
Appeal Decision

Site visit made on 20 September 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/B3030/W/22/3301331

Land off Enfield Court, Harby, NG23 7EQ

- 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 C Medley against the decision of Newark & Sherwood District Council.
 - The outline application Ref 22/00558/OUT, dated 14 March 2022, was refused by notice dated 28 April 2022.
 - The development proposed is residential development to erect 4 no dwelling houses with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development that appears on the Council's decision notice and appeal form as it comprehensively describes the development proposed. Similarly, I have used the same sources for the site address as they are more precise than that which appears on the planning application form.

Main Issues

3. The main issues are:
 - Whether the site is an appropriate location for the development proposed having regard to the built extent of Harby.
 - The effect on the character and appearance of the area.

Reasons

Location

4. The appeal site is an open field fronting onto Station Road and located off Enfield Court in the north part of the village on the western edge. It adjoins a larger agricultural field that links to the wider countryside. The fence demarking the site boundary does not detract from this. The site has an open rural character because of the links to the wider countryside which are visible from Station Road and because the surrounding ribbon built development has a lower density open rural character compared to elsewhere in the village.

5. Spatial Policy 3 of the Newark and Sherwood Amended Core Strategy 2019 (Core Strategy) and Policy DM8 of the adopted Allocations and Development Management DPD 2013 amongst other things focuses new housing in sustainable, accessible villages and sets out a criteria against which proposals for new development will be considered. Categorised as an 'other village', Harby does not have a defined village envelope. Judgement is therefore required regarding whether the site is located within the built extent or beyond.
6. The appellant argues that the site was not in active agricultural production. Nevertheless, the appeal site has an open character with clear connections to the open countryside on the western edge of the village. I do not therefore consider the site to be part of the built extent of the village irrespective of the surrounding built development and the distance of the site from the centre of the village. As such the proposal would conflict with Policy SP3 and DM8 as identified above which amongst other things seek to control the location and direction of growth and control development in the open countryside to ensure that development is suitable for its setting and surroundings.

Character and Appearance

7. Even if the proposal would replicate the ribbon style development on Station Road the scheme would lead to development where currently there is none. It would significantly narrow the gap in built development on Station Road reducing views of the countryside and would lead to a harmful loss of open rural character that currently exists in that part of the village. The development would be a harmful encroachment of built development into the countryside.
8. Regardless of the absence of a Neighbourhood Plan identifying the site as having local significance or protection, the proposal would harm the character and appearance of the area. It would therefore conflict with the parts of Core Policy 9 and Core Policy 13 of the Core Strategy which requires new development to demonstrate a high standard of sustainable design that protects and enhances the natural environment and contributes and sustains the rich local distinctiveness of the district and ensures landscapes are protected and enhanced.

Other Matters

9. The appellant has referred to other developments granted planning permission in support of their case. However, I do not know the circumstances within which all the sites were granted planning permission. Each case is determined on its own merits, including the particular circumstances of the case and the location of the proposed development and its surroundings. As the variables differ to the case before me the schemes identified are not directly comparable and this limits the weight I give them as a consequence.

Conclusion

10. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR