to the rural setting of the village.

¹ Reference 19/01180/OUT

22. I understand that the site is in an area of potential archaeology, but a heritage assessment was not submitted with the application. The appellant states in their appeal statement that an archaeological desk-based assessment will be submitted with the appeal. However, no such assessment has been submitted.
23. Thus, the appellant has submitted insufficient evidence to understand the effect of the proposal on the significance of any heritage assets and their settings, as required by paragraph 189 of the Framework. Most archaeological remains are non-designated heritage assets. Hence, given the lack of information in this regard, it is not possible to assess the effect of the development on the significance of a non-designated heritage asset, in line with paragraph 197 of the Framework.
24. The Council identify that within Hockerton there are a number of heritage assets including the Grade II listed Banks Cottages, Hockerton Village Hall which I understand is a historic building of local interest and the Grade II* Listed Church of St Nicholas. Given the distance between the appeal site and the intervening built development I am satisfied that the development would not interrupt views of these heritage assets, nor would it have any notable impact upon how they are experienced. Consequently, I am satisfied that the development would have a neutral effect on these heritage assets and their setting.
25. For the reasons given above, the proposal would adversely affect the character and appearance of the area, and the appellant has not demonstrated that the scheme would not be harmful to the significance of any archaeological heritage assets. In this respect, it would not accord with Core Policies 9, 13, 14 of the ACS, Policies DM5 and DM9 of the DPD along with the Framework. These collectively seek, amongst other matters, to ensure new development reflects the local distinctiveness of the landscape and that it also protects the historic environment.

Other considerations

26. I have had regard to the benefits of the proposal, including that it would contribute to the District's housing supply and could provide a housing mix which would meet the aspirations of Core Policy 3 of the ACS. The Council has stated that they are able to demonstrate a 5 year housing land supply and no evidence has been submitted to demonstrate otherwise. Therefore, this benefit carries very limited weight given the small scale of the development.
27. The appellant highlights that the scheme would not have an unacceptable impact upon the amenity of neighbouring properties or highway safety. The absence of harm does not amount to a positive factor in favour of the development.

Conclusion and Recommendation

28. For the reasons given above, the proposed development would be contrary to the relevant policies of the development plan with regard to the location of development, the effect upon the character and appearance of the area and heritage assets. I have found that the appeal site is located within the countryside for the purposes of local planning policy and the HNS does not justify development in this location. The site would not represent a suitable location for the proposed development and future occupiers would be heavily

reliant on the use of a private vehicle for journeys to meet their day to day needs. The development would also adversely affect the character and appearance of the area and insufficient evidence has been submitted to demonstrate that the scheme would not be harmful to the significance of any archaeological heritage assets.

29. Any benefits associated with the erection of two dwellings would be small. The benefits in that respect do not outweigh the deficiencies that would arise as a result of the conflict with the development plan. Consequently, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

30. 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