



Appeal Decision

Site Visit made on 9 August 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021

Appeal Ref: APP/B3030/W/21/3274528

The Paddocks, Southwell Road, Halloughton NG25 0QP

- 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 Miss S Coupe against the decision of Newark & Sherwood District Council.
 - The application Ref 20/01936/Ful, dated 6 October 2020, was refused by notice dated 24 November 2020.
 - The development proposed is to erect new self build dwelling in the side garden of existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have had the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.

Main Issues

3. The main issues are whether the site would be a suitable location for a new dwelling, having regard to its accessibility to local services, and the effect of the proposal on the character and appearance of the area, including the Halloughton Conservation Area.

Reasons

Location

4. The appeal site comprises the garden area of The Paddocks, a two storey semi-detached property located on the western edge of Halloughton. The settlement hierarchy for the district is set out in Spatial Policy 1 of the Amended Core Strategy (the CS)¹. Halloughton is not identified in Spatial Policy 1 and is therefore one of the 'Other Villages'. Spatial Policy 3 of the CS sets out circumstances when new development may take place within villages which have suitable access to the Newark Urban area, Service Centres or Principal villages and have a range of local services themselves. The supporting text explains that the locational criterion supports the development of sites in sustainable accessible villages which means locations within the existing built

¹ Review of the Newark and Sherwood Local Development Framework Core Strategy and Allocations Amended Core Strategy 2019

extent of the village, including dwellings and their gardens. However, it would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form.

5. Reference has been made by parties to the previous appeal² on the site which related to a similar scheme, albeit the design of the proposal has been revised substantially. Whilst I have considered the appeal on its own merits, I have given significant weight to the previous Inspector's findings insofar as they are relevant to the current appeal.
6. Although there is no defined boundary for the village, the site is located at the end of the main built-up area of Halloughton and within the built extent of the village. I note that the previous Inspector concluded similarly. Other than a church, Halloughton has a very limited range of services. However, a regular bus service operates on Highcross Hill within relatively close proximity of the appeal site, which provides connections to Southwell and other nearby settlements. I therefore consider that the site is well related to a village that has a range of local services to meet day to day needs.
7. Spatial Policy 3 of the CS allows for infilling of small gaps in settlements which do not meet the location criterion of this policy but are well related to villages that do. Such development should comply with the scale, need, impact and character criteria of this policy. The previous Inspector considered that a new dwelling in this location would not infill a small gap in the settlement. This is because it would be located at the western end of the linear pattern of development with a large gap to the properties further to the west. These are conclusions which accord with my observations of the site and its surroundings. Although the design of the proposal has been revised since the previous appeal, its siting remains fundamentally the same and it would therefore not constitute infilling of a small gap.
8. However, I note that two applications for Certificates of Lawfulness for the erection of a large ancillary outbuilding within the garden of the property have recently been approved³. The appellant confirms that work on the outbuilding has commenced and I observed during my site visit that the foundations for an outbuilding were in place. There seems a reasonable likelihood that the building will be completed. In those circumstances I accept that the appeal proposal would then meet the definition of infill development as the proposal would be located in the small gap that would then exist between the new outbuilding and the existing dwelling. However, whilst this matter is a material consideration which carries some weight, I find that the proposal would not accord with the character criteria contained in Spatial Policy 3 of the CS due to the harm to the character and appearance of the Conservation Area and the rural setting of the village, which I shall return to below. This matter does not alter my conclusions as to the harm that would arise from the appeal proposal.
9. Accordingly, the appeal site would not be in a suitable location for a new dwelling and it would therefore conflict with Spatial Policy 3 of the CS which, amongst other things, seeks to control development in the rural areas and requires that development protects and enhances the character of the countryside.

² Appeal ref. APP/B3030/W/20/3252925

³ Council ref. 20/02272/LDC and 20/02446/LDC

Character and Appearance of the Conservation Area

10. The appeal site is located within Halloughton Conservation Area (the Conservation Area), which covers most of the village. The Conservation Area has a strong rural character with an informal, organic layout of buildings with a close relationship to the surrounding countryside. There are many historic buildings, including the church at the eastern end, farmhouses and barns. The established hedgerows lining the main road through the village, and several mature trees, provide greenery. Properties within the village are predominantly detached dwellings set within spacious mature gardens. Although there is some 20th century development in the village, overall it has remained well contained and its character is relatively unspoilt.
11. The host property, and the attached neighbouring property, Keeper's Cottage, form a traditional semi-detached pair of cottages of brick and tile construction which occupy a prominent location abutting the main road. The cottages contribute positively to the character of the Conservation Area and effectively mark the western edge of the village. The host property's large garden and the adjoining countryside to the north, south and west give a sense of openness to the edge of the village which is complementary to its setting.
12. The siting of the proposal would extend the built form of the village westwards which would be harmful to the sense of openness at this end of the village. In addition, the development proposed would sever the existing cottage from its existing large garden and countryside beyond, which would be detrimental to the setting of the cottages. Moreover, the scale and design of the proposed dwelling, including its substantial footprint, single storey flat roof design and large amount of glazing, would not reflect the character of the existing cottages.
13. The plans indicate that a new hedgerow would be planted to the site frontage and between the proposed dwelling and the existing property. However, these would not completely screen the proposal or sufficiently mitigate the harm arising from its inappropriate siting.
14. Although the Certificates of Lawfulness confirm that an ancillary outbuilding can be erected in the garden area of the property, in accordance with the details provided, such a building would be perceived and used for purposes incidental to the existing house whereas the proposal would result in the subdivision of the plot, the creation of an additional house with associated external paraphernalia, domestic clutter, hardstanding and activity associated with an additional residential use. Furthermore, the plans indicate that the proposed dwelling would be set further forward than the outbuilding in a more prominent position and closer to the existing cottages. The proposal would therefore have a greater impact on the character and appearance of the area than an ancillary outbuilding.
15. In conclusion, the proposed development would significantly harm the character and appearance of the area and fail to preserve or enhance the character and appearance of the Halloughton Conservation Area. The proposal would therefore conflict with Policy DM9 of the DPD and Core Policy 14 of the CS, which, amongst other things, give great weight to the conservation of designated heritage assets and require development proposals to take account of the distinctive character and setting of conservation areas and reflect this in their layout, design, form, scale and massing. The proposal would also cause

harm to the character of the rural area which would therefore be contrary to Core Policy 9 of the CS and Policy DM5 of the DPD, which require development to be of a high standard of design that reflects local character and distinctiveness.

16. I give considerable weight to the harm to the Conservation Area. Paragraph 202 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. The proposal would provide a new dwelling to the Council's housing stock and would provide additional support for the services in the nearby villages. I have also taken into account that the proposal would be a self build dwelling that would provide accommodation for the appellant which would enable them to remain in the village, and have had regard to the recent independent review into scaling up self-build and custom housebuilding. However, no specific local housing need has been demonstrated and there is no substantive evidence before me to suggest that the Council is not meeting the demand for self build plots in the district. The development proposed would also have economic benefits through employment opportunities created during the construction phase of the development. I have attached some weight to these factors. However, given the modest scale of the development, the weight attributable to these matters is limited and is not sufficient to outweigh the harm that I have identified and the conflict with the policies I have referred to.
17. I therefore conclude that the proposal would fail to comply with national policy outlined in the Framework, which seeks to sustain the significance of heritage assets.

Other Matters

18. Whilst I note the parties have mentioned matters regarding landownership, my reasoning above sets out that, even were the permitted outbuilding built, it would not create such a context to the site such that infilling under Spatial Policy 3 of the CS and with reference to the Conservation Area would be acceptable.
19. There is strong support for the proposal from neighbours and the Parish Meeting. However, I have found the proposal to be harmful and therefore the weight of support is not a determinative matter in favour of the proposal.
20. I note the appellant's concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

21. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR