



Appeal Decision

Site visit made on 7 February 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 MARCH 2023

Appeal Ref: APP/B3030/W/22/3299349

Land adjacent Hunters Lodge, Main Street, Kirton NG22 9LP

- 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 M Le-Grys against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02660/FUL, dated 15 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is erection of 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development is in an appropriate location for development; and the effect of the proposed development upon the character and appearance of the area, with particular regard to the setting of the adjacent Kirton Conservation Area.

Reasons

Location

3. Spatial Policy 3 of the Council's Core Strategy (CS)¹ sets out that the Council will address local housing need by focusing housing in sustainable, accessible villages, setting a hierarchy for development locations, and suitability criteria against which to assess proposed sites. Kirton is identified as an '*other village*' for the purposes of this policy, and as such, it does not have a designated envelope, and both parties are clear that a judgement is required as to whether the appeal site lies within the built extent of Kirton or beyond it. If I were to find that the appeal site lies within the built extent, the proposal would fall to be considered under policy SP3, and the proposal would be required to comply with the policy criteria relating to scale, need, impact and character. If I were to find that the appeal site lies outside the built extent of the village, it would fall to be considered under policies intended to protect the open countryside.
4. Both parties refer to a number of examples to support their case. However, both parties are also clear that a judgement must be made in relation to the facts of the case and the situation of the particular site and its particular surroundings.

¹ Review of the Newark and Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy, 2019

5. The supporting text to Policy SP3 sets out that the built extent of the village includes dwellings and their gardens, commercial buildings, farm yards and community facilities; and it would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form.
6. The appellant contends that the appeal site, which comprises part of an existing manège, closely relates to the existing properties of Hunters Lodge to the south and Oakcroft to the east, and the substantial agricultural buildings to the north. The Council contends that the appeal site lies outside the residential curtilage of Hunters Lodge; relates to the open land to the west and the agricultural buildings to the north; and is within the open countryside.
7. In my judgement, the dominant character of the appeal site is open countryside, albeit adjacent to the built extent of Kirton. I do not consider that it lies within it. The appeal site is accessed by a very narrow private drive from Main Street. It does not appear as a gap within the built form of the village. It is separated from the main spine road by two existing properties (Oakcroft and The Stables). Although the western boundary of the appeal site does not protrude beyond that of Hunters Lodge, the appeal site relates more closely to the open land to the west. In my judgement, it is located to the west of the existing built form of the village, within land that forms part of the open countryside, on the edge of the built extent of the village.
8. Consequently, the appeal proposal would result in development in the open countryside. This would undermine the spatial strategy for rural areas as set out in Policy SP3, which seeks to ensure a sustainable pattern of growth for the district.
9. Since the site is within the countryside, it falls to be considered under Policy DM8 of the Newark and Sherwood Allocations and Development Management Development Plan Document, 2013 (DPD). Under this policy, permission will only be granted for new dwellings (other than dwellings for rural workers) where they are of an exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area. For the reasons explained in relation to the second main issue, the development is not of exceptional design quality of the type countenanced by the policy. Accordingly, there is conflict with Policy DM8 too. Paragraph 80 of the National Planning Policy Framework (the Framework) similarly encourages development of exceptional quality but, for the same reasons, does not provide support for this proposal.
10. Paragraph 79 of the Framework states that *'development in one village may support service in a village nearby'*. A development of just one house would provide minimal support to the few services at Kirton or the wider range of services at nearby Ollerton, and therefore I ascribe limited weight to this factor.
11. I therefore conclude that the proposed development is not in an appropriate location for development.
12. The proposed development therefore conflicts with Policy SP3 of the CS and Policy DM8 of the DPD. Taken together, these policies seek to manage the sustainable growth of the district; to control development in the open countryside; to preserve the countryside as a natural resource; and to ensure

that development is suitable for its setting and surroundings. It would also conflict with the aims of the Framework which seek to deliver sustainable patterns of development.

Character and appearance

13. The appeal site lies adjacent to the boundary of the Kirton Conservation Area (CA), close to its historic core along Main Street. From the limited evidence before me, the significance of the CA stems from its historic medieval settlement plan form and its surrounding open field pattern. The CA is characterised by a linear formation of tightly knit buildings along Main Street, with strips of open fields to the rear of plots. The buildings are typified by their vernacular construction, predominantly built in brick walling, some rendered with pantile roofs.
14. The conversion of agricultural buildings to residential use, together with some infill development has taken place both within the CA and beyond it. The tightly knit buildings at the historic core comprise a number of historic farmsteads, with access to the open field systems beyond. Over time, the ancillary buildings of some farmsteads have been brought into residential use, and the access has become a shared private access serving a number of dwellings.
15. The appellant contends that the development pattern of the village has led to the formation of 'cul-de-sacs' of development, running away from the main spinal road through the village, and as such, the appeal proposal would simply conform to that development pattern. However, such routes historically served the ancillary buildings to the farmstead and provided access to the open fields beyond. Thus, the significance of the CA derives from the relationship between built form and the open fields beyond the rear of plots.
16. From the appellant's evidence, the appeal site is located close to the rear of the historic farmstead of Pasture Farm. The Stables is a neighbouring residential property to Pasture Farm, arising from a conversion scheme of its former 'crewyard'. Oakcroft appears as a relatively recent dwelling located behind The Stables. As such, Oakcroft is located beyond the ribbon development of the village. Due to its siting behind Oakcroft, the proposed dwelling would project further into the open countryside. Therefore, the proposed development would undermine the historic linear form of the settlement.
17. At my visit, I saw that The Stables retains its original form and vernacular construction. The design of Oakcroft reflects the local vernacular, to include wooden framed windows, gable roof, red brick detailing and a 'T' shaped form. The Stables and Oakcroft have similar eaves and ridge heights to each other, and at a much lower height to Pasture Farm. As such, these three buildings respect the character and appearance of the CA in which they are located; and also respect the significance of the immediate area of the CA as a historic farmstead.
18. From the appellant's evidence, the design of the proposed dwelling is inspired by Hunters Lodge, to create the appearance of a 'modern farmstead.' In my judgement, the proposed design seeks to strike a balance between the character and appearance of the CA, and the design of Hunter's Lodge. As such, it incorporates a 'T' shaped form and red brick walls to respect the form and materials of the neighbouring properties within the CA.

19. However, the proposed design also incorporates the use of contemporary dark metal cladding to the roof, and projecting gables, which are not in keeping with the local vernacular of pantiles and prevailing roof forms. The proposed windows to the south-west and north-west elevations fail to respect the local vernacular due to their vertical emphasis and large scale. Such design features would provide a sharp contrast to the local vernacular. While the proposed materials have been influenced by those used in Hunter's Lodge, they would nevertheless be at odds with the prevailing character of the area, including the adjacent conservation area. Therefore, the proposed design and materials would not enhance the immediate setting or be sensitive to the defining characteristics of the local area, which would not be in accordance with Policy DM8.
20. I therefore conclude that the proposed development would harm the character and appearance of the area; including harm to the setting of the adjacent Kirton Conservation Area.
21. Paragraph 195 of the Framework sets out that the significance of any heritage asset that may be affected by a proposal should be taken into account, including its setting. Furthermore, paragraph 199 sets out that great weight should be given to the asset's conservation.
22. In accordance with paragraph 202 of the Framework, the harm I have identified to the setting of the CA is less than substantial. In these circumstances, the harm must be weighed against any public benefits of the proposed development.
23. The proposal would support the government's objective of significantly boosting the supply of homes. An additional dwelling would be a small contribution to the supply of housing. The economic benefits during any construction phase would be temporary in nature. The additional spend from a household to the economy and local taxation revenue would also be small. Overall, I attach limited weight to these benefits.
24. In my judgement, such benefits would not outweigh the less than substantial harm I have found to the setting of the CA.
25. I therefore conclude that the proposed development would harm the character and appearance of the area; that it would cause less than substantial harm to the setting of the Kirton Conservation Area; and that there are no public benefits of sufficient weight that would outweigh this harm.
26. The proposed development conflicts with Core Policies 9 and 14 of the CS; and Policies DM5 and DM9 of the DPD. These policies seek to ensure high standards of sustainable design that contribute to local character and distinctiveness; to conserve and enhance heritage assets in line with their significance; and to ensure that development takes account of the distinctive character and setting of conservation areas. It also conflicts with the aims of the Framework to conserve and enhance the historical environment; and to ensure that development affecting heritage assets and their setting is justified, in order to conserve such assets in a manner appropriate to their significance so that they can be enjoyed by existing and future generations.

Other Matters

27. Interested parties raised other matters. As I am dismissing the appeal on the main issues, and further consideration of such other matters will not alter my decision, it is not necessary for me to address them directly.

Conclusion

28. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR