
Appeal Decision

Site visit made on 6 January 2022

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2022

Appeal Ref: APP/A3010/W/21/3279316

Land lying North East of junction with Whitehouse Road and Goosemoor Lane, Retford, Nottinghamshire

- 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 Colin Cookson against the decision of Bassetlaw District Council.
 - The application Ref 20/00678/FUL, dated 11 June 2020, was refused by notice dated 22 January 2021.
 - The development proposed is demolition of derelict deep litter house and construction of new stable block.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The site was the subject of a dismissed appeal¹ in 2019 for a change of use from agricultural to residential/cattery and kennels, conversion of existing deep litter house to cattery/dog grooming parlour and dog hydrotherapy area, plus construction of proprietary block and new dwelling. I have given this consideration where relevant.

Main Issues

3. The main issues are:
 - the effect of the proposal on biodiversity and;
 - the effect of the proposal on the character and appearance of the area including the Retford South Conservation Area.

Reasons

The effect on biodiversity

4. The appeal site is adjacent to a wide stream, with grass banks on both sides, and is within a swath of countryside which encroaches into the town. The Design and Access Statement shows the site is part of an extensive and protected open space in the 'Bassetlaw Site Allocations Preferred Options Consultation Paper'. There are groups of various deciduous trees on several

¹ APP/A3010/W/19/32266759

sides of the appeal site. The submitted arboricultural method statement dated 2017 confirms that these are indigenous trees in good/fair condition with significant years expectancy ahead and up to 14m high.

5. The appeal site itself has a pond and is grassed. It is evident that the site has been in agricultural use but did not appear to be particularly well used at the time of my site visit.
6. The appeal site includes a derelict building, which has walls but lacks a roof. This would be removed and replaced by the proposed stable block.
7. Whilst the Design and Access Statement refers to an Extended Phase 1 Habitat survey together with a Water Vole Survey being submitted, the Council's appeal statement confirms the absence of an up to date ecological survey. The appeal site is very likely to be part of a diverse ecosystem consisting of running stream water, static water in the pond, grass and mixed species trees. This provides aquatic, woodland and semi-open habitats, which link to the wider countryside. Such varied habitats, particularly in close proximity, would offer the potential for a number of protected species.
8. There is mention of the absence of water voles, but that survey was nearly 4 years ago and the situation may well have changed: in terms of protected species such a dated survey cannot be relied upon.
9. The proposed stable block would have a significant footprint and would be close to the stream. It has the potential to impair the movement of wildlife across the site and its connectivity beyond. In addition, the construction process would be likely to be disruptive. Consequently, it cannot be assumed that protected species would not be harmed.
10. The proposed layout shows some new tree and shrub planting, which could offer some ecological benefits, however this potential does not eliminate the need to survey for protected species in order to be able to devise precise mitigation.
11. I therefore conclude that the proposal would be harmful to biodiversity.
12. Policy DM9 of the Bassetlaw Core Strategy (CS) states development will be expected to restore or enhance habitats and species populations. Paragraph 179 of the National Planning Policy Framework (the Framework) aims to enhance biodiversity, whilst paragraph 180 seeks to avoid significant harm and promotes mitigation. The proposal would be in conflict with these policies.

The effect on character and appearance including the Conservation Area

13. The main feature of the appeal site is the existing structure, which has four partial walls in breeze block and brick without a roof. It is neglected and unsightly; its removal by the proposal would be beneficial.
14. In addition, the site has a sense of openness, particularly in conjunction with the surrounding countryside. However, the expanse of openness is interrupted by the existing structure which has walls towards gable height and is a conspicuous feature from both Whitehouse Road and Goosemoor Lane. The proposed building would be low height and a similar siting. It would have more physical presence than the existing structure having full height walls and a

- roof. However, the resulting loss of openness would be very limited and offset by the benefit of the removal.
15. The proposed building would appear purposely designed for livestock, in terms of its form and materials. Consequently, it would not appear out of place amongst the grass pasture. Furthermore, the building would also have a simple massing, low pitch roof and plain openings, which would not attract attention.
 16. The appeal site is bisected by the boundary of the Retford South Conservation Area. This takes in part of the southern outskirts of the town, which was on the former Great North Road which influenced the prosperity and development of the area. Further south the designation includes a Georgian residential suburb. The designation also extends into the countryside to the south of the town, which provides an open setting to the town and the Georgian suburb.
 17. The appeal site has a sense of openness which contributes to the countryside element of the Conservation Area. In addition, this openness contrasts with the enclosure of the town and provides separation to the Georgian suburb which increases its prominence.
 18. The existing structure is a detracting feature to the appearance of the Conservation Area and its removal would be beneficial. This would offset the very limited impact of the proposed stable block in terms of the loss of openness of the countryside within the Conservation Area. Indeed, the OS map of circa 1971 shows a building in this approximate siting. The proposal would not harm the site in terms of its historic interest as the Design and Access Statement shows the site has been in long standing agricultural use. Consequently, the proposal would not harm the Conservation Area.
 19. The Inspector for the 2019 case concluded: 'the presence of built development, in particular the proposed dwelling, would be discordant with the prevalent rural character of the area, resulting in harm to the surroundings in which the Conservation Area is experienced'. However, this proposal is materially different, being a stable block.
 20. I note the case officer's delegated report records the response from the Council's Conservation officer, within which the only adverse comment is the use of interlocking tiles on the roof, which could be remedied by a condition. I similarly conclude that the proposal would have a neutral impact on the Conservation Area.
 21. Policy DM4 of the CS requires development to respect local vernacular and the landscape character. Policy DM9 also protects landscape character and promotes green infrastructure. Paragraph 130 of the Framework requires developments are visually attractive, with good architecture, layout and effective landscaping. It also requires a sympathetic response to local character. The proposal would not be in conflict as it would not harm the character and appearance of the area.
 22. Policy DM8 of the CS states there is a presumption against development which would be detrimental to the significance of a heritage asset. Paragraph 199 of the Framework confirms that great weight should be given to the conservation of assets. The proposal would not be in conflict as it would not harm the Conservation Area.

Heritage and Planning Balances

23. Paragraph 202 states where there is less than substantial harm, this should be weighed against the public benefits. However, as I have found above the proposal would not be harmful to the Conservation Area.
24. The proposal would support the use of the land and make some contribution, albeit very limited to the rural economy. It would provide a beneficial use for the site which has been subject to dereliction and vandalism. However, there is potential for protected species within this diverse ecosystem and the lack of a survey means the impact cannot be assumed and any possible mitigation cannot be properly devised.
25. Overall, the benefits of the development would not outweigh the impact to biodiversity.

Conclusion

26. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR