
Appeal Decision

Site visit made on 15 December 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/P3040/W/20/3259079

Land at Yew Tree Farm, Off Maule Court, Lombard Street, Orston NG13 9NG

- 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 John Johnson against the decision of Rushcliffe Borough Council.
 - The application Ref 20/00708/OUT, dated 23 March 2020, was refused by notice dated 20 May 2020.
 - The development proposed is residential development with associated access arrangements, following demolition of agricultural storage building and site clearance.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved except for access which is to be considered at this stage. The submitted illustrative plans show how 4 dwellings could be accommodated at the site to demonstrate that an acceptable scheme could be advanced at a later stage. I have had regard to these in determining the appeal.

Main Issue

3. The main issue is whether the proposal preserves or enhances the character or appearance of the Orston Conservation Area.

Reasons

4. The appeal site is occupied by an agricultural building and associated agricultural equipment. It is separated from single and two storey dwellings on Chapel Garth by Bon Moor Drain and mature hedging. The side boundaries are open to former garden land and paddock or pastureland separated by post and rail fencing and hedging. A public footpath borders the former garden area to the north east connecting Lombard Street to Chapel Street. Maule Court, a recently developed residential cul-de-sac, separates the appeal site from Lombard Street and provides access to the land.
5. The Orston Conservation Area Appraisal and Management Plan June 2010 identifies the village as having a strong equestrian influence which has resulted in the retention of a large number of paddocks on the outskirts of the village.

The significance of the Conservation Area derives in part from its informally arranged cottages and farmhouses surrounded by paddocks and pastureland which enhance the immediate setting of the village. Other rural features include hedgerows and post and rail fencing delineating field boundaries, grass verges along the highway and occasional groups of trees. Modern infill developments and barn conversions are also evident within the village.

6. The appeal site has limited visibility from Lombard Street. However, it is readily visible from the public footpath to the north east, from Maule Court and from surrounding properties. Other limited views are available from the wider public footpath network to the west. The appeal site has a rural character and appearance which is enhanced by the low boundary treatment and proximity to adjacent open land to the north-east and south-west. The existing agricultural building sits comfortably in this rural setting.
7. Relatively dense development within Maule Court contrasts with the appeal site's agricultural appearance. This is characteristic of the wider area where the residential buildings along Lombard Street of various design, siting and orientation give way to pastureland, paddocks and extended gardens that make a positive contribution to the rural setting of the village.
8. Paragraph 184 of the National Planning Policy Framework (the Framework) emphasises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. In this regard, I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
9. The outline nature of the proposal does not allow for a comprehensive assessment of the impacts on the Conservation Area. However, the plans illustrate 4 dwellings accessed via a shared road with turning head. The properties are designed with rear elevations facing the side boundaries. The subdivision of the appeal site into plots, hard surfacing associated with parking and access arrangements and the suburban character of the proposal would appear discordant with the surrounding open landscape and the informal agricultural character of the appeal site. As such the proposals would detract from the contribution the site makes to the village's historic settlement pattern and the illustrative layout does not demonstrate that it would preserve or enhance the character or appearance of the Conservation Area.
10. Nevertheless, the proposal would be modest in the context of the Conservation Area as a whole and it would result in less than substantial harm to the significance of the Conservation Area as a designated heritage asset. The Framework directs that great weight should be given to the conservation of heritage assets.
11. Framework paragraph 196 states that where a development proposal would lead to less than substantial harm to the significance of the heritage asset, that harm should be weighed against the public benefits of the proposals. In this respect, the appellant contends that the development would make efficient use of land and tidy up the existing agricultural site including removing the agricultural building, provide small scale well designed development that can be laid out in an informal manner to reflect the character and appearance of the appeal site, contribute to boosting the supply of housing and provide a mix of dwelling types.

12. Based on the limited detail before me I am not satisfied that residential development can be accommodated on the site without detriment to its surroundings for the reasons I have set out.
13. I accept that the development would boost the supply of homes and that the site is accessible to services and facilities. However, the Council does not have a shortfall of housing land. Therefore, I attach only limited weight to the public benefits associated with the provision of a small number of dwellings, their limited contribution to the supply of housing and limited economic and social gains associated with their construction and occupation.
14. The scheme may provide a variety of house types and sizes, but I do not have enough details to attribute other than minimal weight to the social benefits of this. I have no reason to disagree that the access into the site would provide satisfactory parking and turning arrangements for the proposal. However, overall, the public benefits would not outweigh the great weight I must attach to the harm to the Conservation Area and the proposal would therefore conflict with the Framework.
15. For the reasons given, the proposal would not preserve or enhance the character or appearance of Orston Conservation Area. It would conflict with Policy 11 of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 11 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These require, among other things, that development is sympathetic, and avoids harm to, the significance of heritage assets and the character of the area.

Other Matters

16. Yew Tree Farm is currently set in its own grounds and separated from the appeal site by modern development with limited inter-visibility. The former farm buildings around Yew Tree Farm have been converted to dwellings with some detriment to the site's former agricultural use. Although heavily altered the phases of development at Yew Tree Farm and its relatively large scale reflects its status in the village and the changes in the economy of Orston over time. I agree with the parties that Yew Tree Farm is a non-designated heritage asset.
17. Paragraph 197 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications, having regard to the scale of any harm or loss and the significance of the heritage asset. In principle, the continued agricultural use of the appeal site illustrates some sense of the village's agricultural history, and in turn Yew Tree Farm's historical interest. However, in my judgement the extent of changes to the immediate environment of the appeal site are such that the proposal would not have an adverse effect on Yew Tree Farm or its setting.
18. I agree that the previous appeal decision¹ has only limited relevance as a result of changes at and around the appeal site. Therefore, I have determined the appeal based on the current site circumstances and the evidence before me.

¹ APP/P3040/A/06/202007

Conclusion

19. Overall, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR