



Appeal Decision

Site visit made on 6 February 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH February 2024

Appeal Ref: APP/B3030/W/23/3328836

Land Adjoining Lodge Farm, Great North Road, Weston, Nottinghamshire, NG23 6ST

- 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 Philip G Hemsall, of P G and B Hemsall, against the decision of Newark and Sherwood District Council.
 - The application Ref 23/01051/FUL, dated 14 June 2023, was refused by notice dated 15 August 2023.
 - The development proposed is to erect 5 dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is an appropriate location for new residential development, having regard to the development plan;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on existing trees and hedges.

Reasons

Location

3. The site is located in the small village of Weston, which has no defined development limit. Although there are limited services and facilities within the village, I am advised that nearby larger settlements can be reached by an hourly bus service that runs throughout each day, except on Sundays and Bank Holidays. It has not been suggested to me that Weston itself is an unsuitable location for some small-scale housing development, subject to it not having a detrimental impact on the character of the location or its landscape setting, which I address later in my decision. I note that other small scale housing developments have recently been granted planning permission elsewhere within the village. The main dispute regarding the location is whether or not the site is located within the open countryside.
4. Whilst I acknowledge that the supporting text to Spatial Policy 3 of the Newark and Sherwood Amended Core Strategy 2019 (the CS) states that the built extent of villages will not normally include undeveloped land, fields, paddocks

or open space, this text is not policy. Furthermore, the term 'not normally' indicates that there is some flexibility, based upon the circumstances of each case.

5. In this case the site comprises a small, roughly rectangular area of disused grassland, together with a smaller area of land that appears to have been used as garden and which is occupied by two small domestic sheds. It is surrounded by residential development on three sides and is segregated from the countryside beyond by the Great North Road on the fourth side. The open countryside surrounding the village is distinctly different in character to the appeal site, comprising much larger fields and paddocks.
6. I note that the site is located outside of the village development boundary that was defined in a former local plan, to accommodate the growth needs of that plan period. However, that development boundary was removed over ten years ago and as such I afford it no weight. I also acknowledge that the predominantly open and undeveloped land adjacent to Great North Road makes a positive contribution to the character of the village, but this does not alter my view that the site is located within the village and would not erode or encroach into the open countryside.
7. I therefore conclude that the site is an appropriate location for new residential development and would accord with Spatial Policy 3, subject to meeting other relevant criteria. As the proposal would not be located away from the main built-up area of the village, in the open countryside, Policy DM8 of the Allocations and Development Management DPD 2013 (DMDPD) does not apply. As the proposed dwellings would not be isolated, I also find no conflict with the National Planning Policy Framework (the Framework) with regard to their location. The development would accord with paragraph 83 of the Framework, which is supportive of housing in rural areas where it would maintain the vitality of rural communities and support local services within the settlement or in other villages nearby.

Character and appearance

8. Although the appeal site is accessed from Main Street, the properties on either side of the site, along with several others, are accessed from and face Great North Road. The northern side of Great North Road, between the junction of Main Street and Colley Lane, comprises a mixture of large residential gardens and, in addition to the appeal site, two small paddocks located behind Walnut Close and Orchard Close. Except for a low rise building with its gable end facing the road, which appears to be a converted former stable building, and Sunny View Cottage, which is sited up to the back edge of the footway close to the junction of Colley Lane, all other buildings are set well back from Great North Road behind generous front or rear gardens. Properties on Main Street, on either side of the proposed access, are also set back from the road in large spacious plots.
9. In contrast the proposal would comprise dwellings sited close to plot boundaries, close to each other, close to the southern boundary with Great North Road and close to the access road within the site. Views into the development from Main Street would be of car parking and the streetscene of the new development would be dominated by the turning head and parking spaces.

10. I acknowledge that the density of the development would be low in terms of the number of dwellings per hectare. Nevertheless, the development would still appear cramped due to the size and layout of the buildings and the amount of space that would be developed for access and parking. This is a clear symptom of overdevelopment.
11. The fact that a development would not be visually prominent is not a reason to compromise on design quality. The development would be visible from neighbouring properties, in views down the access from Main Street and from Great North Road, particularly in winter months when the hedgerow is not in leaf. Views into the site from Main Street should seek to retain either open views through the site or views of an attractive focal point, that reflects the rural character of the village. Views from Great North Road should reflect its openness and its rural character and appearance.
12. I acknowledge that backland development exists along both sides of Main Street and as such this would not be out of character in this area and would not set a precedent for other similar developments, each of which must be determined on their own merits. I also note that the mix of dwellings proposed would be of traditional appearance and materials and would reflect the wide variety of buildings found throughout the village.
13. Reference has been made to five nearby housing developments that have been completed over the last twenty years or so, which the appellant suggests have changed the character of the area. However, these small-scale developments all retain the open nature of the Great North Road frontage and as such are materially different to the proposal currently before me.
14. My attention has also been drawn to Hayfield Grove, a modern cul-de-sac development, which comprises dwellings located tightly together with limited space around them and frontage parking. I am not aware of the circumstances that led to that permission being granted, which does not in any event form part of the area immediately surrounding the site, where there is a much looser grain of development. Moreover, the parking areas on Hayfield Grove appear broken up, whereas on entering the appeal site the parking for plots 1 and 5 would be on either side of the road and the row of 6 parking spaces to plots 3 and 4 would be directly in front. The desire for residents to be able to park close to their homes and where they can see their cars is acknowledged but this can be achieved by other design and layout solutions that are less visually intrusive.
15. I therefore conclude that due to the proximity of the proposed buildings to Great North Road and the cramped layout of buildings and parking within each plot, the proposal would fail to respect the spacious open character and appearance of the rural area. Consequently, it would be contrary to Spatial Policy 3 of the CS, in so far as it relates to character, Core Policy 9 of the CS and Policy DM5 of the DMDPD, which seek to ensure, amongst other things, that new development is of high quality design and of an appropriate form and scale to its context complementing the existing built and landscape environment. The proposal would also conflict with paragraph 135 of the Framework.
16. As I have not been provided with copies of the Residential Cycle and Car Parking Standards Design Guide SPD or the Landscape Character Assessment SPD or advised of the implications of the small-scale proposed development on

the relevant landscape Policy Zone, I can find no conflict with Core Policy 13 or the SPDs referred to. Whilst I agree the proposed parking arrangements would result in a car dominated street scene that would not reflect the character and appearance of the area, I find no conflict with the general aims of Spatial Policy 7.

Trees and hedges

17. The trees and hedges within the site and along its boundaries, make a positive contribution in terms of both their biodiversity value and to the rural character and appearance of the area. Although it is proposed to retain the existing boundary trees and hedges and to erect fencing to protect these during the construction phase, there is no professional evidence before me to determine the root protection areas or to demonstrate that these would not be affected by the proposed new buildings, associated areas of hardstanding or the laying of necessary drains and services. The proposed dwelling on plot 2 in particular, would be close to the canopy of the larger trees, and could result in pressure to extensively prune or fell these in the future.
18. Since planning permission was refused, a Tree Preservation Order (TPO) has been made. This covers 4 individual trees on the southern boundary, which are proposed to be retained, and a small group of trees on the boundary between the larger paddock area and the smaller informal garden area on the eastern side of the site, which are proposed to be removed. Whilst this group of young trees are currently of limited size and amenity value, there is no reason why they would not grow and develop into healthy mature trees with greater amenity value in the future. Due to their location close to the southern boundary of the site, they would as they mature, be visible from Great North Road and would make a positive contribution to this open green edge of the village.
19. Whilst I acknowledge that the trees vary in terms of size and condition and that some appear to be unbalanced and covered in Ivy, neither party has provided me with a professional arboricultural assessment, advising on the health, grading, condition and likely remaining lifespan of any of the trees. Nor have I been provided with accurate root protection areas for any of the trees and hedges. Given that the trees are protected and in the absence of any evidence to confirm that the development would not encroach into the root protection areas of these trees, I cannot be satisfied that they would not be harmed or lost. Although some new landscaping and tree planting is proposed, this would not outweigh the loss of the existing trees and hedges.
20. I therefore conclude that the proposal would be contrary to Policy DM5 of the DMDPD and paragraph 136 of the Framework. These seek to protect and enhance natural features and to integrate them into new development. As Core Policy 12 of the CS and Policy DM7 of the DMDPD relate more to protected sites, I find no conflict with these.

Conclusion

21. Although the site is an appropriate location in principle for new residential development, it has not been demonstrated that the proposal would not result in harm to protected trees or hedgerows on the site, which make a positive contribution to the area. Furthermore, the layout and design of the proposal would not be of sufficiently high quality and would fail to reflect the spacious

open character of this rural village location. Accordingly, the proposal would not accord with the development plan as a whole and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR