



Appeal Decision

Site visit made on 4 October 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/B3030/W/23/3316103

Rose Cottage, Normanton Road, Upton NG25 0PU

- 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 Mike Kirrage against the decision of Newark and Sherwood District Council.
 - The application Ref: 22/00288/FUL, dated 11 February 2022, was refused by notice dated 30 September 2022.
 - The development proposed is described as proposed redevelopment of site for 2 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is for the erection of two detached dwellings and associated works within the grounds of Rose Cottage. I have relied upon the description of development cited on the planning application form as there is no evidence that the Council's subsequent revision was formally agreed by the appellant.
3. The appeal is supported by updated access and onsite parking details. As such, the Council has confirmed that it no longer seeks to defend its second reason for refusal in respect to highway safety. These details demonstrate that appropriate provision could be achieved and secured through the imposition of a planning condition. No other parties have raised any highway safety related matters or would be impacted upon. Therefore, I am satisfied that there would be no prejudice in accepting the Council's revised position and my determination is made on that basis.
4. The wider rural landscape within which the appeal site is situated forms part of the immediate setting to a group of designated heritage assets associated with a Workhouse. This comprises Grade II* listed 'Greet House', the associated Grade II* listed 'Thurgate Hundred Workhouse' registered park and garden, and the Grade II listed 'former Infirmary at Greet House'. The Council has not opposed the proposal on that basis, having concluded no harm to their significance. I address this matter later in discharging my statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Historically, the appeal site has been associated with a former brickyard and a miniature rifle range. The Council considers that the remnants of the built form which are associated with the site's former use are non-designated heritage assets.

6. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against that updated national policy context, the relevant changes relate to formatting and do not raise any new matters which are determinative to the outcome of this appeal.

Main Issues

7. The main issues are the effect of the appeal proposal on:
- the landscape setting of Southwell and Upton, having regard to the adopted spatial strategy; and
 - non-designated heritage assets within the site, with particular regard to the former miniature rifle range's magazine building and target practice wall.

Reasons

Landscape Setting

8. The appeal site comprises a sloping rectangular parcel of rising land associated with an existing detached dwelling known as Rose Cottage. It is served directly off Normanton Road, a rustic lane, along with several other commercial ventures peripheral to Upton and Southwell, including holiday accommodation and a vacant residential care home. It is surrounded to its sides and rear by other rising land which is in agricultural use. Being located beyond any of the settlement typologies contained in Spatial Policy 1 of the Newark and Sherwood Amended Core Strategy (the Core Strategy), in policy terms the appeal site is located within the countryside.
9. The cottage and its enclosed front garden are offset to one side of the appeal site's road frontage. With the exception of some mature hedgerow to one side, the remainder of that road frontage is relatively open, comprising two vehicular accesses, low fencing and gates. The undeveloped parts of the appeal site are mainly grassed areas. The breaks in the slope and the existing internal tree and shrub cover mean that the site is experienced as three distinct plateaus.
10. There are some detached outbuildings and caravans within the site which are associated with the occupation of the cottage and the appellant's cattery business. However, due to the small scale and discreet positioning of the cattery buildings and limited signage, the appeal site has a predominantly rural domestic character and appearance of a single dwelling set within generous grounds. Furthermore, coupled with its sense of space and separation, the site's informality and verdancy define its important rustic character and appearance. The existing character, appearance and condition of the appeal site is not detrimental to the visual amenity of the area.
11. The adopted spatial strategy is to direct new development to within those settlements which are well-served in terms of infrastructure and services. This is to manage any visual and other environmental effects as well as levels of accessibility for new development. To achieve this, the types of development permissible in the countryside are strictly controlled and limited by Policy DM8 of the Newark and Sherwood Allocations and Development Management DPD (2013) (the ADMDPD). The appeal proposal does not fall within the development plan's exceptions to this adopted spatial approach.

12. In relation to the landscape objectives of the adopted spatial strategy, the Council has clarified that the appeal site falls within the Mid Nottinghamshire Farmlands Policy Zone 34: Hockerton Village Farmlands. This is characterised by its gently undulating topography. The appeal site is surrounded by a rustic context of mainly ploughed or grazed agricultural land, more sporadically situated dwellings and other commercial rural uses. The nature of the appeal site's surroundings is typical of the identified characteristic of Policy Zone 34. The appeal site is currently a developed site set within that context.
13. Despite its rising topography and peripheral countryside location beyond the defined built-up areas, the appeal site is well-contained to its rear and sides by its existing mature trees and hedgerows. These strongly define the limits of its extent and also the slightly lower level of its plateaus relative to the surrounding rising land. The positioning of the existing cottage and mature internal landscaping filter views from the road through to the site's second and third sections within which the proposed dwellings would be situated.
14. Nonetheless, the proposed consolidation of built development and intensification of use of the appeal site for permanent, independent residential use would significantly alter the spatial pattern of development here. This would erode the appeal site's important rustic character. At site level, despite the existing perimeter screening, this change would cause some limited localised harm. This would undermine the site's existing contribution to the area's role as an extensive rural landscape setting and would be harmful. This harm would not accord with paragraph 180 of the Framework.
15. For these reasons, the appeal proposal would harm the landscape setting of Southwell and Upton, having regard to the adopted Spatial Strategy.
16. In the first instance, given its countryside location and the type of development proposed, the appeal proposal is not supported by Spatial Policy 1 or Spatial Policy 3 of the Core Strategy and Policy DM8 of the ADMDPD. Specifically, although limited and localised, the identified harm to the existing landscape setting of Southwell and Upton would conflict with the landscape objectives of the adopted spatial strategy.

Non-designated Heritage Assets

17. The Council has advised that the appeal site is identified on the County Historic Environment Record and that Rose Cottage can be seen on Sanderson's 1835 map. I concur with the Council's assessment that despite its age, that dwelling does not constitute a non-designated heritage asset. Furthermore, the remaining timber detached cattery buildings do not possess any heritage values and their loss would not result in any harm.
18. Nonetheless, historically the appeal site has been associated with a former brickyard and a miniature rifle range. There is limited legibility of these past uses, with only a cylindrical brick and dome topped magazine building and a high brick target practice wall which appear on the 1919 OS map serving as the remaining built legacies of the latter. In terms of their significance, this elevates their historical, cultural and architectural values. The appeal site forms part of the setting to these assets.
19. In line with paragraph 209 of the Framework, the effect on the significance of a non-designated heritage asset should be taken into account. The submitted

plans demonstrate that the remnant features of the former rifle range would be incorporated into the appeal scheme as an outbuilding for one plot and intervening boundary screening between the proposed units. Therefore, through the use of a suitably worded planning condition there would be no loss of historic fabric and their architectural significance could be preserved.

20. However, the resulting fragmentation of the appeal site into separate plots and the introduction of the built form proposed would radically transform the setting of these assets. Crucially, the loss of the existing undeveloped areas to the proposed residential development would cause a serious disconnect between these remaining associated heritage features and how, in historical and cultural terms, they would be experienced within their context. This proposed change to their setting would seriously harm both their historic and cultural significance. This effect would amount to less than substantial harm but would be at the higher end of that spectrum.
21. The Framework requires that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. There is no evidence that the future of these assets is under threat in the absence of the appeal scheme. The submitted evidence does not indicate that this is a matter weighing in favour of the appeal scheme.
22. The Framework recognises that heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In view of my findings, the appeal proposal would conflict with that approach.
23. In line with paragraph 209 of the Framework and Core Policy 14 of the Core Strategy, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. I address this later as part of the necessary planning balance. Policy DM9 of the ADMDPD expects that the assets' continued protection or enhancement will be secured. In view of the identified harm, there is conflict with this local policy.
24. In overall conclusion on this main issue, the appeal proposal would cause less than substantial harm to the significance of non-designated heritage assets within the site, with particular regard to the former miniature rifle range magazine building and target practice wall.

Other Matters

25. The appeal site is a short distance from the settlements of Southwell and Upton. Crucially, as such the Council has not presented evidence which indicates unacceptable accessibility credentials of the appeal site or that it is isolated. Based on the evidence before me, the appeal proposal's more peripheral location would not promote unsustainable patterns of travel for accessing services and facilities capable of supporting daily needs. Consequently, the appeal proposal would not conflict with the accessibility objectives of the adopted spatial strategy. However, no particular benefit has been demonstrated in respect to this.

26. In the context of paragraph 123 of the Framework, I attach moderate favourable weight to the appeal scheme's contribution to land use effectiveness through increased densities on previously developed land.
27. Given there is no evidenced shortfall in housing land supply or delivery, it remains that further new build open market housing is not required by the development plan within the countryside. In view of this the contribution that would be made to the supply of housing in the area carries moderate favourable weight in this instance.
28. The special interest features of the neighbouring extensive listed Workhouse and Infirmary are derived from their historical, architectural and cultural value which arise from their age, design and original associated institutional uses. Furthermore, the special interest features of the registered park and garden are historical, being derived from its age, layout and association with the role and function of the Workhouse. The layout and form of this group of important heritage assets were used nationally as a model deterrent system of institutional care for the pauper population. The rural setting of these assets is significant in that despite their proximity to the built-up form of Southwell, it allows the authority, segregation and seclusion associated with these historic institutional uses to be appreciated.
29. The submitted evidence and my site observations do not lead me to find any historical or cultural connection between the appeal site's existing or former uses and the Workhouse, the registered park and gardens or the Infirmary. Although the appeal proposal would be located close to each of these important heritage assets, there would be no discernible intervisibility between them and the appeal scheme. This is because of the juxtaposition of the sites within a countryside backdrop of rising topography and also the highly secluded nature of the appeal site. The limited localised landscape harm that I identified earlier would not extend to the particular setting of these assets. Furthermore, given the appeal site's existing commercial use and the limited scale of development proposed, there would be no discernible visual or audible effects from associated traffic generation or other domestic activity.
30. Therefore, in line with the Act, the appeal proposal would preserve the setting of 'Greet House', the 'Thurgate Hundred Workhouse' registered park and garden, and the 'former Infirmary at Greet House'. The significance of each of these assets would remain unaffected. In the absence of any harm there would be no conflict with the Framework's approach to designated heritage assets. Furthermore, in the absence of harm there would be no conflict with Core Policy 14 of the Core Strategy, Policy So/Wh of the ADMDPD or with the Southwell Neighbourhood Plan in this respect.
31. I find that the proposed development would preserve the setting and features of special architectural or historic interest of 'Greet House', 'Thurgate Hundred Workhouse' registered park and garden and 'former Infirmary at Greet House'. This is of neutral consequence to my assessment.

Planning Balance

32. There is no shortfall in the current supply of housing land or the delivery of new homes in the area and so I attribute moderate weight to that benefit. I also attach moderate favourable weight to the appeal scheme's contribution to land use effectiveness. No other benefits have been substantiated.

33. In line with the Framework, having regard to the considerable scale of the harm and the particular significance of the site's non-designated heritage assets, I conclude that on balance the matters before me weighing in favour of the appeal proposal do not outweigh that identified harm and therefore do not justify it.
34. The appeal proposal, by virtue of its countryside location and proposed use, would conflict with the adopted spatial strategy. Significantly, it would undermine its landscape objectives. Furthermore, I have found that there would be less than substantial harm to the significance of two non-designated heritage assets which would conflict with Policy DM9 of the ADMDPD. Consequently, the appeal proposal does not accord with the development plan as a whole.
35. Overall, there are no matters before me which indicate that a decision taken contrary to the development plan would be justified in this particular instance.

Conclusion

36. For the reasons given above, I conclude that the appeal should fail.

C Dillon

INSPECTOR