
Appeal Decision

Site Visit made on 15 June 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/B3030/W/21/3271296

Poultry Houses adjacent Holme Hall, High Street, Holme NG23 7RZ

- 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 Ms J Bradwell against the decision of Newark & Sherwood District Council.
 - The application Ref 20/02429/FUL, dated 8 December 2020, was refused by notice dated 12 February 2021.
 - The development proposed is erection of 2 no. dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issues

2. The main issues are:
 - whether the development is suitably located having regard to its accessibility to services, facilities and public transport;
 - the effect of the development on the character and appearance of the area including the setting of the adjacent listed building; and
 - whether the proposed houses would be safe from flooding.

Reasons

Accessibility

3. Holme is a small settlement mainly stretched along High Street. Aside from a church there are no other services or facilities in the settlement. The nearest other village is Winthorpe which is about two miles to the south. This has a few facilities including a pub, a primary school, church and community centre. It also is served by a bus route. Collingham, around three miles to the north, has a wider range of facilities including a small supermarket and a train station. Newark is also not far from Holme.
4. Spatial Policy 3 of the Amended Core Strategy (ACS) states that beyond the principal villages, development should be in villages which have sustainable access to Newark or principle villages and have a range of local services themselves. As Holme does not have a range of local services and does not have sustainable access to Newark or any other settlement, it would not meet this part of the policy.

5. The policy adds that within settlements that do not meet this criteria, but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings. Although Winthorpe could be considered as a settlement which does meet the criteria, Holme is not well related to Winthorpe, primarily because of the distance between the two settlements. The appellant opines that the policies do not allow villages to grow, but it is clear that there are circumstances when development in rural areas will be acceptable. However, none of those circumstances apply here.
6. Paragraph 78 of the National Planning Policy Framework is a material consideration. This states that development in one village may support services in a village nearby. Nonetheless, a development of just two houses would provide minimal support to the few services in Winthorpe, and as Collingham is not significantly closer than Newark, future residents of the development would most likely favour the fuller range of services and facilities in Newark. Consequently the weight that can be given to the development's support for local services in nearby villages is limited.
7. The appellant identifies a number of houses that have been granted planning permission in Holme. However all pre-date the adoption of the Amended Core Strategy in 2019 and all except one, which involved a conversion, were permitted more than 16 years ago. They do not act as an effective precedent for the current proposal.
8. In summary, the development would not be appropriately located in respect of its accessibility to services facilities and public transport. It therefore conflicts with Spatial Policy 3 as set out above.

Character and appearance

9. The two proposed houses would be in tandem arrangement. The majority of the houses in Holme are strung along High Street with a few on Langford Lane. Although none of them are in a strict backland setting, many of them are set well back from the road, including Holme Hall and the dwelling immediately to the side of Gothic Farmhouse. Also many, like Church Barn on Langford Lane and Hall Cottage on High Street, extend deep into their site. As such there is no characteristic linear or ribbon pattern to the development in the settlement. Both proposed dwellings would be visible from High Street but their arrangement would not appear incongruous. In addition, although the frontage house would be the larger of the two, would be on land slightly higher than the road, and so would appear prominently, this would not be to the detriment of the street scene which is characterised by a number of dwellings of varying sizes, most of which are closer to the road than that proposed.
10. A red brick house is proposed to be sited towards the front of the site with a timber clad dwelling of an agricultural design behind. Most of the other houses fronting High Street are red brick and there are agricultural buildings, mainly around the junction of High Street and Langford Lane, which are clad and contribute to the street scene. The detailed design of both houses has been carefully considered and would generally complement the appearance of the other buildings in the settlement.
11. Turning to the effect on the setting of the listed building; Holme Hall is a Grade II listed building on the neighbouring plot to the north. Section 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting.

12. There is some evidence to suggest the appeal site formerly comprised an orchard in the grounds of the Hall. However this was clearly a considerable time ago, possibly over 100 years, and even the subsequent use of the land for poultry sheds appears to have long since ceased as there were no visible structures on site. Indeed the site is thickly overgrown with ruderal vegetation.
13. The common boundary with Holme Hall is defined by a row of tall mature trees through which views of the Hall are almost impossible. Moreover, due to these trees, views of Holme Hall from the road are limited to a position directly in front of the Hall. From this position the significance of the listed building is its simple but attractive symmetrical design and the circular drive with manicured lawn to its front primarily provides its setting. The land to either side, including the buildings to the north and the appeal site to the south, contribute very little to its setting.
14. The two houses would be set back from the northern boundary by a significant distance and the gap between the frontage house and the listed building itself is even greater. More significantly, the vegetation currently on the common boundary would prevent the development being seen in the same views as the listed building. Also, although the frontage dwelling would be positioned on land slightly higher than the road and would appear prominently in the street scene, the separation between it and Holme Hall, and Holme Hall's substantially greater size, would mean it would not compete with the listed building, even if the vegetation in between was absent. Overall, the proposal would have a neutral effect on the setting of the listed building.
15. As a result it is considered that the development would preserve the character and appearance of the area and the setting of Holme Hall. It therefore would accord with policy DM5 of the Allocations and Development Management (ADM) Development Plan Document which seeks to ensure development, including backland development, should reflect the character of built form in the area, and Core Policy 3 which also aims to ensure development does not harm the character of its location.
16. It would also comply with ADM policy DM9 and Core Policy 14 of the ACS which say that development should protect and conserve heritage assets and their setting.

Flood risk

17. The parties agree that the site is in Flood Zone 2 as shown on the Environment Agency's flood maps. This means it has a medium probability (between 0.1 and 1% annual probability of flooding).
18. The appellant has provided a detailed FRA which includes a sequential test. This identifies flood risks from groundwater, the river Trent and Slough Dyke. However it considers the risk of flooding from these sources to be low. In particular, it details how the site is protected by an earth embankment along the east side of the Trent and, using data provided by the Environment Agency (EA), it models that the risk of the bank being overtopped or failing and resulting in the site being flooded, is low. Consequently it concludes that the site should be in Flood Zone 1.

19. The EA have commented that the FRA is incorrect to consider the site has a low risk of flooding and they object on this basis. However they make no technical appraisal of the FRA and simply respond that to formally alter the flood zone a separate process should be followed – which they are currently not providing due to the ongoing Covid-19 pandemic. Indeed, having adopted the position that the site remains to be in flood Zone 2, they provide no response to the sequential test which could justify development in flood zone 2. They also object on the basis that the finished floor levels would not be 300mm above ground level, which is incorrect as the FRA explicitly states the finished floor levels should be 300mm above ground level, which could simply be ensured by condition.
20. Paragraph 163 of the Framework states that proposals should be accompanied by site specific flood risk assessments. The FRA provided is detailed, thorough and based on data provided by the EA. The EA have provided no substantive evidence to the contrary. Therefore I can only conclude that the risk from flooding is low and as a result the proposal would accord with ACS Core Policy 10 and policy DM5 which seek to steer development away from areas at highest risk of flooding, and ACS Core Policy 9 which aims to protect the natural environment.

Other Matters

21. The proposal would provide some small benefit in providing two additional units to add to the Council's supply of housing, and visually would improve what is an overgrown plot of land towards the centre of the settlement. However, together, these benefits would be limited and carry little weight.

Conclusion

22. Although the development would be safe from flooding and would not harm the character and appearance of the area or the setting of the listed building, it would not be located with acceptable access to facilities, services or public transport. Consequently, the proposal would be contrary to the aims of the development plan as a whole, and the other considerations identified above do not outweigh this finding. Therefore, the appeal should be dismissed.

A Owen

INSPECTOR