



Appeal Decision

Site visit made on 11 January 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/B3030/W/20/3260838
Land off Moor Lane, East Stoke NG23 5QN

- 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 Alistair Cook of LCS Mechanical Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 20/01027/FUL, dated 15 June 2020, was refused by notice dated 27 August 2020.
 - The development proposed is Erection of two dwellings with garages and new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site would be a suitable location for housing having regard to local policies relating to housing in rural areas and the character and appearance of the area.

Reasons

3. The appeal site is grazing paddock with a small stable building and hedgerows to perimeters. It is located on Moor Lane beyond the residential development of Brownlow Close and adjacent to the largely open site to the south east which appears to be in commercial use. The wider surrounding area is distinctly rural with an open landscape and mainly agricultural.
4. East Stoke is not identified within the settlement hierarchy of the Council's Amended Core Strategy (CS) as a sub-regional centre, service centre or principal village. The settlement is therefore an 'other village' and so the development should be considered against CS Spatial Policy 3 Rural Areas. This policy explains that, beyond Principal Villages, proposals for new development will be considered against the sustainability criteria of location; scale; need; impact and character.
5. The location criteria of CS Spatial Policy 3 states that new development should be located in villages. The Council confirm that there is no defined settlement boundary for East Stoke. However, the supporting text to the policy states that 'the locational criteria supports the development of sites in sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village...'. It goes on to say that 'It would not

- normally include undeveloped land, fields, paddocks or open space which form the edge of built form.'
6. Examining this more closely requires an assessment on the ground as to the context of the paddock in its surroundings.
 7. Moor Lane is characterised by a strong grain of built development positioned close to the vehicular intersection between it and Fosse Road. Clusters of dwellings, agricultural buildings and barn conversions flank both sides of the road along a linear pattern. This grain of built form becomes looser as it transitions further along Moor Lane.
 8. The small housing development of Brownlow Close, where the pedestrian footpath terminates, abruptly signifies the end of the continuous built development on the south side of Moor Lane.
 9. Lying immediately beyond the appeal site has an open verdant appearance. The substantial hedgerow presents a natural boundary to the road which sets it apart from the strong built boundary form within the settlement and reflects the typical field enclosures of surrounding countryside. It is a paddock, undeveloped save for a small stable. Visually, physically and functionally therefore, the appeal site relates to the countryside rather than to East Stoke.
 10. The adjacent site to the south east contains an area of hardstanding and a shed. The appellant refers to a Certificate of Lawfulness approved in 2018 to continue the existing use for the parking of one trailer. Nevertheless, notwithstanding this small-scale commercial use, the site is largely open and bounded by hedgerow, and has a visual affinity with the surrounding open countryside.
 11. Even though there is residential development opposite the appeal site, this consists of two low-rise detached dwellings that are set back into their plots. They are physically detached from the tight pattern of development of East Stoke by an agricultural field spatially separating their relationship from the rest of the built-up character.
 12. Whilst the 30MPH traffic signs warn motorists of the road speed limit on their approach to East Stoke, they do not in themselves demarcate the boundary of the settlement.
 13. I have therefore found that in terms of location, the proposal would not be located within the built-up extent of the village, but within the open countryside, and would thus conflict with CS Spatial Policy 3 which seeks to focus housing in sustainable, accessible villages.
 14. Policy DM8 of the Allocations and Development Management Development Plan Document (ADMDDP) explains that new dwellings within the open countryside may be justified provided it is demonstrated to be of exceptional quality or innovative nature of design. There is no evidence presented to demonstrate compliance with this policy.
 15. Whilst following a broadly linear arrangement, the buildings in East Stoke appear to have developed organically around a traditional agricultural settlement. There is no one specific theme to their visual appearance, and properties vary in terms of building line, heights, scale and massing although

red brick and clay rooftiles are a strong feature as well as render and slate roofs.

16. By contrast, the proposed houses would take on a very ordered appearance as they would stand side by side on the same building line. They would be of the same design, scale and proportion, with regimental garage blocks behind, altogether more akin to those of an urban area. Thus, they would not reflect the rural and traditional character of farmhouses or cottages that are present close by, or indeed harmonise with the overall architectural vernacular of the local area.
17. The considerable scale and mass of the development would encompass the majority of the otherwise open and undeveloped site, harmful to the character an appearance of the area, as well as result in harmful encroachment into the countryside. For these reasons the development would conflict with CS Policies 9 and 13, ADMDPD Policy DM5, the Landscape Character Assessment Supplementary Planning Document and the National Planning Policy Framework in their collective aims to secure sustainable design which conserves and enhances landscape character and local distinctiveness.
18. Drawing all these matters together, overall, I conclude that the site would not be a suitable location for housing having regard to local policies relating to housing in rural areas and the character and appearance of the area.

Other Matters

19. Any concerns with the Council's service should in the first instance be referred to them for comment and is not within my jurisdiction to comment upon.

Conclusion

20. Planning law requires that development be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal is dismissed.

Alison Scott

INSPECTOR