



Appeal Decision

Site visit made on 18 October 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022

Appeal Ref: APP/A3010/W/22/3298911

1 and 2 Tindle Bank Road, Misterton, Gainsborough DN10 4BA

- 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 M Higgins Ltd against the decision of Bassetlaw District Council.
 - The application Ref 21/00804/FUL, dated 19 May 2021, was refused by notice dated 21 March 2022.
 - The development proposed is Erect replacement dwelling, garages and outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the refusal of the appeal application, an application for erection of a replacement dwelling, double garage and outbuilding has been granted¹ by the Council. The extant approval includes a rear outrigger projecting out from a gable that is of similar proportions to that of the existing cottages.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the setting of Langholme Manor, a Grade II listed building.

Reasons

Character and Appearance

4. The appeal site relates to a pair of adjoining cottages set back from the road in a countryside location that is remote from any settlement. The site is surrounded by flat and open agricultural land forming an attractive landscape. Buildings and individual properties are rare. As outlined in the Nottinghamshire Landscape Character Assessment for the Idle Lowlands Character Area (the LCA), those which do exist are mainly a result of historic farming. Due to the nature of the landscape, the east facing gable of the appeal property and that of Langholme Manor opposite, stand out as isolated features close to the horizon for a considerable distance along Tindale Bank Road when travelling west from the junction with the A161.

¹ Ref 22/00567.

5. It is proposed to demolish the existing cottages and construct a replacement dwelling. As outlined above, there is an extant approval for a similar scheme. The LCA states that the traditional brick vernacular of isolated buildings should be reinforced by new development. Policy DM3 of the Bassetlaw Local Development Framework (2011) (LDF) states that proposals for replacement buildings outside development boundaries will be supported where, amongst other things, the replacement is located over the footprint of, or close to, the original building; and the scale, design and form of the replacement is appropriate to its setting and location.
6. The proposed building would have a very similar footprint to that of the building that has been approved. Nevertheless, the significant width, massing, and bulky proportions of the proposed gable would create an incongruous structure that would appear prominent within its open landscape setting for some distance in views along Tindale Bank Road. Furthermore, this highly imposing building, noticeably taller than the extant approval, would stand out when viewed alongside the traditional proportions of Langholme Manor. For these reasons it would not represent high quality design.
7. Moreover, the excessive bulk and proportions of the proposal would bear little relation to the traditional cottages that would be demolished. Furthermore, the excessive width and scale of the gable would also fail to reinforce the traditional brick vernacular referred to in the LCA, adversely affecting landscape character.
8. The appellant states that the proposed size of the replacement dwelling would be the same as would be allowed under permitted development rights if the existing cottages were extended. The appellant states that this would need to have a flat roof. However, I have not been provided with any evidence, such as a lawful development certificate, that this would be the case. Moreover, if the existing cottages were extended by a 4 metre projection to the rear in this way, similar to that which has already been approved, it would be significantly less harmful than the appeal proposal. This is because it would retain the existing gable proportions.
9. Comparison is made to the height of the proposal in relation to '*typical estate houses*'. However, as the building is not located within a housing estate, this has limited relevance in this instance due to the countryside setting of the building. Nonetheless, this does not address the harm arising from the bulk and massing of the gables referred to above.
10. For the above reasons, the proposed development would be significantly harmful to the character and appearance of the area. It would therefore conflict with Policies DM3 and DM4 of the LDF which together, amongst other things, seek to ensure new development provide high quality design that is sympathetic to local character including the built environment and landscape setting.

Setting of Heritage Asset

11. Langholme Manor is a relatively substantial late eighteenth century farmhouse. The front and gable elevations are rendered with stone quoins and plinth detailing. The roof pitch is steep with a stepped eaves, water tabling and shaped kneelers. The vertically proportioned windows are set within stone window surrounds with a central doorway with pilastered surround given a high

degree of the symmetry to the front elevation. Overall, these features contribute to a building of a relatively grand appearance within its agricultural surroundings. This is evident despite its state of disrepair. Indeed, the building retains a commanding presence in the locality, including in views from Tindale Bank Road, being notably taller and with a steeper roof pitch than the adjacent agricultural buildings, the appeal building or 1 and 2 New Houses further west.

12. The significance/special interest of the listed building insofar as it relates to this appeal includes the aesthetic and historic value of a relatively grand domestic building that is dominant within its setting and has been altered over time. Section 66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty to have special regard to the desirability of preserving listed buildings or their settings. This is a matter of considerable importance and weight.
13. When considering the impact of a proposed development on the significance of a designated heritage asset, the National Planning Policy Framework (the Framework) also provides that great weight should be given to the asset's conservation. The setting of a heritage asset is defined as the surroundings in which it is experienced and its importance therefore lies in what it contributes to the significance of the heritage asset.
14. The appeal site lies to the opposite side of the road to Langholme Manor and forms part of the surroundings within which the listed building is experienced, particularly on the approach from the east along Tindale Bank Road, where views are not limited by trees. Here, Langholme Manor, a farmhouse, is seen as a dominant feature within the surrounding agricultural landscape. Notwithstanding the extant permission for the demolition of the existing cottage and replacement with a new dwelling, the appeal site, as former agricultural workers cottages, forming part of the wider agricultural landscape consequently form part of the setting of the listed building.
15. There is a dispute between the parties over the historic relationship between the appeal building and the listed building. However, as smaller workers cottages with a more simple appearance, these are nonetheless subservient traditional dwellings that provide a contrast to the grander and more dominant Langholme Manor.
16. In this regard, the appeal property contributes to the significance of the listed building insofar as it forms part of the historic agricultural setting and as traditional workers cottages, emphasising the grander and commanding presence of the listed building referred to above.
17. For the reasons outlined in paragraphs 6 and 7, the proposal would result in the erection of a dominant and bulky structure on the site of the former workers cottages. Rather than appearing subservient, the expansive gable and significant massing would visually compete with the traditional gable of Langholme Manor in views along Tindale Bank Road, diminishing its commanding presence. Furthermore, the shallow roof pitch would appear at odds with the traditional form of the existing building and that of the workers cottages that it would replace. For these reasons the proposal would adversely affect the setting of the listed building to the detriment of its significance.
18. The proposal would therefore fail to preserve the setting of Langholme Manor and would lead to less than substantial harm. This would be contrary to Section

66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990. Similarly, conflict would also occur with Policy DM8 of the LDF which seeks to ensure heritage assets are conserved in a manner appropriate to their significance. Where a development will lead to less than substantial harm, Paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the proposal.

19. There would be minor public benefits in terms of supporting employment from the construction and occupation of a new dwelling which are limited by the small scale of the proposal. There would also be benefits in terms of potential for improved energy efficiency and supporting the existing farm business by allowing the appellant's son to live on the farm. However, I am not convinced that the proposal before me is the only means of achieving those aims. As such, the harm to the setting of the listed building would not be outweighed by the comparatively minor public benefits.

Other Matters

20. The time taken to determine an application relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I have had regard to the appellant's concerns on this matter, I have nonetheless determined the appeal scheme with regard to its planning merits.

Conclusion

21. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR