
Appeal Decision

Site visit made on 10 January 2022

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Reference: APP/P3040/W/21/3280199

Land adjacent Old Grantham Road, Whatton-in-the-Vale, Nottinghamshire, NG13 9EL

- 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 Philip Bentley against the decision of Rushcliffe Borough Council.
 - The application Reference 21/01456/FUL, dated 7 May 2021, was refused by notice dated 6 July 2021.
 - The development proposed is 'Proposed New Build Single Storey Dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council has confirmed that it is not pursuing refusal reason 4 in light of the ecological appraisal submitted with the appeal. I am satisfied that I do not need to consider this matter further.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Whatton-in-the-Vale Conservation Area.

Reasons

4. Looking first at the Conservation Area, the designated area is distinctly rural in nature. It has several well-defined small character areas ranging from a somewhat informal built core around the lanes to the east of the church and a more diverse arrangement of buildings elsewhere. Open spaces within the Conservation Area are an integral component.
5. Old Grantham Road, within the vicinity of the appeal site, takes the form of a tree-lined avenue leading from the settlement into the open countryside. The north-eastern frontage, from where the proposed dwelling would gain access, is devoid of built development. In my opinion, the undeveloped nature of the appeal site makes a positive contribution to the character and appearance of the Conservation Area.
6. Although it is claimed that the appeal site represents a logical infill plot, the site has, at the very best, a tenuous relationship with the built form of the village through its token proximity to the converted barn, known as The Threshing Barn, and its related group. The remaining boundaries abut open

land, with a field, crossed by a public footpath, to the north-west and, to the south-east, part of the undeveloped frontage along the north-eastern side of Old Grantham Road. In my opinion, the proposal would not amount to small scale infilling within the meaning of paragraph 3.10 of the Local Plan¹.

7. I note that the proposed single storey dwelling is intended to be discrete, set well-back from the frontage, within a former orchard/amenity land and reinforced by new planting. However, I consider that the dwelling as proposed, and its related residential curtilage, would be at odds with the spatial arrangement of established buildings to the north and north-east which take access from Church Street. Moreover, even on a glimpsed basis against the backdrop of established dwellings, the proposal would erode the continuous swathe of open land, behind the roadside hedgerow, which reinforces the overall rural character and appearance of Old Grantham Road.
8. Having regard to the above, I conclude that the proposal would neither preserve nor enhance the character and appearance of the Conservation Area as a whole. The proposal would thus be in conflict with Policy 11: 1 of the Core Strategy² and Policy 28: 2 b), c) and d) of the Local Plan.
9. Turning to paragraph 202 of the Framework³, the proposal would amount to less than substantial harm to the designated heritage asset. Nonetheless, considerable importance and weight is to be given to such harm. In my opinion, the claimed public benefits of social, economic and environmental sustainability would be very minor, even with access to public transport, having regard to the limited scale of the development and the degree to which it might support local services in nearby villages. The combined benefits would not be sufficient to outweigh the harm to the character and appearance of the Conservation Area.
10. In terms of other considerations, Whatton-in-the-Vale is to be regarded as an 'other settlement' within the meaning of Policy 3 of the Core Strategy where development will be for local needs only. There is no assessment of local needs and the claimed 'need' appears to be personal to the aspirations of the Appellant.
11. Nonetheless, housing development on unallocated sites within settlements falls to be assessed against the criteria in Local Plan Policy 11. In light of my findings above, the proposal would also be at odds with criterion 1c), in particular, by reference to the effect on the character of the area, conflict with the pattern of development and the erosion of the site's contribution to the amenity of the surrounding area by virtue of its open nature.
12. I acknowledge that the proposed dwelling has been designed in a traditional manner to reflect the characteristics of a converted barn with sustainability in mind. Nonetheless, the loss of open character, the conflict with the established pattern of development and adverse impact on a designated heritage asset would run contrary to Core Strategy Policy 10: 1 c), 2 a) and 4). Similarly, conflict would arise with Local Plan Policy 1: 9 relating to the character and appearance of the Conservation Area.

¹ Rushcliffe Local Plan Part 2: Land and Planning Policies

² Rushcliffe Borough Local Plan Part 1: Core Strategy

³ The National Planning Policy Framework

13. I have also taken account of the expressed intention, referred to in the grounds of appeal, that the dwelling would be a self-build project reflecting the Government's commitment to the contribution that such projects can make to the supply and diversity of house building. The support for such projects in the Local Plan is, however, qualified by requiring compliance with all other policies including historic designations. The proposal would thus be in conflict with Local Plan Policy 13: 1 a).
14. I note that the Appellant highlights a number of policies in the development plan that are prayed in aid to support the proposal. However, the policies which I have identified, as set out above, are the most important policies related to the principle of the development, and the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis, I conclude that the proposal would be in conflict with the development plan when read as a whole.
15. In light of my findings set out above, and having considered all other matters raised, I dismiss the appeal.

David MH Rose

Inspector