



---

# Appeal Decision

Site visit made on 7 February 2023

**by C Harding BA(Hons) PGDipTRP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> March 2023**

---

**Appeal Ref: APP/W3005/W/21/3283063**

**Land to the front of the former Crystal Martin Site, Kirkby Road, Sutton-in-Ashfield NG17 1GZ**

- 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 John Blount against the decision of Ashfield District Council.
  - The application Ref V/2021/0090, dated 8 February 2021, was refused by notice dated 3 June 2021.
  - The development proposed is erection of a B8 unit with ancillary trade counter.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have sought clarification with regards to whether the originally provided application form dated 24 September 2020 correctly relates to this appeal. In response, the appellant has provided a further application form dated 8 February 2021. Although the appeal form records a date of 9 February 2021 as the date of application, I am satisfied that the subsequently provided application form relates to this appeal, and accordingly I have used the date and information within it for the purposes of my decision.

## Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

## Reasons

4. The appeal site is an area of grassland and trees within the former Crystal Martin site and located to the front of existing commercial buildings. The Crystal Martin site comprises a large commercial unit set within an area that is otherwise predominantly residential in character, with residential properties fronting onto both sides of Kirkby Road and extending in either direction.
5. Buildings within the Crystal Martin site are currently set significantly back from the road and although large in terms of width and volume, are not of significant scale in terms of their height. The openness and appearance of the grassed frontage areas, of which the appeal site forms part, positively contribute to the character and appearance of the area.
6. The appeal proposal would result in new development being introduced on to the existing grassed area and would occupy a significant part of it. It would therefore result in built development within the Crystal Martin site being

located closer to the road, would be located in a significantly more prominent position in comparison to existing buildings, and consequently would erode the existing pleasant open setting and road frontage of the Crystal Martin site.

7. The proposed building, although of a red brick construction and featuring a hipped roof design, would be a large structure of a clearly commercial character. Although high level windows would be incorporated within the elevation of the building which would address Kirkby Road, large expanses of brickwork would remain, and no entrance would be incorporated in this elevation. Together, this would result in a largely unanimated road frontage to the building, which would effectively be presenting the rear elevation towards the road. Although the materials used and proposed roof design would reflect other buildings in the local area, the proposed development, which would be situated in a location close to the road, would not be reflective of existing surrounding built form. It would therefore appear as a prominent and discordant addition to the streetscene.
8. The appeal proposal would result in the loss of 6 existing trees within the site, including a silver birch that has been assessed as being of Category B quality. This tree is located at the corner of the appeal site, and although of only moderate quality and not subject to a tree preservation order, is nevertheless a mature specimen which contributes positively to the wider streetscene and setting of the Crystal Martin site. Whilst replacement trees are indicated on the provided tree plan and this planting could be secured by means of planning condition, the replacement specimens would take a number of years to reach similar maturity and amenity value, leading to harm to the character and appearance of the area in the interim medium-term period.
9. The appellant has highlighted Sutton-in-Ashfield Fire Station located to the south to the appeal site as an example of a building of similar scale and design to the appeal proposed and situated within the local area. Although the envelope of the fire station building does have similarities with the appeal proposal, it is materially different as it presents a front elevation to the road, the garage doors provide a greater degree of animation, and it is set back from the road frontage to a significant degree. Furthermore, this building is located beyond the A38 and would not be viewed in the context of the proposed development. Accordingly, I consider that it is not directly comparable to the proposal before me and does not justify or mitigate the harm that I have identified.
10. The proposed development would lead to harm to the character and appearance of the area. It would therefore be in conflict with Policy ST1 of the Ashfield Local Plan Review 2002, which amongst other criteria requires new development to not adversely affect the character or quality of the environment. Furthermore, it would conflict with Part 12 of the National Planning Policy Framework ('the Framework') which highlights the importance of good design in creating better places to live and work.

### **Other Matters**

11. It is stated that the proposed development would result in the creation of 7 employment opportunities in an accessible location. Furthermore, it would result in wider economic benefits and indirect employment during both the construction and operational phases. These would be benefits of the appeal proposal.

12. The Crystal Martin site may be currently underused, however I have been presented with no evidence which establishes that existing buildings within the wider site are not suitable for more intensive use. I am not persuaded that the proposal before me would represent the sole means of making a more efficient use of the land. I therefore afford this only minor weight as a benefit of the proposal.
13. The principle of the development, its effect upon the living conditions of the occupiers of neighbouring properties, highway safety, ecology and flood risk are not matters of dispute between the main parties. Even if I were to agree in these respects, these would only be neutral factors that would not weigh in favour of the proposed development.

### **Conclusion**

14. The proposed development would conflict with the development plan when read as a whole. There are no material considerations, including the Framework and worthy of sufficient weight, that would indicate a decision should be taken other than in accordance therewith.
15. The appeal should therefore be dismissed.

*C Harding*

INSPECTOR