



Appeal Decision

Site visit made on 6 September 2022

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/B3030/W/22/3297368

Land at Evergreen Barn, School Lane, Halam, Nottinghamshire NG22 8AD

- 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 and Mrs A Godfrey against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02197/FUL, dated 8 October 2021, was refused by notice dated 16 February 2022.
 - The development proposed is new residential development (6 dwellings) and the provision of off-street parking (12 spaces) for the sole benefit of Halam C of E Primary School.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the location of the proposed development would comply with the development plan;
 - the effect of the proposal on the character and appearance of the area, including trees; and,
 - the effect of the proposal on heritage assets.

Reasons

Location of development

3. The development plan for the area includes the Newark and Sherwood Amended Core Strategy Development Plan Document (Core Strategy) and the Newark and Sherwood Allocations and Development Management Development Plan Document (ADMDDP).
4. The spatial distribution for growth in the district is governed by the Core Strategy's settlement hierarchy. It focuses development primarily on the Sub-Regional Centre of Newark Urban Area followed by Service Centres and then Principal Villages. To help sustain rural communities in the remaining 'other villages' such as Halam, Spatial Policy 3 of the Core Strategy supports new housing if the settlements are sustainable and accessible. The justified reasoning for this policy explains that for decision making development sites are sustainable and accessible if they are located within the existing built extent of the village. It goes on to explain that such locations would include dwellings and their gardens but that it would not normally

include undeveloped land, fields, paddocks or open spaces which form the edge of built form.

5. No village envelope has been defined for Halam. As a result, it is a matter of planning judgement as to whether the appeal site falls within or outside the existing built extent of Halam.
6. The appeal site is described as a large family garden and as having an established residential use. In support of this position the appellants refer, amongst other matters, to an old outbuilding on the site, the holding of bonfires and the presence for many years of a children's climbing frame and trampoline. However, the plan that relates to the permission for residential use of Evergreen Barn shows a rear garden that occupies only a small part of the appeal site. Moreover, aerial images of the site from 2009 onwards show the site as open grassland. On the basis of the submitted evidence I therefore find that the appeal site is grassland rather than a residential garden. This conclusion relates to the current appeal and should any future applications be made, for example in relation to a lawful development certificate, it does not prejudice their determination.
7. Halam is a small village characterised away from its compact core by linear development along the roads that radiate outwards. School Lane and The Turnpike radiate out from the village centre to the north east and north west respectively. To my mind, along these streets the existing built extent of Halam is restricted to the buildings, which includes houses and their gardens, that have been built along them.
8. The appeal site as a large area of grassland that sits between the rear of development along School Lane and The Turnpike, and has the primary school playing field separating it from built development to the south west, is therefore located outside the built extent of Halam. The proposed development would therefore be contrary to Spatial Policy 3 of the Core Strategy.
9. Policy DM8 of the ADMDPD advises that in accordance with the requirements of Spatial Policy 3, development away from the main built up areas of villages, in the open countryside, will be strictly controlled. Within the normal dictionary meaning of words, 'away from' means the same as 'in a different place to'. Given that the appeal site is open grassland that is not within the existing built extent of the village it therefore lies away from the main built up area of the village and owing to its expansive verdant character I find that it forms part of the open countryside. As a result, policy DM8 applies.
10. In such circumstances, other than for rural workers, policy DM8 only supports new build dwellings where they are of exceptional or innovative design that enhance their immediate setting and are sensitive to the defining characteristics of the area. I shall conclude on this point at the end of the next main issue.

Character and appearance

11. The supplementary planning document '*Newark and Sherwood Landscape and Character Assessment*' (SPD) clearly places the appeal site within the Mid Nottinghamshire Farmlands Regional Character Area and policy zone MN38 Halloughton Village Farmlands. A feature of this policy zone are that views are often enclosed by vegetation such as woodland.

12. In assessing the character and appearance of the area and the effect of the proposed development on it I have taken into account the SPD, the Landscape and Visual Assessment commissioned by the appellant, the views of the main parties and my observations during the site visit.
13. Along the northern boundary of the site a line of trees screen views of the countryside to the north. However, the enclosing effect of trees on views is a recognised part of the character of policy zone MN38 and so, in landscape character terms, does not separate the site, which I have found to be located within the countryside, from the countryside beyond. The erection of a wooden fence along the northern boundary does not alter my assessment in this regard.
14. As a wide, open area of grassland, the appeal site in conjunction with the primary school playing field immediately to its south serves to separate ribbon development along The Turnpike and School Lane from each other. In so doing, the appeal site creates the sense of the countryside beyond the trees and fence along the northern side of the site extending into the village. This interplay between ribbon development and open land forms part of the village's setting and informs its rural character.
15. The scheme with the extent of housing proposed would heavily urbanise the site and the urbanising effect would be readily visible in close views in two locations. Firstly, along School Lane over the railings and hedgerow boundaries of the school playing fields. Secondly, on The Turnpike over the school wall. In views for tall walkers from the public footpath along the northern boundary of the site, the roof lines of the closest of the proposed dwellings would also intrude slightly above the height of the adjacent fence into views across the appeal site of the open sky and distant tree canopies. There would also be views of the proposed buildings on the site along the two site accesses, although these would be quite limited and brief.
16. The trees on the site would be retained as part of the development. The group of trees along the boundary with the public right of way are category A trees they are of high quality and amenity value due to their size and form. These trees would enclose the rear of plot 3 and the flank of the dwellings and associated garden areas on plots 2 and 4. However, with the separation between the proposed dwelling and the trees on plot 3, and the orientation of the proposed dwellings on the other two plots, I am satisfied that if these trees were to be protected by a tree preservation order any request from future occupiers to fell or harmfully prune the trees on amenity grounds could be successfully resisted.
17. As part of the tree survey the groups of trees along the eastern and western boundaries (G3 and G5) are classified as Category C – groups of low quality. I agree with that assessment. As a result, if the development went ahead and future occupiers decided to prune or remove these trees the character and appearance of the area would not be adversely affected to a material degree.
18. The design of the proposed dwellings in terms of layout and appearance has been influenced by farmstead groupings and has a rural character. However, neither this consideration, or the absence of realistic potential for harm to trees of material amenity value on the site are sufficient to negate the harmful urbanising effect that the proposed development would have on the character and appearance of the area and the setting of the village. As a result, the scheme would not constitute high quality design.

19. For all of these reasons, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. This would be contrary to Core Policies 9 and 13 of the Core Strategy and policy DM5 of the ADMDPD. Collectively, these policies require the protection of the character and appearance of a locality through high quality design that conserves and enhances the landscape. As the proposal would not be exceptional or innovative design that enhances its immediate setting it would also be contrary to policy DM8.

Heritage Assets

20. There are several non-designated heritage assets (NDHAs) along The Turnpike and School Lane on the same side of the road as the appeal site. The significance of these assets relates to their age, architecture or former role in the community. Other than for the semi-detached pair of Veda Cottage and The Cottage their setting is limited to adjacent buildings which screen the appeal site from view. Where this is the case the setting and significance of the NDHAs would not be harmed by the proposed development.
21. With regard to Veda Cottage and The Cottage, the open green nature of the appeal site is visible along the access from The Turnpike and forms part of the historical setting of these houses. In such situations paragraph 203 of the National Planning Policy Framework ('the Framework') advises that a balanced judgement is required. In my judgement, the extent to which these dwellings appear to have been changed and altered over the years has lessened their importance and significance as heritage assets. For this reason, and given that the views of the proposed development in relation to the cottages along the access would be limited and brief, I find that the scheme would not harm the value they have as NDHAs.
22. There are three Grade II listed buildings nearby: Wagon and Horses; The Plough; and Hill Farmhouse. The statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As the proposed scheme would be set behind buildings on the opposite side of The Turnpike to the first two listed buildings and out of view of Hill Farmhouse it would not cause any harm to their setting, special interest or significance.
23. Taking all these matters into account, I therefore conclude that the proposed development would comply with policy DM9 of the ADMDPD and Core Policy 14 of the Core Strategy which seek to protect, conserve or enhance heritage assets in line with their significance.

Other Matters

Highway safety and parking

24. The junction of School Lane with Halam Hill / The Turnpike has substandard visibility when compared against national guidance. As part of the proposed scheme visibility splays would be improved from 18.4m to 33m to the south and from 28.4m to 44m to the north. This would fall short of the 46m splays sought by national guidance but would still be a significant improvement.
25. However, it is evident from having used the junction that existing visibility means that vehicles exit cautiously. This is supported by Manual For Streets 2 (MfS2). It notes at paragraph 10.4.2 that it has often been assumed that failure to provide

visibility at priority junctions in accordance with national guidance will result in an increased risk of injury collisions but that research carried out for MfS2 found no evidence of this. Moreover, the view of the appellants' highway engineers is that the warning signals and adequate forward visibility approaching the crossroads along Halam Hill or The Turnpike help mitigate the risks created by the substandard visibility. I agree with that assessment. This position is supported by the only time period that accident records have been provided for, namely the last five years, which show that no accidents occurred at the junction.

26. Importantly, the appellants' highway engineers also confirm that any increase in traffic emerging from School Lane as a result of the proposed development would be minor. For example, during the am peak hour the proposed scheme is expected to generate only 4 vehicle movements.
27. For the reasons given, on the basis of what I have read and seen, I therefore find that the proposed scheme would not increase to a material extent the use of the junction of School Lane with Halam Hill / The Turnpike and that this junction is not unsafe. Accordingly, the proposed junction improvements would not be necessary to make the development acceptable in planning terms. As a result, the improvement could not be secured as part of the development by condition or obligation as the relevant tests would be failed. The proposed junction improvements are therefore not a benefit that can be weighed in favour of the scheme.
28. The proposed development would have adequate on-site parking for future residents. The existing primary school next to the site has a staff car park that can accommodate 3 cars. As a result, the remaining staff park on surrounding roads which reduces the availability of on road parking, especially at school opening and closing times. This increases the likelihood of poor parking at these times which can cause congestion and decrease intervisibility between vehicles and pedestrians to the detriment of highway safety. As part of the proposed development 12 parking spaces would be provided within the appeal site for school staff to help alleviate these problems. This could be secured by a suitably worded condition and is a benefit of some weight in favour of the scheme.

Parish Council, local opponents and the local planning authority

29. The appellants state that the local planning authority allowed itself to be pressured by the Parish Council and households that opposed the application and that the application should have been decided by the planning committee rather than by planning officers. In the context though of an appeal made under section 78 of the Town and Country Planning Act these are not matters for me to determine. As a result, if the appellants wish to pursue these matters they should do so separately with the Council.

Overall Conclusions: The Planning Balance

30. The scheme would not be in conflict with the development plan in relation to highway safety, flood risk, housing mix/density, drainage, contaminated land, heritage assets, ecology, archaeology or residential amenity. However, the location of the proposed development would be contrary to the spatial strategy of the development plan, as would the harm it would cause to the character and appearance of the area. As a result, I find that the proposed development would be contrary to the development plan considered as a whole.

31. The scheme would provide six family sized market houses next to a rural village that would be attractive to small to medium local developers. It would also help slightly to boost the existing housing land supply as supported by the Framework. I attach some weight to these benefits of the scheme. The additional housing would also help support community facilities and local services for the area (including the primary school) and enhance the vitality of the village as sought by the Framework. In the absence though of substantive submitted evidence as to the extent to which local facilities and services are at risk due to low usage the weight I attach to this consideration in favour of the appeal is limited.
32. In addition to these social and economic benefits, during the construction of the scheme there would be additional economic benefits in the form of employment and related activity, albeit this would be of short duration. The appeal scheme would also be of benefit to highway safety by reducing the pressure on parking along School Lane. I attach some weight to these benefits of the scheme.
33. The absence of harm in relation to those planning matters listed in paragraph 30 above is not a benefit. As a result, these matters are considerations of neutral weight in the overall planning balance.
34. Taking all these matters into account, I find that the considerations put forward in favour of the proposal, individually or cumulatively, are insufficient to outweigh the significant harm that would be caused to the character and appearance of the area and the basic conflict that would occur with the spatial strategy of the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector