



Appeal Decision

Site visit made on 10 October 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/B3030/W/23/3321056

Churchside Cottages, Fishpool Road, Blidworth NG21 0QP

- 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 Ordonez against the decision of Newark & Sherwood District Council.
 - The application Ref 22/02391/FUL, dated 13 December 2022, was refused by notice dated 6 March 2023.
 - The development proposed is 'change of use' to garden and erection of wooden store shed (5m x 2.8m)
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It was confirmed during the appeal that it is not a matter of dispute that the site forms part of the residential garden of Churchside Cottages and therefore, no change of use would arise from the proposal. Based on the evidence before me and my own observations, I have no reason to take a different view. I proceed to determine the appeal accordingly.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character, appearance and significance of the Blidworth Conservation Area; and
 - the effect of the proposal on the ecology of the area.

Reasons

Character and appearance

4. The appeal site is located in the Blidworth Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA includes the historic core of the village characterised by a mix of houses and buildings dating from the 18th and 19th century predominantly of vernacular construction and traditional materials. There are areas of greenery and mature trees which enhance the rural appearance and make a positive contribution to the overall character and significance of the CA.

5. The appeal site comprises a steeply sloping bank which rises away from the road in a prominent roadside position, close to the brow of the hill where Fishpool Road turns into Main Street. Although the resultant area would be terraced with gabion walls, there would be limited views of the garden area due to the existing hedgerow which borders the site adjacent to Fishpool Road, which would be retained and improved as part of the proposal.
6. The proposed shed would be located at the bottom of the terraced area. It would be constructed of dark painted timber with a sedum green roof. The established hedgerow to be retained would limit views of the shed from other parts of the CA and therefore it would not appear as an incongruous feature in the area.
7. I conclude that the proposal is sympathetic to the character and appearance of the host property and does not appear unduly prominent or incongruous in the surrounding area. The proposal preserves the character and appearance of the CA and its significance as a designated heritage asset.
8. Consequently, it complies with Policies 9 and 14 of the Newark and Sherwood Amended Core Strategy 2019 (Core Strategy) and Policies DM5, DM6 and DM9 of the Allocations and Development Management Development Plan Document 2013 (DPD). Amongst other matters, these policies seek to ensure that development takes account of and respects local character. It would also not conflict with the conservation aims of the National Planning Policy Framework (the Framework).

Ecology

9. The proposal involves significant engineering works, including excavations and consequent removal of a significant proportion of existing vegetation within the site. Whilst such works are within an existing garden area, I observed that the nature and extent of existing vegetation which would be removed could have the potential to provide an important habitat for a range of species, including those protected through legislation. In the particular circumstances of this case, I am therefore satisfied that an ecology survey is required to determine whether any important habitats and/or protected species are present and/or would be harmed by the proposal.
10. I conclude that as no ecology survey has been submitted the proposal fails to demonstrate that it would not result in harm to the ecological importance of the site. It conflicts with Policy 12 of the Core Strategy and DM7 of the DPD which together amongst other matters seek to ensure that development conserves and enhances the biodiversity of the district including sites supporting priority habitats, contributing to ecological networks or supporting priority species. It would also conflict with Circular 06/2005 and the Framework.

Other Matters

11. The proposal would have potential benefits in terms of making the land more accessible for residents to grow fruit and vegetables and maintain the existing hedgerows. This includes the shared boundary with No 1 Ricket Lane, with the appellants indicating that the occupiers of that property are supportive of the development. However, the potential benefits in those respects and implied support from the occupiers of a neighbouring property, do not outweigh the

failure to demonstrate that the proposal would not otherwise result in harm to the ecological importance of the site in this case.

Conclusion

12. Whilst I have found that the proposal would preserve or enhance the character or appearance of the CA, the proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR