



Appeal Decision

Site visit made on 9 August 2021 by Darren Ellis MPlan

Decision by L McKay MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/B3030/W/21/3273380

Hillsborough House, Boat Lane, Hoveringham, NG14 7JP

- 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 & Mrs Nind against the decision of Newark & Sherwood District Council.
 - The application Ref 21/00138/FUL, dated 19 January 2021, was refused by notice dated 16 March 2021.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, the main parties have been provided with a further opportunity to make submissions in respect of the publication. Neither the appellant nor the Council have made any further submissions regarding the revised Framework.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan policy and the Framework;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the Hoveringham Conservation Area (CA);
 - whether the appeal site would be a suitable location for the proposed development having regard to the risk of flooding; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly
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outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances set out in paragraphs 149 and 150. One such exception is limited infilling in villages (paragraph 149(e)).
6. Spatial Policy 4B of the Amended Core Strategy (March 2019) (ACS) states that no villages 'washed over' by Green Belt have been identified for limited infilling, but allows for consideration of exceptions sites to meet local housing need. The appeal scheme does not propose to be an exceptions site. The policy goes on to say that other development not identified in this policy will be judged according to national Green Belt policy.
7. There are no definitions of 'limited infilling' or 'village' in the Framework or the development plan and I have not been directed to any local policy which defines the extent of this village. It is therefore necessary for me to consider the facts and circumstances of this site in relation to the settlement. The main core of Hoveringham is arranged relatively tightly along Main Street and contains various services and facilities. Hillsborough House and the appeal site are part of a group of properties along Boat Lane and Lodgefield Lane which are separated from the properties along Main Street by open fields. These fields create a clear gap between the cluster and the main built-up area of the village. There is a pavement that connects the two groups of properties, however, there is a distinct difference between the two groups, as properties along Boat Lane and Lodgefield Lane are set in generous plots, compared to the more dense pattern of development in the main built-up area. As such, this cluster has a distinctly rural character. For these reasons, in my view the cluster containing the appeal site does not physically form part of the village of Hoveringham.
8. In addition, the cluster is small in scale, and has no church, shops or other services of its own. It is therefore wholly reliant on the surrounding areas for these services and facilities. Consequently, the cluster of buildings does not constitute a village in its own right.
9. The appeal site is within the CA, however, the definition of a designated heritage asset is not necessarily determinative of the extent of a village. Nor does the postal address determine whether a property is within a village or just close to it for address purposes. The site is within a Parish Council area, however Parish boundaries commonly incorporate large areas including villages and surrounding land. None of these factors therefore demonstrate that the site should be considered to be within a village.
10. My attention has been drawn to previous planning permissions close to the appeal site. Permission was granted at The Manor House, Main Street, Hoveringham for a new dwelling¹. However, this site lies within the main built-up area of Hoveringham and as such was considered to constitute limited infill in a village. An application at Ferry Farm Park, to the south-east of the site

¹ Planning application ref. 18/00373/FUL

further along Boat Lane, was granted for two dwellings². However, this application involved the conversion of existing buildings and therefore no assessment of whether or not the site was in the village was necessary. While the Council apparently referred to Ferry Farm Park as being “on Boat Lane in Hoveringham”, this description does not define the extent of the village. Therefore, these two planning permissions do not define the village envelope or demonstrate that the appeal site falls within the village.

11. Consequently, the proposed development would not be in a village and as such does not constitute limited infilling in a village and does not qualify as an exception under Framework paragraph 149(e). The proposal would therefore be inappropriate development which, by definition, would be harmful to the Green Belt.

Openness

12. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance (PPG) states that openness is capable of having both spatial and visual aspects³. The proposed dwelling would have a considerable footprint and would fill in an existing gap between two buildings, which would result in both a spatial and visual reduction in the openness of the Green Belt. This would cause moderate harm to the openness of the Green Belt in addition to the harm by reason of its inappropriateness.

Character and appearance of the Conservation Area

13. The historic buildings and nature and patterns of development, including the relationship with surrounding agricultural land, contribute positively to the significance of the CA. The properties along Boat Lane are generally large dwellings in generous and long but relatively narrow plots, with dwellings largely filling the width of the plot. The properties along Lodgefield Lane are also large dwellings but are set back from the road in substantial mature gardens with space around them and considerable gaps between dwellings. As such, the pattern of development fronting Lodgefield Lane is different to that of properties fronting Boat Lane. Trees along boundaries and within gardens give this part of the CA a verdant appearance, while brick walls and hedges form traditional boundary treatments along Boat Lane which contribute positively to the street scene.
14. Hillsborough House and its plot are typical of the pattern of development along Lodgefield Lane. Although extensions and outbuildings have slightly reduced the space around it to the rear, the extensive front and side gardens give it a sense of spaciousness consistent with other plots along Lodgefield Lane and distinctly different to the narrower plots of the properties behind in Boat Lane. The original part of Hillsborough House has an attractive and symmetrical appearance, and due to its scale is seen when approaching the CA along Boat Lane. In those views it is also seen with Hambledon House, another large detached historic property in spacious grounds. For these reasons, the appeal property and the other properties along Lodgefield Lane have a spacious rural character which contributes positively to the significance of the CA.
15. The proposal would subdivide the appeal site, resulting in two narrow plots similar in width to those fronting Boat Lane but substantially smaller than those

² Planning application ref. 20/02527/FUL

³ Paragraph: 001 Reference ID: 64-001-20190722

found fronting Lodgefield Lane. The proposed dwelling would fill most of the gap between Hillsborough House and Hambledon House, which would be at odds with the much more spacious pattern of development along Lodgefield Lane.

16. The boundary fence to Lodgefield Lane and the wall along Boat Lane are both proposed to be reduced in height for visibility, while the proposed new access would result in the removal of at least 3.8m of the boundary wall. Furthermore, the proposal would result in the removal of two Holly trees which, while relatively small and not of high quality, nevertheless contribute to the tree screen along the Lodgefield Lane boundary of the site and the green character of the site. Consequently, despite the relatively low height of the proposed dwelling, both it and its access would be visible from Boat Lane and Lodgefield Lane, with the location of driveway leaving little opportunity for screen planting.
17. As a result, even though the dwelling would share features and materials with other properties in the area, the infilling of the gap between Hillsborough and Hambledon Houses would detract from the spacious and rural character of this part of the CA. While Old Forge House is currently partly visible in this gap, it is side on to the site and set well back behind vegetation, so does not interrupt the gap to the extent that the proposal would.
18. Accesses breaking through boundary walls are relatively common in the local area. However, the proposal would result in the loss of a significant length of the existing traditional boundary wall at the junction of Boat Lane and Lodgefield Lane in a prominent location. This, combined with the height reduction required to achieve visibility splays, would harmfully alter this prominent feature and detract from its contribution to the street scene and CA.
19. Accordingly, the proposal would harm the character and appearance of this part of the CA and would harmfully alter features which contribute to its significance. The harm would be localised and therefore, in the context of the approach in the Framework, the harm to the CA as a whole would be less than substantial. Nevertheless, it is a matter of considerable weight and importance. In such circumstances, the Framework provides that the harm should be weighed against the public benefits of the proposal.
20. There would be a small social benefit in providing an extra housing unit, designed to meet the occupants' lifetime needs. Economic advantages would also arise from the construction and occupation of a new house, with consequent support for local services and facilities. However, the contribution of one dwelling would be limited, and therefore these benefits carry limited weight. There would be opportunities for additional planting, however without a detailed landscaping scheme I can attach very little weight to the potential ecological benefits of the scheme. The appellant suggests that they would live in the new dwelling, freeing up a larger house, however there is no mechanism before me to ensure that they would live there, or vacate Hillsborough House. Therefore, this carries negligible weight. Overall, the public benefits of the appeal scheme would not outweigh the harm identified to the CA, to which I attach considerable weight.
21. For these reasons, the proposal would conflict with Core Policy 9 of the ACS and Policy DM5 of the Allocations & Development Management Development Plan Document (July 2013) (DPD), which require developments to be of a high

quality design that reflects the character of the built form. The proposal would also fail to satisfy Core Policy 14 of the ACS and Policy DM9 of the DPD, which both seek to protect and enhance the character and appearance of Conservation Areas, and the heritage policies of the Framework.

Flood risk

22. The Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from highest risk. ACS Policy CP10 and DPD Policy DM5 take the same approach. As the rear part of the appeal site, and a large part of the proposed dwelling, falls within Flood Zone 2, the Sequential Test needs to be applied. Framework paragraph 162 states that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source, and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
23. The PPG sets out that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed⁴. The proposal is for a market dwelling and, as set out above, there is no mechanism before me to ensure that it would be occupied by the appellant. Therefore, I can give very little weight to the appellant's contention that the appeal site is the only site available for them to meet their desire for a smaller dwelling and to stay in the village where they have familial and community links. As such, it has not been demonstrated that it would be reasonable or necessary to restrict the search area for reasonably available sites to the appeal site, or indeed to Hoveringham, rather than the district.
24. While the appellant suggests they have been searching for other sites for some years, there is no evidence before me of these efforts, such as their search criteria or details of property searches. Therefore, I cannot be certain that their search would have identified all reasonably available sites in the district. The Council's evidence regarding other sites is similarly general in nature, rather than identifying specific sites. However, given the number of settlements identified to accommodate housing growth in Spatial Policy SP2 of the ACS, it is reasonable to conclude that there will be reasonably available sites in the district capable of accommodating one dwelling, which are at a lower flood risk than the appeal site. Even if there were no other such sites, the proposed dwelling would not even be sited in the lowest flood risk part of the appeal site. Therefore, the Sequential Test is not passed in respect of this proposal.
25. Consequently, the Exception Test does not stand to be considered. The proposed site-specific mitigation measures to ensure the proposed dwelling would be flood resistant and resilient do not justify permitted development in an area at risk of flooding where it has not been demonstrated to be necessary.
26. I have been referred to the planning permission at The Manor House, where the Council's Planning Committee overturned the officer recommendation to refuse on flood risk grounds. However, I do not have full details of how that decision was reached, and it appears to have been a matter of planning judgement and taken on balance. The scheme at Ferry Farm Park did not require consideration of the Sequential Test. Therefore, I cannot be certain that the circumstances for either scheme were the same as in the proposal before

⁴ Paragraph: 033 Reference ID: 7-033-20140306

me, which I have considered on its own merits. These permissions do not therefore justify granting permission for this proposal.

27. Consequently, the appeal site would not be a suitable location for the proposed development having regard to the risk of flooding. The proposal would therefore conflict with ACS Core Policies 9 and 10 and DPD Policy DM5(9) which seek, amongst other things, to ensure that development is resilient for the long term, including by steering new development away from areas at the highest risk of flooding. The proposal would also conflict with the Framework approach to flood risk.

Other considerations

28. For the reasons set out above, the benefits from the provision of housing carry limited weight. The appellant's desire to stay in the local area is noted, however this would be a private benefit and there is no compelling evidence before me that dismissing the appeal would have any harmful impact on them, given that they already live on the site. As such their personal circumstances carry minimal weight.
29. I acknowledge the support of Hoveringham Parish Council, however no reasons for that support are listed and no minutes or records of the meeting have been provided. As such I can afford this very limited weight.

Whether very special circumstances exist

30. The proposal would be inappropriate development in the Green Belt and would harm the openness of the Green Belt, matters to which I afford substantial weight having regard to the Framework. Furthermore, it would harm the character and appearance of the CA and thereby its significance, a matter which carries considerable weight. In addition, it would result in development in a flood risk area without justification, contrary to local and national policies which seek to improve resilience and tackle climate change.
31. The Green Belt and other harms would not be clearly outweighed by the other considerations set out above. Consequently, the very special circumstances necessary to justify the proposal do not exist. As such, the proposal is contrary to Spatial Policy 4B of the ACS and the Framework. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR