



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: 1 March 2024

Appeal Ref: APP/B3030/W/23/3328618

Willow Hall Farm, Mansfield Road, Edingley, Nottinghamshire, NG22 8BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Anthony Tyler against the decision of Newark and Sherwood District Council.
 - The application Ref 23/00890/OUT, dated 24 May 2023, was refused by notice dated 7 July 2023.
 - The development proposed is erection of one detached house to replace existing buildings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved. I have therefore treated the drawings showing the footprint of a dwelling and parking area as being for indicative purposes only. The red line application boundary varies slightly on different drawing numbers. Although it would make no difference to my decision, I have determined the appeal based upon drawing reference JPD/MSE/4091-1B, which is confirmed as being the correct plan on the Council's decision notice.

Main Issues

3. The main issues are whether the site is an appropriate location for a new dwelling, having regard to the development plan and the effect of the development on the character and appearance of the area.

Reasons

Location

4. The main parties disagree whether the appeal site is located within the built-up area of the village of Edingley, or in the open countryside. In the absence of any defined village development limit, this is a judgement that must be made based upon the facts on the ground. The appeal site is set well back from Mansfield Road, beyond a large arable field, and is accessed by a private track at the western end of the village, which leads to Willow Hall Farm. Except for Willow Hall Farm, the appeal site is surrounded by arable fields and grass paddocks. Although part of the access track leading up to the site lies adjacent to the built-up edge of the village, the proposed dwelling would be set back approximately 200 metres from the ribbon of built development along

- Mansfield Road, and would be viewed in context with the open fields surrounding it.
5. My attention has been drawn to a barn that is being converted into a dwelling a short distance to the west of the access track off Mansfield Road and to a small number of dwellings on Allesford Lane. These sporadically located dwellings, which are also surrounded by fields and are a significant distance from the established built-up area of the village, do not extend its built form.
 6. I therefore conclude that the site is located outside of the village, in the open countryside.
 7. Spatial Policy 3 of the Newark and Sherwood Amended Core Strategy 2019 (the CS) sets out the criteria against which new development beyond principal villages should be assessed. These include location, scale, need, impact and character.
 8. Edingley has some local services of its own, together with a regular bus service providing sustainable access to larger settlements such as Newark and Mansfield. I noted that facilities such as the village pub and restaurant, church, village hall and bus stops are all within walking distance of the site. These can be safely accessed via both the Public Right of Way (PROW) that runs past the front of the site or via the private farm track and along the pavement on Mansfield Road. A more extensive range of facilities are also available in the neighbouring village of Farnsfield, which is approximately 2km from the site, and can be accessed by bus, bicycle or via the pedestrian footway along Mansfield Road.
 9. Accordingly, although the proposed dwelling would not be in the village, future occupiers of it would have sustainable access to larger settlements, and to local services to meet their day-to-day needs. Future occupiers of the dwelling would also help to support community facilities and local services, and the development would not generate excessive car-borne traffic or have an undue impact on the transport network. The proposal would therefore accord broadly with the location, need and impact criteria set out in Spatial Policy 3, and would also assist in maintaining the vitality of the rural community, in accordance with paragraph 83 of the Framework.
 10. Spatial Policy 3 goes on to state that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. It advises that separate policies to deal with such applications are set out in the Allocations and Development Management DPD 2013 (the DMDPD). Policy DM8 of the DMDPD limits new housing that would be located away from the main built-up areas of villages, in the open countryside, to that required for rural workers, conversions, replacements or to new dwellings of exceptional quality or innovative design. This is more restrictive than paragraph 84 of the National Planning Policy Framework 2023 (the Framework), which only applies such restrictions to isolated new homes in the countryside.
 11. I therefore conclude that despite its proximity to the village, the site does not adjoin or form part of its built-up area and instead, forms part of the open countryside beyond. Accordingly, the proposal would be contrary to Spatial Policy 3 of the CS and Policy DM8 of the DMDPD, which direct new

development to built-up areas and restrict new homes to a limited number of exceptions.

12. However, Paragraph 225 of the Framework requires due weight to be given to policies according to their degree of consistency with the Framework. The proposal would not result in an isolated new home and would accord with paragraphs 83 and 84 of the Framework. I have therefore reduced weight I have given to the locational conflict with Spatial Policy 3 and Policy DM8 accordingly.

Character and appearance

13. Spatial Policy 3 requires that the scale of new development is appropriate to the proposed location and is small in nature. The scale of the development is reserved for subsequent approval. However, the proposal is for a single dwelling, and the appellant has invited conditions which would limit the height of the dwelling to one and a half storeys, to permit only a dormer bungalow, and to limit the footprint of the dwelling to a maximum of 150 square metres to reflect the area of the existing buildings that would be removed.
14. Spatial Policy 3 also states that new development should not have a detrimental impact on the character of the location or its landscape setting. The site comprises a large well maintained mown grassed area, enclosed by trees and hedges. It is occupied by several small sheds, containers and a touring caravan. Whether it is domestic curtilage or not, it is largely open and undeveloped. The existing structures on the site, one of which had completely collapsed at the time of my visit, due to their small scale, their limited height of no more than approximately 2.5 metres, and their temporary nature, are not visually prominent in the wider landscape and do not harmfully detract from the rural character and appearance of the area.
15. A new dwelling, even if it was limited to a dormer bungalow, together with its associated hardstanding access and parking, would be greater in terms of height and massing, and thus more visually prominent in the landscape, than the existing small structures that would be removed. I acknowledge that the existing boundary trees and hedges provide some degree of screening. However, the long-term future of these cannot be guaranteed. Moreover, they would not completely restrict views into the site, particularly from the PROW, from views across the open land to the front, from views over the fields from higher land to the rear, and during the winter months when the trees and hedges are not in full leaf. Even if the proposed dwelling was completely screened, the introduction of new residential development and increased residential use in this location would inevitably change its character, and harm its rural and landscape setting. This would be due to the loss of largely undeveloped open land to permanent built development.
16. I therefore conclude that the proposal would be contrary to Spatial Policy 3 of the CS and paragraph 135(c) of the Framework, which require new development to be sympathetic to local character and landscape setting. As matters of design are not before me for consideration at this stage, I find no conflict with Core Policy 9 (sustainable Design) of the CS. I also find no conflict with Core Policy 13 of the CS, which appears more relevant to plan making and major development proposals. Moreover, I have not been provided with the landscape character assessment referred to in this policy.

Other Matters

17. I acknowledge the appellant's personal circumstances and desire to downsize to a more manageable and energy efficient home whilst maintaining links with the village. However, the planning system does not exist to benefit personal interests and as such I can afford this very limited weight.
18. There is a disagreement between the main parties as to whether the appeal site forms part of the domestic curtilage to Willow Hall Farm. However, given my findings on the main issues, even if the site is domestic curtilage, this would not change my view that the site is the open countryside and that a new dwelling in this location would result in harm to its rural character and appearance.

Conclusion

19. Although the site is in the open countryside, the proposal would not result in an isolated new home, in an unsustainable location. However, this does not outweigh the conflict with local and national planning policies that seek to protect the character and landscape setting of the countryside. Consequently, 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