

Appeal Decision

Site visit made on 19 January 2021

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/A3010/W/20/3259521

Land to rear of Sun Inn, Low Street, North Wheatley, Nottinghamshire

- 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 Hamlin Estates Ltd against the decision of Bassetlaw District Council.
 - The application Ref 20/00245/FUL, dated 25 February 2020, was refused by notice dated 12 May 2020.
 - The development proposed is the erection of 29no flats, bungalows and houses and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the decision of the Council, the appellant amended the proposal, reducing the number of units and making a number of other changes. They suggest that these alterations to the proposal should be considered in the appeal decision, as they are improvements and alterations which the Council was expecting to receive.
3. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles, the degree of engagement of all parties, including the significant public interest and the interests of fairness. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.

Main Issues

4. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) protected trees.

Reasons

Character and appearance

5. The appeal site lies within the Wheatley Conservation Area (the CA), the boundary of which encloses a number of fields beyond the settlement itself. The 2010 Designation Statement (the DS) identifies that the wider setting of the CA is open fields and woodland, and that the significance of the CA as a

whole is as a settlement with a cohesive historic, agricultural core, which retains a strong connection to its open and rural setting.

6. The appeal site, as one of the fields around the settlement which is expressly included in the CA makes a strong, positive contribution to the significance of the CA. In my view, the contribution of the appeal site is reinforced and given greater weight by the way in which the CA boundary does not include all of the open spaces which surround the village. In views towards and from the village, the site has a clear role in establishing and maintaining the connection between the historic core and its agricultural and rural setting.
7. The proposal would significantly alter the character and appearance of this part of the CA. Notwithstanding the proposed relatively low density, landscaping and design features which seek to emulate the historic form and texture of the village the site would change from an open, rural field, to an area of housing. In addition, the setting of the village would be fundamentally altered, with the erosion of the previously close relationship between the historic core and the rural landscape which supported it. Whilst I accept that there has been other development in the village, that has generally more closely followed the form and historic development pattern of the village. The appeal proposal before me extends the village in a way which is somewhat alien to both the historic core and the earlier phases of growth.
8. As such, I consider that it would fundamentally and significantly alter the setting of the village and the way it relates to its agricultural surroundings and historic form and function. As a result, the proposal would fail to preserve or enhance the character or appearance of the CA.
9. Having regard to the great weight to be given to the conservation of heritage assets, as well as the guidance in both the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) on quantifying levels of harm, I consider that the proposal would cause substantial harm to the significance of the CA as a heritage asset.
10. There are a number of public benefits arising from the proposal, not least the delivery of houses, some of which are proposed to be Affordable, in an area of identified need, broadly in line with the strategy of the Council and the status of the settlement. There would also be economic benefits arising from the development of the site.
11. However, I do not consider that those benefits are substantial enough to outweigh the substantial harm to the significance of the CA that I have found. I also therefore conclude that the proposal fails to preserve the character or appearance of the CA and causes substantial harm to its significance as a designated asset.
12. For the reasons given above, I consider that the proposal would also harm the setting of North Wheatley, by removing the close, open, rural and agricultural field which ties the village to the landscape. I note the LVA submitted by the appellant but consider that its conclusions support my views on the importance of the site for the setting of North Wheatley.

13. I acknowledge that long views of and from the site, and towards the village from beyond it are generally limited by the strong tree and hedge lines in the area. However, I consider that this increases the value of the site to the both the CA discussed above, and the more general setting of the village itself, as the site is one of the few open fields which have such a close, direct connection to the built form of the village and the past land uses which have informed its historic development, as well as giving context to the high number of agricultural buildings, barns and farmhouses along Low Street.
14. I therefore consider that the proposal would fail to preserve or enhance the character or appearance of the CA and would harm the character and appearance of the area. This would be contrary to Policies DM4 and DM8 of the Bassetlaw District Local Development Framework – Core Strategy & Development Management Policies SPD, adopted December 2011 (the DMP). These policies seek, amongst other things, to ensure that development complements and enhances the character of the surrounding built and historic environment and respects local character and distinctiveness, including development pattern and character. The proposal would also conflict with guidance in the Framework on conserving and enhancing the historic environment.

Trees

15. The Arboricultural Report submitted in support of the proposal is dated August 2016. In addition, it relates to a form of proposed development which is significantly different to that before me. Whilst there may be similarities between the access which that Report supports and the current appeal proposal, given the passage of time and the differences in site layout, I cannot be certain that the conclusions with regard to the effect of the proposal on the trees (and vice versa), or indeed, the condition and quality of the trees, remain up to date or relevant.
16. Without this certainty, and particularly in light of the CA designation of the site and the additional protection which that affords to trees, I cannot properly assess or be satisfied about the effect of the proposal on the protected trees. As such, the proposal conflicts with Policy DM9 of the DMP, which seeks to ensure that development does not adversely affect or result in the loss of features of importance, including trees.

Planning Balance

17. In their submissions, the Council state that the DMP is of reduced weight owing to its age and the lack of a five-year review, and that as a result, the test in paragraph 11d of the Framework is engaged.
18. There are benefits arising from the proposal, including the delivery of market and affordable housing to meet an identified need, and socio-economic benefits associated with their construction and occupation. However, despite those benefits, I have found above that the proposal would cause substantial harm to the significance of the CA as a heritage asset. As such, Footnote 6 to paragraph 11di of the Framework is clear that the application of policies in the Framework provides a clear reason for refusing the development proposed.

Conclusion

19. For the reasons given above I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. As I have found significant, substantial conflict with the development plan, the appeal should therefore be dismissed.

S Dean

INSPECTOR