



Appeal Decision

Site Visit made on 19 January 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/B3030/W/20/3262031

Land North of Cherry View off Bilsthorpe Road, Eakring, Newark NG22 0DG

- 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 James Meanley against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00879/FUL, dated 29 May 2020, was refused by notice dated 22 September 2020.
 - The development proposed is proposed erection of single storey dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for proposed erection of single storey dwelling and garage at land north of Cherry View off Bilsthorpe Road, Eakring, Newark NG22 0DG in accordance with the terms of the application, Ref 20/00879/FUL, dated 29 May 2020, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal preserves or enhances the character or appearance of the Eakring Conservation Area; and
 - whether the proposal is in a suitable location with regards to development plan policies.

Reasons

Conservation Area

3. The appeal site is a parcel of undeveloped land located within Eakring Conservation Area (ECA).
4. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building 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 conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The ECA in the immediate area of the appeal site is characterised predominantly by residential properties of variant styles with space between the properties being a main aspect. The Council describe the area as representing transition from the open countryside, where isolated agricultural

- buildings and farmsteads predominate, to the inner core of the village, which is relatively dense. I concur with this description.
6. The proposal would be sensitive in design and scale, not appearing out of keeping with the mixed styles of the properties in the area. The proposed property would be located centrally within the site ensuring that open space is maintained between the built form. A detached garage is proposed which would not differ from adjacent residential sites that also have separate outbuildings of similar size to the proposed garage.
 7. The site is located on the edge of the settlement however, given its relationship with nearby buildings and the presence of established landscaping around the boundaries, the proposal would fit in with the existing domestic setting of the area and not upset the rural context or dispersed fringe character of the settlement.
 8. I have had regard to the Newark and Sherwood Landscape Character Assessment (LCA) which identifies the area as being within Policy Zone Mid-Nottinghamshire Farmlands. Beyond the access track to the west and hedgerow to the north of the site, the landscape opens up to expanse views across open countryside. Given the siting of the proposal and its relationship with the existing built form and natural environment, I do not consider that the surrounding landscape would be adversely harmed.
 9. Accordingly, the proposed development would preserve the character and appearance of the ECA. The proposal would be in accordance with Spatial Policy 3 and Core Policies 9, 13 and 14 of the Newark and Sherwood District Council Amended Core Strategy 2019 (CS), Policies DM5, DM8 and DM9 of the Newark and Sherwood Local Development Framework Development Plan Document 2013 (DPD), the LCA and the Framework which seeks new development to take account of the distinctive character and setting of Conservation Areas and not have a detrimental impact on the character of the location or its landscape setting.

Location

10. The appeal site is an undeveloped parcel of land which is accessed off an unmade track and does not appear to be part of a farmyard. Nevertheless, the site is on the edge of the settlement and is bounded by substantial landscaping, particularly to the north, and does sit within close proximity to a number of properties. A number of these neighbouring properties have substantial curtilages some which extend up to and surround the appeal site on most sides. Due to the location of the site, the established natural boundary treatment and its immediate setting within a predominantly residential environment, I find that the appeal site does form part of the village of Eakring.
11. The site would be in close proximity to footpaths which run into the centre of Eakring and to services and facilities. There is a bus stop within relatively short walking distance to the site which provides services to nearby settlements, allowing access to a further variety of facilities. I also note that in the Council's committee report for residential development¹ on a site close to the appeal site, Officers state *"that Eakring has sustainable access into Bilsthorpe, a*

¹ Council's Reference Number: 19/01701/FUL

Principal Village located approx. 2 miles to the south and has a few local services itself, including a public house and church.” On this basis, I am satisfied that future occupants of the proposed development would not be entirely reliant on private motor vehicles to undertake everyday activities. The proposed property would be located where it would enhance the vitality of the rural community of Eakring as well as surrounding settlements.

12. I therefore find that the proposed development for residential accommodation is suitably located. The proposal would not be contrary to Spatial Policy 3 of the CS, Policy DM8 of the DPD and the Framework which seeks to focus housing in sustainable, accessible villages and strictly control and limit development away from main built up areas of villages.
13. I note that there has previously been a refused permission² on this site which was subsequently dismissed at appeal. Insufficient information has been provided in respect of this scheme and therefore I cannot be sure it is directly comparable to the appeal scheme, particularly with regards to development plan policies, location and design. In any case, I have determined this appeal on its own merits.
14. I have had regard to the Council’s Officer report and statement of case, including reference to Planning Inspector Reports³. The matters raised in these do not alter my findings above.

Other Matters

15. I have had regard to all representations from local residents, including comments on local need and affordable housing, highway safety in relation to access and traffic, ecological issues, privacy and overlooking. I have given careful consideration to these matters and note that the Council have not raised concerns to some of these matters. They do not lead me to a different overall conclusion on the main issues nor do I find that they would result in the scheme having any harmful effects that would be contrary to the relevant development plan policies.

Conditions

16. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. To ensure the development preserves or enhances the ECA, conditions are imposed in relation to materials, external features and landscaping. Details for these conditions are required prior to development commencing due to the sensitive nature of the site being within a conservation area. The Council had recommended multiple conditions relating to existing and proposed landscaping, and protection of trees and hedgerows. In the interests of precision and clarity, I have rationalised these into two landscape conditions.
17. The appellant has indicated that a condition removing permitted development rights would be unreasonable and unnecessary. However, I have noted above that the ECA is characterised by the open space between buildings. Further extending the proposed development could reduce the open space between buildings and potentially have a detrimental effect on the character and

² Council Reference number: 16/01745/FUL

³ Planning Inspectorate Reference Numbers: PINS/B/3030/429/6 & PINS/B3030/429/8

appearance of the ECA. I have therefore attached a condition removing permitted development rights which is reasonable and necessary.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Chris Baxter

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: Site Location Plan; Block Plan 1806.A.2c; Proposed Plans and Elevations 1806.A.1d.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until drawings and sections at a scale of not less than 1:10 of the features detailed below have been submitted to and approved in writing by the local planning authority.
 - External windows including roof windows, doors and their immediate surroundings including details of glazing and glazing bars;
 - Window and door heads and cills;
 - Verges and eaves;
 - Rainwater goods;
 - Extractor vents;
 - Flues;
 - Meter boxes;
 - Soil and vent pipes.

Development shall be carried in accordance with the approved details and retained for the lifetime of the development.

- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Part 1, Classes A, AA, B, C, D and E shall be constructed other than those expressly authorised by this permission.