



Appeal Decision

Site Visit made on 27 July 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/A3010/W/21/3273346

Land at Tumbleweed Cottage, Main Street, Milton, NG22 0PP

- 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 S Raza against the decision of Bassetlaw District Council.
 - The application Ref 20/01052/FUL, dated 21 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is Proposed erection of 2no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant refers to the dwellings as three-bedroomed but a study of the floor plans shows that they would each have four bedrooms. I appreciate that one is labelled as a guest bedroom, but occupancy could not be controlled. The extent of living areas suggests that the dwelling overall could accommodate the intensity of use associated with four bedrooms. I conclude that both dwellings should be considered as four bedroomed dwellings.
3. The National Planning Policy Framework (the Framework) has recently been reviewed and updated. Where appropriate I have referred to the 2021 edition in my reasoning.
4. Interested parties raised a concern in relation to the effect of the development on the living conditions of occupiers of Bramblewick Cottage (Bramblewick). Although the officer's report refers to the existing access to Tumbleweed Cottage along Bramblewick's side boundary, it does not appear to address issues of frontage activity to Bramblewick's rear. As such, I have found it appropriate to include this concern as a main issue and I invited the appellant to submit additional comments in this regard during the appeal.

Main Issues

5. The main issues are the effect of the development on:
 - The character and appearance of the area; and,
 - The living conditions of occupiers of Bramblewick with particular regard to noise and disturbance.

Reasons

Character and appearance

6. The site is part of a larger field and lies within the Milton River Meadowlands of Bassetlaw's 2009 Landscape Character Assessment (LCA). The LCA describes this policy zone as visually coherent with a very good condition, and moderate sensitivity to change. It is also noted that the field pattern has changed very little since the 1835 Sanderson Plan of 1835. Overall, the combination of good condition and moderate sensitivity, leads to actions of Conserve and Reinforce on the LCA matrix¹. One of the policy aims for this area is to enhance the existing historic pattern of hedged fields and unimproved permanent pasture around Milton. The supporting text notes that the unimproved pasture is always under threat from improvement or building infill, and that new build features should be contained within historic enclosed boundaries.
7. The underlying building pattern in Milton comprises buildings of varying ages and styles loosely aligned in an irregular but largely linear pattern on each side of Main Street. There is a high proportion of traditional red brick and pan-tiled buildings, and the building pattern is tightly contained on both sides by open countryside with stands of trees, hedgerows, permanent unimproved pasture and the riparian landscape of the Maun river valley a short distance away to the west. The site's setting appears highly representative of the description of Meadowlands Policy Zone set out in the LCA.
8. The development would comprise two L- shaped detached dwellings arranged around three sides of a courtyard. The individual dwellings would be sympathetically designed to reflect their rural context. However, the arrangement would represent a significant incursion into land which was formerly unimproved permanent pasture, and would subdivide an established field. The development would also be peripheral to the cluster of buildings formed by The Laurels, Tumbleweed Cottage and Bramblewick and would not be within the underlying building pattern as stated in the appeal statement. It seems likely that some former agricultural buildings in the village have been converted to dwellings, but this development is not a former agricultural building. Nor is there anything before me to indicate that there were formerly agricultural buildings in this location.
9. Although reference is made to local farm buildings and a layout redolent of a working farmyard, this effect would be somewhat diminished by what would be highly likely to be a smart hardstanding and parking area, with formal frontage treatments commensurate with large modern executive style homes.
10. I appreciate that there is a close boarded and rather suburban garden fence currently bounding the site on two sides. The argument is advanced by the appellant that the development would be confined to the area defined and separated by the close board fence. However, there is nothing before me to indicate that this replicates a former field boundary. Even though the plans indicate that one of these boundaries would be replaced by post and rail, this would not alter or diminish the increased urbanisation, activity and domestication which would extend well beyond the localised building line, and into open countryside.

¹ The document records actions as Conserve but I have presumed that this is an error as the combination of good landscape condition and moderate sensitivity is shown on the matrix to be an action of Conserve and Reinforce.

11. In any case, on the basis of what is before me it is unclear what line the close boarded fence represents. There is nothing before me to indicate that the land bounded by the fence has been formally designated as domestic curtilage. Although I appreciate that the fence gives the site a non-agricultural appearance, as far as I could ascertain the field would merge fairly seamlessly into the adjacent agricultural and riparian landscape if the fence was removed. The appellant's evidence refers to the site variously as being in domestic use, amenity land and a field. However, the officer's report describes the site as a field, and this is not disputed by the appellant.
12. The intention to create a small area of wild-flower meadow would make a very small contribution to local biodiversity. In any case, given that the areas would be very close to the French windows for each dwelling, it is unclear how practical this would be. It seems likely that it would be very difficult to require future occupiers to maintain these areas as wild-flower areas, even if sown as such.
13. Although I appreciate that the site is fairly well screened from the road, this does not necessarily justify encroachment into open countryside or the subdivision of a historic field pattern. Moreover, the reason for refusal is concerned primarily with the changes to the underlying landscape, rather than the visibility of those changes from the public domain. I appreciate that settlement evolves, and the map regression shows the village's evolution. However, past development does not necessarily justify future works.
14. I acknowledge that there may have been new hedgerows planted since the 1846 map, but it is likely that this would have been taken into account when the LCA field work was underway. It does not necessarily diminish the weight I give to the LCA recommendations.
15. The categorisation of the Meadowlands policy zone as Conserve and Reinforce, as well as its description as being in very good condition with consistent elements, suggests that this is a landscape valued for its distinctiveness and the containment of the historic building pattern. Whilst I do not have particular concerns with regard to the dwelling's design, I am not satisfied that its location beyond the underlying building pattern, together with the quantum of land that would form domestic curtilage, would be consistent with the safeguarding or reinforcement of that local distinctiveness.
16. I conclude that the development would have an adverse effect on the character and appearance of the area. In this regard it would be contrary to the design aims set out in Policy DM4 Bi) which states that smaller development will only be accepted where it is of high quality design that addresses areas of local character and distinctiveness, amongst other considerations, and Paragraph 130 of the Framework. This requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting. It would also be contrary to the guidance given in the LCA.

Living conditions

17. Bramblewick fronts Main Street and would have the shared drive to the development on one side boundary. The Council's survey data indicates that four bedroomed dwellings have 2.04 cars per household on average. Even if the future car ownership is limited to two per dwelling, the shared drive's usage would increase from serving one dwelling (Tumbleweed Cottage), to

- three. I disagree that this could be described as a minimal increase in baseline levels. In any case the figure of two cars per dwelling is an average and actual ownership could not be controlled.
18. The hardstanding for the southernmost house would extend along a portion of Bramblewick's rear boundary, which would introduce frontage traffic and associated noise and disturbance. It is therefore likely that there would be a significant increase in traffic along the side boundary as well as the introduction of noise and disturbance along the rear boundary, where there is currently none. There is nothing before me to indicate that the existing boundaries would provide adequate acoustic mitigation.
19. Bramblewick is situated about 3 -4 metres from the plot boundary and there is a ground floor window to the lounge on the north facing elevation some 5 -6 metres from the boundary. The appellant describes this as a secondary window but it is a good size. There is also a study window facing the site set back from the elevation closest to the boundary. I appreciate that there is a shed in this part of Bramblewick's garden and it seems unlikely that the area to the north of the dwelling is used for sitting out. However, notwithstanding that Bramblewick appears to be orientated mainly towards the road and the south, there are windows to habitable rooms facing or near the shared drive and the proposed hardstanding.
20. I acknowledge that the drive could be surfaced in a bound material to limit noise but noise from surfacing is only one element of vehicle noise. In any case my concerns also relate to frontage activity behind Bramblewick, such as doors opening and closing, manoeuvring and deliveries.
21. I conclude that the development would have an adverse effect on the living conditions of Bramblewick's occupiers which would be contrary to Policy DM4 Bv) which states that new development should ensure that it does not have a detrimental effect on the residential amenity of nearby residents. It would also fail to accord with the requirements of Paragraph 130 of the Framework with regard to the amenity of existing occupiers. However, given Bramblewick's orientation and configuration I give the conflict with Policy DM4 Bv) and the Framework moderate weight only.

Non-designated heritage asset

22. The evidence before me indicates that Tumbleweed Cottage is a non-designated asset. It is a red brick and pan-tiled cottage which appears to be in the process of renovations and being extended. There is very little information before me with regard to Tumbleweed Cottage's former use and relationship to the nearby fields or The Laurels. The development would be built in similar materials and with similar articulation and typology. On the basis of what is before me, I conclude that the development would not be detrimental to Tumbleweed Cottage's heritage significance.

Other Matters

23. The site plan indicates that the appeal site does not extend to the road. However, establishing rights of access over the land outside the appeal site is not within the remit of the appeal.
24. From the evidence before me it is unclear whether the visibility splays shown on the access could be achieved without encroachment into land within the

domestic curtilage of The Laurels. However, the highways authority has not raised a concern in this regard. In any case, as I have found harm in relation to the main issues it is not necessary for me to consider this further.

Policy considerations and planning balance

25. It is not disputed that the Council does not have a five-year housing land supply and consequently Paragraph 11 d) of the Framework is engaged. This sets out that where the policies most important for determining the application are out-of-date, permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. However, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.
27. Although the Council's decision refers only to Policy DM4, both parties have referred to Policies CS1 and CS9, which set out the Council's spatial strategy and which limit the growth of small rural settlements. As the appellant has advanced the argument that the development would contribute to Milton's affordability and vitality, I conclude that Policies CS1 and CS9 should also be considered to be policies important for determining the application.
28. According to Policy CS1, Milton has limited or no services or facilities, or access to public transport, and is unsuitable for growth. I appreciate that the Core Strategy was adopted in 2011 and may not reflect the current situation. However, although the appellant refers to a local shop, representations have stated that this closed some years ago. No other facilities, public transport or community amenities have been highlighted in support of the appeal, and I saw none at my visit. The nearest settlement with shops or other facilities appears to be some distance away. As such it seems that future occupiers would be wholly reliant on private vehicles to access day to day services.
29. In restricting growth to areas where there is access to services, Policy CS1 is consistent with Paragraph 79 of the Framework which states that housing should be located where it will enhance or maintain the vitality of rural communities. There is nothing before me to suggest that there is a local shortage of four bedroomed dwellings or how those dwellings would contribute to the affordability and vitality of a village where there appear to be no or very limited amenities or services. Consequently, I give the conflict with Policy CS1 substantial weight.
30. Moreover, the development would not meet any of the exceptions for development set out in Policy CS9, or Paragraph 80 of the Framework with regard to isolated homes in the countryside. Although the development would not be isolated in the sense that it would be within an existing village, it would be isolated from services. As such Policy CS9 is fairly consistent with

Paragraph 80 of the Framework. I give the conflict with Policy CS9 moderate weight.

31. Policy DM4 Bi) is concerned with high quality design and local distinctiveness. This is consistent with Paragraph 130 c) of the Framework as set out above. Policy DM4 Bv) is concerned with residential amenity and is consequently consistent with Paragraph 130 f) which requires a high standard of amenity for existing and future users. As such, I give substantial weight to the development's conflict with Policy DM4 Bi and to a lesser extent with Bv) due to that policy's consistency with the Framework.
32. I appreciate that the development would provide two large dwellings which would contribute to the Council's housing supply. However, the small benefit derived from that contribution, together with the economic boost arising from the construction work would not, on balance, outweigh the harm I have identified above.

Conclusion

33. In the light of the above, I conclude that the adverse impacts of the development arising from harm to the character and appearance of the area, and residential amenity, would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There are no material considerations of such weight to lead me to conclude otherwise.
34. The appeal is dismissed.

A Edgington

INSPECTOR