



Appeal Decision

Site visit made on 9 January 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/E2530/W/22/3290717

Orchard Farm, Main Street, Claypole, Newark NG23 5AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Jake Swallow and others against the decision of South Kesteven District Council.
 - The application Ref S21/2131, dated 20 October 2021, sought approval of details pursuant to condition No 2 of a planning permission Ref S21/0155, granted on 12 April 2021.
 - The application was refused by notice dated 23 December 2021.
 - The development proposed is 4 dwellings (including partial demolition of existing farm yard)
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale pursuant to outline permission S21/0155.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely access, appearance, landscaping, layout and scale details submitted in pursuance of condition No 2 attached to planning permission Ref S21/0155 dated 12 April 2021 for four dwellings at Orchard Farm, Main Street, Claypole, Newark NG23 5AD in accordance with the terms of the application, Ref S21/2131, dated 20 October 2021, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

2. The appeal site has outline planning permission for the erection of up to four dwellings. Therefore, the principal of residential use is established on the site. This appeal relates to the appellant's submission of the details of four houses in the form of a reserved matters application, which was refused by the Council. I have considered the appeal on that basis.
3. As the proposal relates to listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. As part of the appeal, the appellant has submitted revised drawings. However, these only relate to numerical errors in the ridge heights shown on the drawings, which have been corrected, as well as lowering the finished floor level on the dwelling at plot 4. These are minor alterations and I am satisfied that no one would be prejudiced were I to consider the appeal on the basis of the revised drawings. I have proceeded on that basis.

5. The appellant has also submitted figure/ground plans along with a site section that the Council states it has not seen. In the interests of fairness, I have not considered these as part of the appeal.

Main Issues

6. The main issue is the effect of the proposal on the character and appearance of the area including having regard to the effect on the setting of 32 and 34 Main Street, Grade II listed buildings.

Reasons

7. Claypole is a small village within the open countryside. It has a range of buildings, mainly of a domestic two storey scale with historic buildings interspersed with modern infill development.
8. The appeal site is situated on the western side of the village. Here there is a mixture of built form but mostly conforming to the established character identified above, with the open countryside beyond. There are a number of agricultural buildings on the appeal site, of various sizes and state of repair, giving an open rural character and appearance at this edge of village location as the built form becomes more intermittent. They make a neutral contribution to the character and appearance of the area.
9. Nos 32 and 34 Main Street form a pair of semi-detached houses which are listed buildings Grade II. They are listed under the name of Church View Cottages and constructed in the seventeenth century with later additions. They are timber framed with red brick and pantile roofs with the north-east end being half hipped. The evidence before me suggests that over the years they have been used both as a single dwelling and as three dwellings. Currently, the address and subdivision of rear gardens suggests they are two dwellings. There is nothing before me to suggest that they have ever had an historical attachment to the appeal site and associated farmstead. Their significance, in so far as it relates to this appeal, is derived from their architectural and historic interest associated with the retention of some original building materials and evolution of domestic buildings within the settlement.
10. They are sited close to Main Street and the rear is fairly open with views from the appeal site, towards the cottages. They are equally visible from Main Street on entering and exiting the village, allowing a good appreciation of the buildings and their historical importance in the village contributing to their significance.
11. The proposed houses would be sited to the rear of the listed buildings loosely set in a square, replacing the agricultural buildings on the site. The character of the area would therefore change. However, the houses would be well spaced, maintaining an open nature to the site and importantly views towards the cottages and the Church would be retained.
12. While large, the dwellings would be two storeys of a similar height to other dwellings in the area. The level of the eaves would likely be higher than those on the listed buildings and they would be of a much larger mass. However, they would be sited some distance from the cottages so that they would maintain their presence in the street, without being dominated or overwhelmed by the proposed dwellings. Hence the proposal would not materially diminish the ability to appreciate their significance in the streetscene from all directions.

13. The generous distance between the main mass of the proposed houses would ensure that when viewed from the south-west, the open character would be retained so that the houses would not be obtrusive or out of place in this edge of village location. Furthermore, they would sit comfortably against the backdrop of existing two storey development. In addition, I saw a similar scale of development to that proposed at Church Meadow, also on the edge of the village. Moreover, the proposed materials and detailing would be appropriate for the local area. As a result, the proposed development would not be out of character or unusual in the area which has a mix of old and modern built form.
14. For the reasons above, I conclude that the proposal would not be harmful to the character and appearance of the area or the setting of 32 and 34 Main Street, Grade II listed buildings. There would therefore be no conflict with Policies, EN6, DE1 and SP3 of the South Kesteven District Council Local Plan 2011-2036 and the National Planning Policy Framework (the Framework). These require that development protects and enhances heritage assets and their settings and ensures that development is of high design quality that reinforces local identity and should be of an appropriate scale, density, massing, height and material, given the context of the area and is in keeping with the character of the area and is sensitive to the setting of adjacent properties.

Other Matters

15. The proposal is also within the setting of the Church of St Peter a Grade I listed building. The Council raise no concerns in this regard. Based on the evidence before me and my observations on site I would agree. The appeal site is sited some distance from the Church and I have found that it would integrate satisfactorily into the existing built form which is already within the setting of the Church. Therefore, no harm would be caused in this respect.
16. The proposed houses would be located a sufficient distance from neighbouring properties, as well as being appropriately oriented, to ensure that there would be no unacceptable loss of privacy or outlook for neighbouring residents.

Conditions

17. I have had regard to the conditions suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
18. A condition requiring the development to be carried out in accordance with approved plans is necessary to provide certainty. Timescales for the development to occur are the subject of a condition on the associated outline consent and therefore I have not imposed the Council's suggested condition in this respect.
19. Conditions requiring samples of materials, and the details of boundary treatments, to be submitted is necessary to protect the character and appearance of the area and the setting of the listed buildings.
20. Details of electric charging points are necessary to promote sustainability. A condition regarding contamination is necessary in order to ensure safe living conditions for future residents. Finally, I have attached a condition requiring

details of drainage to prevent undue risk to the local environment from flooding given that I am considering layout and the comments from interested parties.

Conclusion

21. For the reasons above the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following list of approved plans: MD2108 00, MD2108 01 B, MD2108 02 C, MD2108(A)03 E, MD2108(A)04 D, MD2108(A)05 D.
- 2) Before any of the works on the external elevations for the buildings hereby permitted are begun, samples of the materials (including colour of any render, paintwork, or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved details.
- 3) Before the works to provide the boundary treatments hereby permitted are commenced, a plan indicating the heights, positions, design, materials, and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.
- 4) Before any part of the development hereby permitted is occupied/brought into use, the works to provide the boundary treatments shall have been completed in accordance with the approved boundary treatment scheme.
- 5) Before any part of the development hereby permitted is occupied, an electric vehicle charging point shall be made available for use for the occupiers of the dwelling and shall thereafter be retained as such for the lifetime of the development.
- 6) Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop, and the local planning authority notified immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 7) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details

that shall first have been submitted to and approved in writing by the local planning authority.