



Appeal Decision

Site visit made on 5 April 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/R1010/W/21/3283765

Golden Cottage, Scarcliffe Lanes, Upper Langwith, Mansfield, NG20 9RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs James & Lucy Chapman against the decision of Bolsover District Council.
 - The application Ref 20/00477/FUL, dated 29 October 2020, was approved on 13 August 2021 and planning permission was granted subject to conditions.
 - The development permitted is: *Demolition of extensions to the original dwelling, two storey extension to the original dwelling and single storey attached garage. Erection of front boundary wall and alterations to vehicular access. Change or use of amenity land into residential curtilage and felling of three trees.*
 - The condition in dispute is No 17 which states that: *Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the dwelling shall not be extended or altered externally nor shall any incidental building, structure or enclosure be erected without the prior grant of planning permission.*
 - The reasons given for the condition is: *To enable the Local Planning Authority to retain control over future extensions, alterations and the erection of outbuildings, giving the simple form of the extended dwelling, and location within the countryside and conservation area in compliance with Policies SS1, SS9, SC3 and SC16 of the Bolsover District Local Plan.*
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Decision

1. The appeal is allowed and the planning permission Ref 20/00477/FUL for demolition of extensions to the original dwelling, two storey extension to the original dwelling and single storey attached garage, erection of front boundary wall and alterations to vehicular access, change of use of amenity land into residential curtilage and felling of three trees at Golden Cottage, Scarcliffe Lanes, Upper Langwith, Mansfield NG20 9RQ granted on 13 August 2021 by Bolsover District Council is varied by deleting Condition No 17 and substituting for it the following condition:
 - 1) Notwithstanding the provisions of Classes A, B, C, D, E, and F of Part 1, and Classes A, B and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwellinghouse hereby permitted and its curtilage and adjoining non-curtilage land shall take place unless authorised by an express grant of planning permission.

Preliminary Matters

2. There are two application forms before me. For the purposes of the banner, I have dated the application in accordance with the date given on the Council's decision.

Background and Main Issue

3. The appellants have conditional permission to partially demolish and significantly extend a period stone farmhouse, Golden Cottage, dating from the late 18th century and noted in the Upper Langwith Conservation Area (CA) Appraisal as a non-listed heritage, or locally important townscape asset. It is located on the northern slope of the valley, and adjacent to an area noted with the CA Appraisal as an important open space (IOS).
4. One of the conditions removes permitted development rights, to enable the Council to retain control over future building on the site, and in accordance with local policies with regard to the CA. The appellants have advanced the argument that the Council has not explained its clear justification for the imposition of this condition. The main issue is therefore whether Condition 17 is reasonable and necessary with regard to the character and appearance of the CA.

Reasons

5. It appears that there has been continuous settlement at Upper Langwith since medieval times and that the steeply sloping valley and its woodland blocks have provided the basis for an agrarian and hunting economy over many centuries.
6. The village has a highly distinctive building pattern with largely detached period stone former farmsteads and cottages aligned along two broadly parallel streets, one on each side of the river valley. The historic evolution of the village is reflected in the spread and typology of modest cottages and original farmsteads. There is a very high degree of consistency in building materials and style, as well as a notable sense of spaciousness afforded by the small scale of the buildings and the adjoining and very large expanses of what appears to be unimproved and pastoral open space.
7. I conclude that the significance of the CA derives from the village's open and largely undeveloped character, the strong connection between the building pattern and the underlying topography and views, and the predominance of 18th and 19th century vernacular buildings.
8. According to the CA Appraisal, Golden Cottage dates from the 18th century reflecting a period of agricultural expansion. Originally constructed as a non-matching pair, Golden Cottage has a predominantly linear form, with stone walls and a slate roof. It is located gable end to Scarcliffe Lanes, and its simple flat eastern elevation is a notable feature in the open rural landscape when approaching from that direction.
9. Over the application period the proposed alterations to Golden Cottage were amended to result in proposals for an L-shaped dwelling. To some extent the proposals retain the styling and scale of features reflective of the host dwelling, and other dwellings in the village. However, the northern elevation in

- particular would have more contemporary features with a length of full height glazing on the ground floor and a large window in the gable on the first floor.
10. The footprint of the Cottage would be altered from its predominantly distinctive linear form, to enclose two sides of a parking area on the western side of the dwelling. The bulk and mass of the dwelling would be considerably increased.
 11. The Council had concerns in relation to the proposed extent and style of the original proposals, which shifted significantly from the original farmhouse's modest and traditional vernacular form. However, it was concluded that the public benefits of restoring the farmhouse to modern habitable use, would outweigh the less than substantial harm to the CA. In principle I see no reason to disagree with the Council. Nonetheless the height and extent of the extensions are such that the cottage's original form and modest scale would not be immediately apparent. If the public benefits are to be judged to outweigh the harm to the non-listed asset, I conclude that the balance between public benefit and harm to the non-listed heritage asset is very fine.
 12. Golden Cottage is located close to the linear forms of Holly Tree Cottage and The Cottage, which have long elevations separated from the lane by a narrow verge. Together these buildings form a small cluster of locally important townscape assets, remote from the main linear form of the village on Rectory Road to the south and separated from it by the important open space (OS1). I noticed at my visit that the building pattern in the village and the CA appears to have been highly controlled, with a distinct lack of associated non-period outbuildings and visual clutter. The CA Appraisal notes the village's superb landscape setting and the open landscape character, and I see no reason to disagree with those statements.
 13. As set out above, the current permission will allow a considerable increase of built form. There has also been a considerable clearance of former vegetation in recent times, and I noticed at my visit there appeared to be fewer retained trees than shown on the proposals plans. Although earlier photographs show the original dwelling nestled in mature vegetation when viewed from the south and west, the site is now very open to the road and is effectively a prominent site in open countryside. I appreciate that the extent of the parking and turning area is that required to ensure safe access and egress to the site. However, the plans and my observations at the visit suggests that the entire dwelling and its adjacent hardstanding will be very notable in the immediate street scene, and will also be far more prominent in views across the valley.
 14. The Council's reason for Condition 17 is supported by local policies. Policy SS1 of the Local Plan (LP) requires development to protect and enhance the character, quality and settings of towns, and villages and heritage assets, and LP Policy SS9 sets out that development in the countryside will only be permitted where the proposals secure the retention and/or enhance a vacant or redundant building that makes a positive contribution to the character or appearance of the area.
 15. LP Policy SC3 requires that development responds positively to its context and contributes to local identity, heritage and the local distinctiveness of the landscape, amongst other considerations, and LP Policy CS16 states that development in conservation areas will be considered in relation to its context. All these policies support the Council's reasoning that the unique and distinctive relationship between the plot and the CA require that further building work

should be subject to consideration and assessment. As such, it seems to me to be wholly reasonable in this particular context that further development is assessed in this policy context and that permitted development rights should be restricted.

16. Moreover, the imposition of Condition 17 does not prohibit further building work within the plot. Whatever the intentions of the current owners in this regard, consideration has to be given to the potential for further development over the long term, and as and when Golden Cottage is in different ownership.
17. Both parties have discussed which elevation should be considered as the principal elevation. The existing plans and elevations indicate that the east elevation of the original Golden Cottage contained the main entrance. This was considered in the CA appraisal to be the principal elevation. However, the plans for the alterations and extensions indicate that the recessed south facing elevation will contain the entrance door. As such I conclude that the southern elevation should be considered to be the principal elevation.
18. The Council has suggested that Condition 17 could be altered to remove some of the Classes which are not applicable to the site. Class A allows the extension of the dwelling to the rear. However, although this would be to the north of Golden Cottage, rear extensions would further increase the footprint and mass of a significantly extended dwelling. Although such extensions would be seen primarily from adjoining agricultural land, harm to conservation areas is not necessarily predicated on visibility from the public domain.
19. Classes B, C, D, E, and F allow development including alterations to roofs, roof windows, porches, incidental and ancillary buildings, and hard surfaces. Unregulated works in these categories could detract from the integrity of the permitted dwelling and its plot.
20. However, conservation areas are exempt from Class AA, and Classes G and H already have restrictions for work in conservation areas. As such, there is no requirement for the condition to include these classes.
21. With regard to Part 2, Classes A, B and C restrict boundary treatments, highway access and painting on external surfaces. Notwithstanding that there is nothing before me to suggest that the appellants would wish to undertake these works, Golden Cottage's prominent position, and on what is effectively a blind bend, indicates that the restriction of permitted development rights should continue to include these classes, again for the reasons set out above.
22. In the light of the above, I conclude that it would be appropriate to modify the condition to exclude those classes of permitted development which are not applicable, or which would not cause additional harm to the CA if undertaken. However, the permission allows a considerable increase in footprint and built form on what is a sensitive site within the CA. As such, I agree with the Council that it is appropriate to retain control over future development on the site, that the condition is both reasonable and necessary, and meets the necessary tests for planning conditions.

Other matters

23. The argument is advanced that the land to the west of the parking area has always been a garden area associated with Golden Cottage. The evidence before me indicates that it was highly screened from the road by mature

vegetation, and the tree survey and the aerial photographs appear to support the assertion that it was used as a garden or amenity space. However, the issue before me is whether there should be limitations on permitted development to control future building work. The issue of the extent of the curtilage, which in any case has been amended to accommodate a parking and turning area, is not determinative to my consideration of whether Condition 17 meets the tests for planning conditions.

Conclusion

24. I have concluded that Condition 17 is necessary to make the development acceptable in planning terms, in order to safeguard the character and appearance of the CA and its non-listed heritage assets. For the reasons set out above I conclude that the planning permission should be varied as set in the formal decision. In that regard the appeal is allowed.

A Edgington

INSPECTOR