



Appeal Decision

Site visit made on 12 July 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/B3030/W/23/3316945

Willoughby Farm, Carlton Lane, Norwell NG23 6JY

- 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 J Rigby of W Rigby and Sons Limited against the decision of Newark and Sherwood District Council.
 - The application Ref 21/02693/FUL, dated 21 December 2021, was refused by notice dated 7 September 2022.
 - The development proposed is the demolition of all of fourteen modern farm buildings and their replacement with five new build dwellings, and gardens.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr J Rigby of W Rigby and Sons Limited against Sherwood District Council. This is the subject of a separate Decision.

Preliminary Matters

3. In revisions to the scheme prior to determination by the Council, the garages were removed and 2 detached dwellings changed to semi-detached. I have therefore amended the description of development accordingly.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location for housing, having regard to the local development strategy for the area;
 - the effect of the proposed development on the character and appearance of the countryside, including with regard to the setting of the non-designated heritage asset of the adjacent barn; and
 - if any harm is identified, whether that harm would be outweighed by the presence of a fallback position for alternative proposed developments.

Reasons

Appropriate Location

5. The appeal site lies within a wider disused farm set within open countryside, and comprises a range of buildings of varying designs and materials. A traditional barn lies immediately adjacent, being a non-designated heritage

asset with permission for a dwelling conversion to demolish all the buildings and erect 5 dwellings arranged in a courtyard style, 2 being detached and the others linked together.

6. As the site is not in a village or settlement, Spatial Policy 3 of the Newark and Sherwood Amended Core Strategy (ACS) (2019) identifies that it would be development in the open countryside. No evidence has been put forward to suggest that it would fall within any of the specific types of dwellings allowed under policy DM8 of the Newark and Sherwood Allocations and Development Management Development Plan Document (ADMDDP) (2013), or within paragraphs 78, 79, or 80 of the National Planning Policy Framework ('the Framework') (2021).
7. Therefore, the proposed development would not be in a suitable location for housing, having regard to the local development strategy for the area. It would undermine the spatial strategy by directing growth to the wrong place, and be contrary to the ACS Spatial Policy 3, the ADMDDP Policy 8, and conflict with the Framework with regard to its section on rural housing.

Character and Appearance

8. Paragraph 203 of the Framework requires consideration to be taken of a development proposal's effect on the significance of non-designated heritage assets. The significance of the adjacent heritage barn is as a characteristic courtyard farmstead typical in the locality. Notwithstanding that over time the evidential value of the original buildings as part of a complete farm complex has reduced due to the newer buildings and alterations, its L-plan formation remains intact and has historic interest and association with development of farming practices in the mid- to late-19th century.
9. The proposed layout would reflect a traditional courtyard farmstead, similar to that visible on historic maps. This would create a more open aspect and setting for the heritage barn, and with a surrounding hedgerow reintroducing overall enclosure. However, the site is not so explicitly harmful to the countryside at present, to indicate that its replacement by dwellings would be an inevitable benefit. This is because the existing buildings are typical for such a rural location and an agricultural use. Despite their utilitarian materials, their clustering means that the full extent of their combined massing from the surroundings is not readily apparent. The largest building closest to the heritage barn is open sided, so does not have a particularly imposing presence. It is not evident until at close range that the buildings are vacant and some are deteriorating.
10. The scale of the proposed dwellings would distract from the vernacular scale and qualities of the heritage barn. Their heights and massing would be significant, despite the sloping land levels, replicating to a large extent that of some of the buildings to be demolished. While traditional materials would be used, and with relatively plain elevations and form in order not to create a pastiche or compete with the heritage barn, they would not give the impression of barn conversions due to the form and layout of the fenestration. They would therefore appear somewhat incongruous on the site, neither being barn conversions nor in keeping with a traditionally scaled historic farm complex.
11. For instance, while the existing building 1 is particularly visible on approach along Carlton Lane due to its somewhat reflective materials, the proposed

dwelling 1 would have a relatively similar location and massing, albeit with more traditional materials. The combined and linked massing of units 3, 4, and 5 would be substantial, both in relation to the heritage barn but also in comparison to the context of the open fields beyond. Although the proposed landscaping would be beneficial, it would not fully mask this.

12. Furthermore, alongside the built form of the dwellings, the impression of the residential setting would be reinforced by the large gardens and parking areas, and the associated domestic paraphernalia which would therefore be present across the whole site. Therefore overall, I find that the proposal for the new dwellings would be more incongruous within the wider landscape and rural setting than the existing site.
13. The proposed development would thus cause harm to the character and appearance of the countryside, including with regard to the setting of the non-designated heritage asset of the adjacent barn. This would conflict with the ACS Core Policies 9, 13, and 14, the ADMDPD Policies DM5, DM9, and DM12, and the Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (2013). Together these seek to conserve and enhance the setting of heritage assets, reinforce a strong sense of place and sustain the rich local distinctiveness of the District's landscape and character of built form, and reflect locally distinctive styles of development through scale, form, mass, layout, and design. The proposal would also conflict with paragraph 130 of the Framework regarding development needing to maintain and be sympathetic to an area's prevailing character and setting, and Section 16 relating to conserving and enhancing the historic environment.

Fallback position

14. There is a clear fallback position on the basis of a scheme of works approved under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). In summary this comprises the conversion of 4 of the existing buildings into 5 dwellings, with associated small curtilages to allow for parking and gardens. The remaining buildings also have prior approval for demolition.
15. Similarities between the fallback and the appeal scheme are that both would reduce the existing built form footprint and volume by approximately the same amount, and open up views of the heritage barn from Carlton Lane. The appeal proposal would be more energy and water efficient, but the fallback would save energy by the reduced need for construction materials.
16. In favour of the appeal scheme against the fallback are that it would have a more historic farmstead courtyard layout, and more traditional materials would be clearly apparent. It would result in no existing buildings remaining across the appeal site, with the fallback having no such requirement. It would also allow for remediation and landscaping via condition. However, in implementing the fallback, at least existing buildings 1, 3, 4, and 5 would need to be demolished for the conversions to allow for matters such as access and outlook, and part of 11 to allow for the approved conversion of the heritage barn. The site overall would need to be made safe and relatively attractive to attract the new occupants in any case, which may include some landscaping. Landscaping is not essential considering the existing vegetation and the relationship with the open fields beyond.

17. Furthermore, the existing agricultural buildings on site are typical for such a rural location and are not explicitly harmful to the open countryside, therefore a fallback which retains them would not be implicitly harmful. Benefits of the fallback are therefore that it would reinforce the prevailing character of the area by retaining more of an agricultural scale and impression within the open countryside, including with a reduced scale of domestic paraphernalia. The creation of only ground level floorspace would lead to a reduced impression of bulk, and less impactful fenestration. The ridge heights of all the fallback buildings would be cumulatively lower than the appeal proposal.
18. The appellant also suggests there would be some return of the site to green agricultural land, but with no specific details or confirmation, or why that would be a benefit compared to the fallback situation.
19. It is clear that weighing the effect of the appeal proposal against that of the fallback position is a finely balanced matter in this instance. Overall, the presented benefits against the fallback proposal do not outweigh my finding that the fallback would have less impact on the character and appearance of the area, such that it does not weigh in favour of allowing the appeal.
20. While an additional fallback may also exist under the GPDO for a conversion under Use Class R for flexible commercial use, such a use has not been demonstrated as a disbenefit overall. For example, there would be economic benefits and reuse of materials benefits to such a proposal, alongside the matters discussed above in relation to character impact of retention of the buildings. Without more specific evidence on the impact of this fallback, I also therefore do not find that it weighs in favour of allowing the appeal.

Other Matters

21. The appellant has referred to other applications and an appeal decision for approved schemes which were larger than the GPDO Class Q fallback. They also refer to schemes suggested by the Council as examples of good design, which influenced the specific design. However, these examples are not determinative as I do not have detailed information to allow comparison of factors such as the position of those sites and buildings within the landscape. Even if I did, the assessment of such impact on character and appearance, and a comparison against the fallback position, is necessarily a matter of planning judgement which depends on a range of specific site circumstances.

Planning Balance and Conclusion

22. I have found that the proposal would not be in a suitable location for housing, and would cause harm to the character and appearance of the countryside, including to the setting of a non-designated heritage asset. This harm would not be outweighed by the minor benefits of the scheme, nor by the fallback position. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR