



Appeal Decision

Site visit made on 9 January 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/A3010/W/23/3321373

Holly Crest, Brootts Road, Normanton on Trent, Nottinghamshire, NG23 6RL

- 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 Bentley against the decision of Bassetlaw District Council.
 - The application Ref 22/01340/FUL, dated 26 September 2022, was refused by notice dated 21 April 2023.
 - The development proposed is demolition of existing dwelling with attached agricultural buildings, and their replacement with 3 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended layout plan was submitted with the appeal, showing plot 1 sited closer to the western boundary of the site, a widened shared access drive to serve plots 1 and 2, and amended parking and garden layouts to the rear of each plot. The amended plan also clearly indicates that the area immediately to the front of the site would be formally surfaced in tarmac for use as a vehicle passing place. As the amendments, which sought to address the concerns of the Local Highway Authority, are not significant, and the Council had the opportunity to consult and comment upon the appeal submissions, I am satisfied that no party would be prejudiced by my consideration of the amended layout. I have therefore determined the appeal on this basis.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

4. The main issues are the effect of the development on i) the character and appearance of the area; ii) designated and non-designated heritage assets; iii) flood risk; and iv) highway safety.

Reasons

Character and appearance

5. The site is in the countryside, and except for the four new detached houses recently constructed to the east, it is surrounded by fields and paddocks. It

comprises a former farmhouse, which extends into part of an attached range of old farm buildings. The existing buildings, which are constructed in brick and have concrete pantiles on the roof, have been subject to some unsympathetic alterations over the years. However, the simple traditional agricultural form and appearance of the buildings, with their varied building and roof lines, has been retained. This makes a positive contribution to the rural character of the area and reflects the historic use of the site.

6. The existing L shaped dwelling has a steep gable roof, simple elevational treatment and gardens to the south and west, which together with the main windows take advantage of the sun and the open views to the south and west of the site. The proposed replacement dwelling on plot 1, with its high hipped roof, external chimney stack, gable projections to the front and rear, and large blank side elevations that would be located hard up to the new shared access drive on one side, and visible in views across the open field when travelling from the village at the other side, would not reflect the simple and traditional form and appearance of the old farmhouse it would replace. The proposed timber cladding and timber soffits are also not characteristic of dwellings in this area, although I see no reason why the use of lime render would be inappropriate, given that the existing dwelling and many others nearby are rendered.
7. The range of farm buildings adjoining the house have developed organically and comprise a series of linked buildings, close to the road, at different heights and angles with different features. The design of the proposed dwellings on plots 2 and 3 would to some extent reflect the appearance of a converted barn, finished in red brick with clay tiles and incorporating traditional feature such as ventilation slits, brick headers to windows, panels below windows and eaves detailing. However, the formal symmetry of the building, combined with the single building line, single eaves and ridge heights, the matching front and rear gable projections on either end, and sub-divided front gardens, fail to reflect the traditional and simple form of historic farm buildings. Furthermore, the large and somewhat featureless flank walls would be tight up to the shared access roads, with the front doors of plots 2 and 3 opening directly onto these.
8. Whilst I acknowledge that there are new dwellings to the east of the site and that there is a mixture of dwelling types elsewhere along Brots Road, and within the village, these did not, to my knowledge, replace a former historic farmhouse and associated buildings. Moreover, the new dwellings to the east have staggered building and roof lines, simple steep pitched gable roofs, internal chimney stacks, soldier brick arches, brick eaves detailing, and timber framed porch canopies, which reflect the traditional rural character of the area.
9. Although the scale and massing of the proposal would not be significantly different to that of the existing development on the site, and alternative materials could be controlled by a planning condition, the design fails to reflect the historic use of the site and the agricultural character of its surroundings. As such the proposal would not accord with Policy DM4 of the Bassetlaw District Local Development Framework (2011) (the LDF) or paragraph 135 of the Framework, which seek to ensure development is of high-quality design, which respects its wider surroundings and is sympathetic to local character and history.

Heritage assets

10. The nearest designated heritage assets are The Grange and attached wall and outbuildings, and the walls and gateway to The Grange. These Grade II listed buildings and structures are located on South Street, opposite the junction of Brootts Road. They are over 100 metres from the appeal site and are separated from it by an enclosed field, enclosed garden area, roads, and landscaping. The significance of the designated heritage assets is a combination of their age, their historic and architectural interest, and their group value.
11. Although the appeal site is visible from the entrance to The Grange, it is not viewed within the same context. Given the scale and nature of the proposal, which seeks to replace the existing buildings with new ones of a similar scale and in a similar position, it would not compete with or draw attention away from the listed building and its associated listed structures. Whilst I agree that the design of the proposal would not be entirely in keeping with the historic use of the site and its surroundings, it would not result in any harm to the significance of any nearby designated heritage assets or to the setting within which they are experienced.
12. The farmhouse and farm buildings on the site are non-designated heritage assets. Their significance is derived mainly from their age, and although the buildings are of some historic interest, they are not rare or exceptional examples of such buildings. The buildings have been unsympathetically altered over many years and substantial parts of the original dwelling and the adjoining large barn, which the dwelling extends into and which the Council refer to as 'the central aspect', have collapsed. Even if some parts of the existing buildings could be repaired and retained, the extent of works required, as set out in the building condition report, would result in any remaining historic fabric being minimal.
13. The Council accepts that the farmhouse is beyond repair and that its demolition is justified. The condition of the central aspect is disputed by the Council, but at the time of my visit the southeast corner of this had also collapsed and what remained of the building appeared very dangerous. The two-storey barn at the eastern end of the group has been deemed unsafe to use and at risk of collapsing at any time. I have no reason to doubt the findings of the submitted structural report, which concludes that the buildings are no longer structurally sound and are beyond economical repair. Although costings would have been beneficial in supporting the appellants case, there is no policy requirement to provide these and I have no reason to doubt the costs of conversion would, in this case, be substantially more than demolition and new build. I also have no reason to doubt that lending would be difficult to secure on a project such as this given the risks involved.
14. Based upon the submitted evidence and my own inspection of the site, I conclude that the buildings on the appeal site have a very low level of heritage significance. However, as the proposal would result in the total loss of a non-designated asset, it is necessary to make a balanced judgement having regard to the significance of the asset in accordance with paragraph 209 of the Framework. I return to this matter below. However, the proposal would not result in any harm to any designated heritage assets and in this respect would accord with Policy DM8 of the LDF and the Framework.

Flood risk

15. The Environment Agency flood map submitted with the appeal confirms that the existing house and attached farm buildings are located within flood zone 1. The areas immediately to the south and east of the buildings are in flood zone 2. The boundary between flood zones 1 and 2 has been plotted onto the proposed site plan and based upon this it is evident that the new dwellings would be entirely in flood zone 1. However, the rear gardens including any new fencing, new hardstanding parking areas and parts of the accesses, which all form part of the development proposal, would be in flood zone 2.
16. Footnote 59 of the Framework advises that a site-specific flood risk assessment (FRA) should be provided for all development in flood zones 2 and 3. Although flood risk is referred to within the submitted Planning Statement, and reference has also been made to a FRA that was submitted with a previous application to convert the agricultural buildings to residential use, which I have not been provided with a copy of, this does not amount to a FRA. I have been provided with some basic flood mitigation measures for the proposed dwellings, which should not be necessary given that they would be in flood zone 1. However, it has not been demonstrated that new garden fences and structures would not affect flood flows and that increased areas of hardstanding and parked cars would not increase the risk of flooding or increase the danger to others in the event of a flood. A proportionate FRA should be provided for the proposal, in accordance with the Framework, Planning Practice Guidance (PPG) and the standing advice published by the Environment Agency.
17. I acknowledge that a sequential approach has been followed, ensuring that the most vulnerable aspects of the development (the new dwellings) would be located in flood zone 1. I also note that pedestrian access between the dwellings and Broths Road is in flood zone 1. The access, garden and parking to the existing dwelling is already in flood zone 2. The extension and change of use of the remaining farmyard area to garden and parking would be minor development. As the vulnerable elements of the proposal would be located wholly within flood zone 1, and other elements of the proposal would be minor development, subject to a suitable FRA, it is unlikely that another site in flood zone 1 would be sequentially preferable in terms of flood risk. In these circumstances it would therefore be unreasonable and unnecessary to require a district wide sequential test.
18. In the absence of a site-specific FRA for the whole of the development, the proposal is contrary to paragraph 173 of the Framework and Policy DM12 of the LDF, which seek to ensure that flood risk is not increased elsewhere as a result of new development.

Highway safety

19. The amended plan submitted with the appeal demonstrates that the proposal would not encroach into the public highway and that part of the site frontage would be surfaced and retained as a passing place. Visibility splays of 2.4m x 43m have been demonstrated for the proposed new access. Whilst the visibility splays for the existing access have not been shown, the use of this to serve plot 3 and the existing land and stables to the rear of the site would not intensify its existing use. Each driveway would also exceed 3.6m in width. I am satisfied that these requirements, and the submission of details relating to the storage and collection of wheelie bins could be secured by appropriate

conditions. The provision of electric vehicle charging points is covered by Building Regulations.

20. Brootts Road is a quiet rural road, with a 30mph speed limit and street lighting. The proposal would not result in any significant increase in traffic, and parking and turning space would be provided on site. Accordingly, the development would not lead to vehicles parking on or reversing out onto the public highway.
21. I am advised that there is extant planning permission for a new vehicular access to serve the existing dwelling, which is in the same position as that which was initially proposed to serve the new plot 1. However, as construction of this access had not commenced at the time of my visit and it does not form part of the amended plan that I have been asked to determine the appeal based upon, I have not considered this further.
22. Whilst entering and leaving the front doors of plots 2 and 3, directly to and from access drives that are shared with plot 1 and the stables, would create a safety hazard, this is a design issue that can be resolved, and not a matter that would affect the safety of public highway users.
23. I am therefore satisfied that the proposal would not be detrimental to highway safety and would accord with Policy DM4 of the LDF and paragraph 115 of the Framework.

Other Matters

24. I am advised that prior approval consent has previously been granted for the conversion of the farm buildings to residential use and that although that consent has expired, it could be applied for again. It is suggested that the appeal proposal would result in better quality, more flood resilient, sustainable, energy efficient homes than the fallback option. However, the evidence before me concludes that the existing dwelling and farm buildings are beyond economical repair and that even if attempts were made to repair and reuse these, such a scheme would result in around 75% new build, and would struggle to secure lending or to meet Building Regulation requirements. Consequently, I am not convinced that there is a realistic fallback position and even if there was, this would be more likely to preserve the form and character of the existing buildings. As such I afford this very limited weight.
25. I acknowledge that the proposal would make a small contribution to the local housing land supply, would provide jobs during its construction phase and that given the close proximity of the site to the village, future residents of the new houses would help to support its services. I afford these benefits moderate weight.
26. I have been provided with details of two other planning permissions that have been granted for the replacement of non-designated heritage assets in the village. However, in these cases the replacement dwellings were considered to be of appropriate design. I therefore afford this very limited weight.
27. I acknowledge the support for the proposal from local residents, who are concerned about the safety of the existing buildings, which are located close to the road, and consider the site to be an eyesore. As these concerns could be addressed by an alternative scheme, this support does not outweigh my concerns regarding the design of the proposed development and the conflict with planning policies relating to flood risk.

Planning Balance and Conclusion

28. The proposed development would not result in harm to any designated heritage assets or to highway safety. Whilst it would result in the total demolition of a non-designated heritage asset, I consider this asset to be of low significance, and consequently, I afford its loss limited weight. However, in the absence of a suitably designed replacement scheme, which reflects the historic use of the site and the character of its predominantly agricultural surroundings, the loss of this asset is not outweighed by the benefits of its replacement. Furthermore, the proposal would introduce new development to the rear of the site, in flood zone 2, which has not been demonstrated to be safe through the submission of a site-specific flood risk assessment. This weighs against the proposal.
29. The proposal would be contrary to national and local planning policies relating to good design and flood risk, and there are no other material considerations before me that would persuade me to make a decision other than in accordance with these.
30. For the reasons given above and having had regard to all issues raised, the appeal is dismissed.

R Bartlett

INSPECTOR