



Appeal Decision

Site visit made on 21 September 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/X3025/W/21/3271921

Field opposite Berwick House, Penniment Lane, Mansfield NG19 6PQ

- 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 Eric Hollingworth against the decision of Mansfield District Council.
 - The application Ref 2020/0230/FUL, dated 30 April 2020, was refused by notice dated 18 December 2020.
 - The development proposed is the erection of a barn to house stables and hay store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice correctly referred to the barn at Penniment Lodge Farm as a Grade II Listed Building, but described Penniment Lodge Farmhouse as a non-designated heritage asset ("NDHA"); these descriptions were also used in the appellant's statement. In fact, from the other evidence before me, it is apparent that the Farmhouse itself is also a Grade II Listed Building, and I have determined the appeal on that basis.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. Both main parties were given the opportunity to comment on the revised Framework as part of their appeal representations. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issues

4. The main issues are the effect of the proposed barn on the character and appearance of the area, with particular regard to:
 - Its siting in open countryside; and
 - The setting of the Grade II Listed Buildings at Penniment Lodge Farm and nearby non-designated heritage assets.

Reasons

Effect on the countryside

5. The appeal site is part of an agricultural field in open countryside a short way to the north west of Mansfield. Penniment Lane runs past the site from north to south and forms the western boundary of the field; access is by a gate from a short cul-de-sac spur of Penniment Lane at the north of the site. The field is mostly enclosed by hedgerows, the height and depth of which varies, although in some places post and rail fencing is used. To the north, across the cul-de-sac section of Penniment Lane, is Penniment Lodge Farm and related buildings. Penniment House Farm, which as well as dwellings has several agricultural outbuildings and a farm shop, and Berwick House, a detached dwelling, lie on the western side of Penniment Lane.
6. The proposed development is the erection of a building approximately 30.5m long, 12.2m wide and 3.5m (eaves)/4.2m (ridge) high, which would be sited with its long axis running approximately from west to east at the northern edge of the appeal site close to the field boundary. It would be a standard portal frame design, and roof and walls would be clad with brown plastic-coated steel sheeting panels. Internally, half of the building would be used as a hay and equipment store; the other half would accommodate six stables, along with a feed room and tack room. Externally, a large area of hardstanding would be provided. The proposed building would be used for stabling the appellant's own horses.
7. Policy S3 of the 2020 Mansfield District Local Plan ("the MDLP") sets out a range of uses which are considered appropriate in the countryside, and the Council accepts that the proposed private equestrian use would fall within the "recreation and tourism" use described in Part 1 of that policy. I do not disagree. However, Part 2 of S3 sets out various other criteria with which development proposals should comply before they will be supported. These include requirements that the appearance and character of the landscape, including views, should be safeguarded or enhanced, and that new and existing development are well-integrated.
8. The proposed building would undoubtedly be agricultural in appearance, and so would not be of a type which would in itself be unexpected in the countryside. However, on my site visit I saw that agricultural buildings in the area tend to be in clusters with the farm they serve. This development, on the other hand, would introduce a large functionally and physically isolated building into an otherwise undeveloped field. The hedgerow boundaries would provide some limited screening of the barn, particularly where the planting is relatively thick and tall alongside the cul-de-sac section of Penniment Lane to the north east. From other places however, including Penniment Lane west of the appeal site, and the public footpath which crosses the next field to the south, the hedgerows would provide very limited screening. Because of the broadly level topography of the surrounding area, the barn would be readily visible in many views into and across the appeal site; its large size and relatively freestanding siting would detract from the otherwise open character and appearance of the countryside.

9. The appellant has drawn my attention to a grant of planning permission in 2020 for the erection of a stable block at Berwick House¹. Because the district boundary runs down the centre of Penniment Lane west of the appeal site, that planning application was determined with reference to another Council's development plan. Even so, from the evidence provided it is apparent that the stable at Berwick House is considerably smaller than the barn proposal before me, being an L-shaped block around 15m by 10.8m. I was also able to observe the Berwick House stable from the highway at the time of my site visit, and saw that it is in a less exposed position than would be the case for the proposal before me. The size and siting of the Berwick House stable mean that it is not comparable to this scheme. Similarly, while the small collection of stable structures in a field north west of Penniment Lodge Farm is by no stretch of the imagination an attractive addition to the local landscape, it is much smaller and more discreetly located than the current proposal. Neither of these examples therefore lends weight in support of the appellant's case in this appeal.
10. The proposed barn would be a prominent and intrusive feature in views across the appeal site, which would not be integrated with other surrounding development. It would therefore be harmful to the character and appearance of the countryside, and would conflict with Policy S3 of the MDLP which seeks to protect the countryside from inappropriate development.

Heritage assets

11. Penniment Lodge Farmhouse and Barn are (separately) Grade II Listed Buildings. I have a statutory duty to pay special attention to the desirability of preserving the setting of the Listed Buildings. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
12. Penniment Lodge Farmhouse is a two-storey dwelling of a relatively simple and unadorned design, dating from around 1820 although with later additions. It is stone built, finished in white painted render, with slate roofs and gable ends with brick chimney stacks. The main front elevation, with a central round-headed doorway and sash windows on either side, faces south across the cul-de-sac section of Penniment Lane towards the appeal site. The Barn is even older, originally dating from around 1700, although it has later additions and is now in residential use. It is built of coursed sandstone rubble, with a distinctive brick pigeon cote tower at its eastern end. Together, the two buildings form an attractive grouping, the traditional agricultural origins of which are apparent both in short views from Penniment Lane across their shared forecourt, and in much longer views from the south across the open fields. For this reason I reject the appellant's argument that Penniment Lane (which I take in this context to mean the short cul-de-sac spur) "delineates the extent of the setting" of the Listed Buildings.
13. For an observer at the entrance to the appeal site on Penniment Lane, the Listed Buildings would be to the north, while the proposed barn would be to the south east. Because of this separation, the distance by which Penniment Lodge Farmhouse and Barn are set back from the lane, and the screening provided by

¹ Ashfield District Council Ref: V/2020/0375

the hedgerow boundaries, the proposed building on the appeal site would not readily be seen at the same time as the Listed Buildings. In my view this close setting, in which the two Listed Buildings are primarily appreciated across their shared forecourt, would not be affected by the proposed development.

14. In longer views however, such as when approaching from the south along Penniment Lane or from the public footpath crossing the field south of the appeal site, the proposed building would sit in front of, and slightly to one side, of the Listed Buildings. At present, the Farmhouse and Barn are seen across open fields, with trees and hedgerows to their east; in this long view their setting within a rural and agricultural environment can be fully appreciated. At the same time, the Listed Buildings' traditional appearance also reinforces the long-established agricultural character of the surrounding area.
15. The proposed barn would be a prominent addition to these vistas. While it would be agricultural in appearance, its strictly utilitarian design and materials, combined with its size and bulk, would interrupt views of, and draw the eye from, the Listed Buildings. The slight fall in levels from the Listed Buildings to the appeal site would make very little practical difference to the visual impact of the proposed barn, which consequently would be harmful to the setting of the Farmhouse and Barn in these longer views. Although I find that the setting of the Grade II Listed Buildings would not be preserved, in the Framework's terms the harm to the significance of the Listed Buildings as designated heritage assets would be less than substantial.
16. The appellant has suggested that the proposed barn would draw the eye from a pole-mounted transformer on the appeal site, which he argues is harmful to the heritage assets. I saw on my site visit that from the entrance to the appeal site or from the cul-de-sac part of Penniment Lane the pole is rarely seen in the in the same view as the Listed Buildings, while in longer views from the south it is a relatively insubstantial piece of infrastructure which barely stands out against surrounding trees or buildings. It therefore seems doubtful to me that a large and bulky barn, which as I have described would be harmful in its own right to the character and appearance of the area, is a proportionate means of diverting attention from a single pole and transformer which have a very limited visual impact on the surrounding area and the heritage assets. However, even if I were to accept that this would represent a genuine public benefit, for the reasons I have just described it would be a small one, carrying only limited weight in favour of the proposal. On the other hand, the failure to preserve the setting of the Grade II Listed Buildings should be afforded great weight. Such public benefit as there may be would therefore not outweigh the harm, and the development is contrary to the Framework in this respect.
17. The decision notice also indicated that the proposal would be harmful to the setting of The Old Forge, which the Council considers to be an NDHA. The Old Forge is a simple but attractive one and a half storey brick building with pantile roof, forming part of the Penniment Lodge Farm complex, also now in residential use. Its status as an NDHA is not disputed by the appellant. However, I saw on my site visit that it is separated from the appeal site by Penniment Lodge Barn. While there are some places on Penniment Lane from where both the proposed barn on the appeal site and The Old Forge could be seen, given the separation distance and the intervening building between the two they would be extremely unlikely to be seen in the same view. Because of this, I consider that the appeal proposal would not cause significant harm to

the setting of The Old Forge. However, this lack of harm would not outweigh the harm to the designated heritage assets which I have found.

18. I therefore conclude that the proposed development conflicts with Policy HE1 of the MDLP, which seeks to protect heritage assets, including through ensuring that the setting of Listed Buildings is conserved. For the reasons already given, it also conflicts with the requirements of the Framework in respect of conserving and enhancing the historic environment.

Conclusion

19. The proposed development would cause harm to the character and appearance of the countryside, and to the setting of designated heritage assets. There would be conflict with the development plan taken as a whole. While I have had regard to the benefits suggested by the appellant, there are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.
20. For the reasons given above, the appeal is therefore dismissed

M Cryan

Inspector