



Appeal Decision

Site visit made on 25 April 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal Ref: APP/B3030/W/22/3312731

Blacks Farm, 27 Newark Road, Coddington, Newark NG24 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs J.D Smith against the decision of Newark and Sherwood District Council.
 - The application Ref 22/01491/PIP, dated 27 July 2022, was refused by notice dated 31 August 2022.
 - The development proposed was originally described as one single storey dwelling.
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Decision

1. The appeal is allowed, and permission in principle is granted for one dwelling at Blacks Farm, 27 Newark Road, Coddington, Newark NG24 2QF in accordance with the terms of the application, Ref 22/01491/PIP, dated 27 July 2022 and plan ref. BW1-01051258.

Preliminary Matters

2. The appeal was originally made in the name of Mr and Mrs C.L and J.D Smith. However, during the course of the appeal Mr C.L Smith passed away. The appeal therefore proceeds under Mrs J.D Smith's name.
3. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second, Technical Details Consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.
5. The description on the application form refers to the dwelling being single storey. Given that the PPG is clear with regards to the scope of the considerations for permission in principle, I have amended the description in my decision to refer to the amount of development only.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

6. The main issue of this appeal is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. Blacks Farm is located in a predominately residential area. It is located at the end of a linear row of detached and semi-detached, single and two storey properties that front Newark Road. These properties are set back from Newark Road by varying amounts.
8. The site forms the side garden serving Blacks Farm, a two storey detached dwelling. There are a number of domestic outbuildings within the site, including a detached garage. There is open countryside to the rear of the site. The site is an irregular shape, with a narrow frontage that widens towards its rear.
9. The rear of the site lies within an area defined under Policy NUA/OB/1 of the DPD as being an open break. This policy has identified certain areas that are under pressure for development which provide an open break between settlements. This includes Newark and Coddington. The policy seeks to ensure that existing settlements retain their separate identities and characteristics and states, amongst other things, that within land allocated as Open Breaks in Newark Urban Area, planning permission will not normally be granted for built development.
10. Based on the information submitted and my observations on site, there appears to be sufficient space, immediately to the rear of the detached garage outside of the 'open break' designation, which could accommodate a single property of an appropriate scale. It seems reasonable therefore that a layout, in keeping with neighbouring properties, could be achieved at the appeal site, without the built form encroaching into the 'open break' designation. Any such layout would therefore ensure the open break is preserved.
11. Notwithstanding the above, the purpose of a permission in principle is to establish the location, proposed land use and amount of development. A subsequent TDC would deal with the precise location of development within the site.
12. The Council have accepted that the site is locationally within the confines of a village. A single dwelling in this location would extend the built frontage along this section of Newark Road and would therefore be in keeping with the prevailing character of the area, which includes some of the properties along Newark Road, including Black Farm, having gardens that lie within the 'open break' designation. Having regards to this, it is an appropriate location for the development proposed.
13. Turning to the other matters of principle, the proposed use of land for residential purposes would be consistent with the existing use of the land and predominant land use in the surrounding area. With only a single dwelling proposed, the amount of development would be modest and appropriate for the size of the site.

14. For the above reasons, the proposed development would be acceptable in terms of location, land use, and amount of development. It therefore accords with Policy NUA/OB/1 of the DPD as set out above.

Other Matters

15. The site lies adjacent to the Coddington Conservation Area (CA). It appears that the significance of the CA is derived from the open spaces, mature trees and lower density development, than the development surrounding it. The higher density of residential development surrounding the CA informs its setting, which contributes to the significance of the CA. The proposal would be in keeping with that and, therefore, there would be no impact on the setting of the CA or its significance.
16. Third party comments have been raised in relation to the location of the planning application site notice, inclusion of wider paddock land, access to documents on the Council's website and future development of neighbouring land. These are matters for the Council in the first instance.
17. Third party comments have raised matters relating to highway safety, impact upon the character of Newark Road and future demolition of agricultural outbuilding, including any associated implications for wildlife, and any impacts upon ancient hedgerows. These are matters to be considered as part of any future TDC, the second stage of the process.

Conditions

18. The PPG advises that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type and amount of development.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, along with all other material considerations, I conclude that the appeal should be allowed.

S Pearce

INSPECTOR