



Appeal Decision

Site visit made on 3 October 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/B3030/W/23/3319648

Lowfield Farm, 111 Gainsborough Road, Langford, Nottinghamshire, NG23 7RN

- 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 Mrs Holland against the decision of Newark & Sherwood District Council.
 - The application Ref 22/01252/FUL, dated 24 June 2022, was refused by notice dated 13 October 2022.
 - The development proposed is the demolition of the existing dilapidated dwelling and garage and erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A preliminary ecological appraisal has been submitted to support this appeal and which seeks to address the Council's concerns regarding ecology and protected species. The Council has been given the opportunity to comment on the additional information. Although the appeals process should not be used to evolve a scheme, I am satisfied that in this case, given my overall decision, accepting the additional document would not prejudice other interested parties. Therefore, I have considered the appraisal.

Main Issues

3. The main issues are the effect of the proposal on
 - ecology, including protected species; and
 - the character and appearance of the area.

Reasons

Ecology, including protected species

4. The appeal site comprises a detached dwelling within a large verdant plot surrounded by open countryside. There are numerous mature shrubs, hedges, and trees. To facilitate the proposal, the existing dwellings and seven trees, including three large poplars would be removed.
5. The preliminary ecological appraisal documents the ecological value of the site and notes that it is capable of supporting protected species locally, including terrestrial mammals, nesting birds, and bats. It is of particular interest that the roof void of the dwelling was observed to have a high potential to support roosting bats and that the three mature poplar trees have a moderate

potential. The appraisal highlights the need for additional bat surveys, during the active season, in order to ascertain the status of the site for bats and whether any additional mitigation measures or a European Protected Species licence would be required for the works.

6. The appellant contends that the required surveys could be secured via condition. However, without the information provided by the additional surveys, I am unable to determine the full effect of the appeal proposal on ecology, including protected species.
7. As such, I must take a precautionary approach and find that the proposal would conflict with Core Policy 12 of the Plan Review, Review of the Newark & Sherwood Local Development Framework Core Strategy & Allocations, Amended Core Strategy (March 2019) (ACS) and Policies DM5 and DM7 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (July 2013) (DPD). Collectively, these policies require development to conserve and enhance biodiversity, protect species of principle importance and wherever possible integrate and connect green infrastructure.
8. The proposal would also conflict with the National Planning Policy Framework (Framework) where it seeks to ensure development minimises impacts on biodiversity.

Character and appearance

9. The area is rural, characterised by large arable fields with boundary hedges broken up by isolated farms and areas of woodland. The appeal site comprises an unremarkable, dilapidated detached 4 bed brick house with timber lean to garage. The dwelling is set back significantly from the road in a large verdant plot. Several substantial agricultural style buildings immediately abut the site to the northwest and share the same access. Both the house and neighbouring buildings are clearly separated from the surrounding countryside by mature trees and hedges.
10. The proposal would replace a 4-bed house with a 3-bed house. Although the proposed dwelling would be marginally taller with a larger footprint and a detached garage, it would be of a similar size and remain submissive to the adjacent agricultural style buildings. Whilst I note the different percentage floor area increases reported by the parties, the scale of the proposal would be comparable with the existing dwelling and the overall massing of the site would be broadly maintained.
11. The proposal would reflect local agricultural built vernacular and be in keeping with other isolated dwellings within the area. In addition, the wider group of buildings would appear as an isolated farm within the wider landscape, in keeping with the Winthorpe Village Farmlands Landscape Character Area. Although offset from the footprint of the existing dwellings, the proposal would be sited a considerable distance from the road. While some trees would be removed, a suitably worded condition would secure future landscaping provisions to reinforce the characteristic trees and hedges. Despite the marginal increase in size, the proposal would not have a greater visual impact on the countryside when compared to the existing dwelling or detrimentally affect the visual amenity of the area.

12. My attention has been drawn to a previous appeal decision¹ on the same site where the inspector considered that the proposal would be substantially larger and therefore unacceptable. However, I have not been provided with the details of the case and therefore I am unable to draw any direct comparisons with the scheme before me. Moreover, each case must be dealt with on its own merits.
13. Therefore, I conclude that the proposal would not harm the character and appearance of the area. It would accord with Core Policy 9 and Core Policy 13 of the ACS and Policies DM5 and DM8 of the DPD where they seek to ensure that development minimises visual impact on the countryside and reflects the local distinctiveness of the landscape and built forms whilst requiring replacement dwellings to be of a similar size, scale and siting to that being replaced.

Conclusion

14. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR

¹ Appeal Reference: APP/B3030/A/10/2128647