



## Appeal Decision

Site visit made on 10 August 2021

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 August 2021**

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**Appeal Ref: APP/P3040/W/21/3273449**

**Land North East of Manor Farm, Lordship Lane, Orston, Nottingham NG13 9NA**

- 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 Tony McKenna (Homelink Properties Ltd) against the decision of Rushcliffe Borough Council.
  - The application Ref 20/02781/FUL, dated 9 November 2020, was refused by notice dated 3 March 2021.
  - The development proposed is the conversion of two barns to form three dwellings, the conversion of a further barn to form a fourth dwelling and the demolition of two dilapidated barn structures with access, parking, landscaping and associated works.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Tony McKenna against Rushcliffe Borough Council. This application is the subject of a separate Decision.

### Procedural Matter

3. I note that the two barn structures scheduled for demolition received consent under a separate application. I will therefore not deal with them as part of this appeal.

### Main Issues

4. The main issues in this appeal are:
  - The suitability of the site for development, in terms of location and compatibility with National and Local Planning Policy
  - The effect of the development on the character and appearance of the Conservation Area and the locality as a whole
  - The effect of the development on the living conditions of future occupiers, in terms of private amenity space.

## Reasons

### *Suitability of site*

5. The appeal site is located to the south east of Orston and is adjacent to a number of properties. The site is largely unkempt and is located within the Conservation Area.
6. The proposal seeks the conversion of a total of three barns to form four dwellings, and as previously stated, two other barns are to be removed to facilitate the works.
7. In terms of the location, I have been supplied with a previous (*APP/P3040/W/17/3187630*) appeal from a nearby site where a fellow Inspector found the site not to be isolated and part of Orston. I also note that this decision was made in 2017, and the planning policy position at local level has changed since that decision was made. Amongst the changes has been the tightening of settlement boundaries and the fact that the Council can now demonstrate a five-year housing supply, so the 'tilted balance' is not engaged, which is not disputed by the appellants.
8. I find that, whilst the site is adjacent to previous conversions, it is clearly separated from the main settlement of Orston by open countryside. However, the site is sustainable in the fact that local services could be reached with little difficulty by prospective residents, so I do not consider the location of the site to be a sticking point with regard to the sustainability issue.
9. However, this does not address the issue of the location and suitability of the buildings for re-use or conversion. As stated previously, I consider the site to be open countryside and I am not convinced, despite the submission of a structural statement, that the level of works required to create the residential proposals would be classed as re-use or conversion, due to the significant work required to facilitate the proposals.
10. As such, I find the proposals are contrary to Policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (the LP) where, amongst other matters, it relates to the re-use and adaptation of buildings and separation from the physical edge of the settlement.

### *Character and Appearance*

11. The proposals would see the conversion of two barns to facilitate three dwellings and the conversion of another barn to a detached dwelling.
12. The Orston Conservation Area has a strong sylvan character, including a number of traditional cottages.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
14. The amount and scale of the alterations required to facilitate the works would undoubtedly bring an additional domesticity to the locality and lose the rural aspects of the location. The site can be viewed in a wide area, specifically from the northern approaches, and the conversion of rural style features into domestic configuration, including the use of features such as balconies to the properties, would detract from its role in the Conservation Area.

15. Whilst I have identified harm to the character and appearance of the Conservation Area, the proposal would result in less than substantial harm to the Conservation Area. In accordance with Paragraph 202 of the National Planning Policy Framework (the Framework), less than substantial harm should be weighed against the public benefits of the proposal.
16. The development would provide economic benefits, including jobs during construction and supporting local services and facilities. The development would also contribute to the Council's housing stock and need for housing albeit that four units is not a major addition and the Council have identified a five-year housing supply. I have also found that the development would benefit the character and appearance of the area by the clean up of the site and removal of two dilapidated buildings, as part of the associated application. In giving importance and weight to the less than substantial harm the modest benefits identified would not outweigh the harm
17. In giving special consideration to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with the clear expectations of section 72(1), I find that the development would harm the character and appearance of the Conservation Area. As a result, the development would not comply with paragraph 199 of the Framework which anticipates that great weight be afforded to the conservation of heritage assets, including their setting, nor Policy 10 of the Rushcliffe Local Plan Part 1 : Core Strategy (2014) and Policy 11 of the LP which, amongst other things, expects development to have regard to the contribution of heritage assets and development must ensure that harm to heritage assets is outweighed by public benefits.

#### *Living Conditions*

18. The proposals show the proposed layout for the properties, and the detached property has a comfortable amount of private amenity space for any future residents. However, I find that the conversion of two barns to three dwellings has compressed the amount of private amenity space for these dwellings, with particular emphasis on the smaller dwelling which has a substandard level of private amenity space.
19. The overall layout has sought to maximise dwelling numbers, and results in a scheme that does not reflect the surroundings and rural environment in which it is located. As a result, I find that the proposals are contrary to Policy 10 of the Rushcliffe Local Plan : Part 1 Core Strategy and Policy 1 of the LP, which amongst other matters, expect development to address the layout of spaces, the amenity of occupiers and circulation space and overall layout.

#### **Other Matters**

20. I have noted the comments of local residents with regard to the scheme, but I concur with the Council in that these matters regarding access etc. are civil matters and not part of the planning process. However, as I have identified other harms as part of the scheme, the issues are not relevant in this case.

## **Conclusion**

21. For the reasons given above, I conclude that the appeal should be dismissed.

*Paul Cooper*

INSPECTOR