



Appeal Decision

Site visit made on 1 February 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/X3025/W/22/3308330

Mansfield Manor Hotel, Windmill Lane, Mansfield NG18 2AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Kinnex Ltd against the decision of Mansfield District Council.
 - The application Ref 2021/0753/OUT, dated 15 October 2021, was refused by notice dated 10 May 2022.
 - The development proposed is 3no. town houses on land adjacent to Mansfield Manor Hotel, Windmill Lane, Mansfield.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application, subject to this appeal, is made in outline with landscaping being the only reserved matter. I have therefore treated the landscaping details shown on the appeal plans, as indicative only.
3. As the proposal is in The Park Conservation Area, I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

4. The main issue of the appeal is the effect of the proposed development on the character and appearance of The Park Conservation Area.

Reasons

5. The Park Conservation Area covers an area encompassing the appeal site. Its significance is derived from the architectural and historic setting of the area. Given the above, I find that the significance of the Conservation Area, insofar as it relates to the appeal, to be primarily associated with the undeveloped nature of the appeal site and its connection to the Mansfield Manor Hotel.
6. The appeal site is currently enclosed by a large wall, which signifies the boundary of Carr Bank Park, and thick vegetation, but it opens up towards Mansfield Manor Hotel. It is currently used as a car parking area for people visiting Carr Bank Park, Mansfield Manor Hotel and associated businesses.
7. The boundary wall surrounding the appeal site is a prominent feature. It signifies a change from a relatively dense pattern of residential development to Carr Bank Park, which is generally open and provides a formalised park area.

The siting of the three proposed dwellings, inside the wall, would therefore be out of keeping with the surrounding character and it would disrupt the historical pattern of development.

8. The scale and massing of the proposed dwellings would mean they would be viewed from a number of areas within the Conservation Area. This includes above the boundary wall, when viewed from Windmill Lane, and within the formal gardens, adjacent to the site. The proposed dwellings would appear as an incongruous feature within the open character of Carr Bank Park and would therefore harmfully affect the significance of the Conservation Area.
9. The use of appropriate materials and a landscaping scheme which is sensitive to the character and appearance of the Conservation Area would not overcome the harm caused by the scale, siting and massing of the proposed dwellings. Whether the site has been used in the past for temporary or more permanent structures does not lead me to a different conclusion.
10. Given the above, I find that the proposal would fail to preserve the significance of the Conservation Area. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. The Framework goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting. Given the scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
11. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits. The public benefits derived from the scheme include the provision of three houses, which it is said would be affordable for first time buyers, and the development of a site that currently attracts anti-social behaviour and crime. It has been put to me that the reinstatement of the pay and display car park, in the event the appeal is dismissed, would lead to disturbance from the parking of vehicles on neighbouring streets. However, due to the scale of the proposal, the public benefits would be relatively limited while the harm to the significance of the Conservation Area by the proposed development would be permanent. Accordingly, the public benefits do not outweigh the harm.
12. For the reasons above, I conclude that the proposal would harm the character and appearance, and significance of, The Park Conservation Area. The proposal would therefore conflict with Policy HE1 of the Mansfield District Local Plan 2013 – 2033, adopted September 2022, which indicates development proposals which affect conservation areas will be approved where they preserve or enhance its significance.

Other Matters

13. A lack of a Green Wedge designation and no harm being caused to the living conditions of neighbouring residents can only be considered as neutral factors and do not alter my assessment on the acceptability of the proposal. Also, although local and national policy seek to boost the supply of housing, I have not been provided with substantive evidence to indicate that the proposal

would help address a specific, identified, shortfall of housing supply in Mansfield.

14. It has been put to me that if the appeal is dismissed the car park would be returned to pay and display and in turn this would lead to disturbance on neighbouring streets, related to on-street parking and traffic movements. However, neither this nor the anti-social behaviour and crime issues currently associated with the site outweigh the harm I have identified.

Conclusion

15. The harm I have identified above and the resulting conflict with the aforementioned development plan policies leads me to conclude that, despite the proposal according with various other local plan policies, the development therefore conflicts with the development plan as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan.
16. The appeal is therefore dismissed.

J Hobbs

INSPECTOR