



Appeal Decision

Site visit made on 7 May 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/B3030/W/23/3333219

The Old Coach House, Drinsey Nook Lane, Thorney, Nottinghamshire LN1 2JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by United Health Group 2 Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/00136/FUL.
 - The development proposed is new commercial unit including an office, storage space and workshop.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the sake of clarity and brevity I have taken the description of development from the Council's decision notice.

Main Issues

3. The main issues are whether the proposal is suitably located; the effect of the proposal on the character and appearance of the surrounding area; the effect of the proposal on trees and hedgerows; and the effect of the proposal on the surrounding area in terms of flooding.

Reasons

Location

4. Policy DM8 of the Newark & Sherwood Local Development Framework Development Plan Document 2013 (DPD) relates to development in the countryside. Paragraph 8 of this Policy states that small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs. It goes further to state that proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment.
5. The proposal is required due to existing buildings on the site being converted into residential accommodation¹ and the proposal would provide a larger office space, purpose-built storage facility and workshop area. The appellant considers that as there will be less than 50 employees at the site, then the proposal is classed as small-scale employment development. The proposed building would be approximately 397.2 square metres in floor area. There is limited information provided in terms of the floor area of the existing development, however, the

¹ Planning permission 23/00124/FUL

proposed site plan shows that the proposed building including the proposed car park would be a large addition when compared to the existing built development. The proposal would therefore not be a proportionate expansion of the existing business in terms of development scale.

6. The proposal would introduce employment opportunities with the appellant indicating that there is a future local employment need within the area resulting from new housing developments. There would also be scope for employment from nearby settlements such as Laughterton, Newton on Trent, Doddington and Skellingthorpe. There is minimal evidence on the level of local employment need that these new housing schemes would bring and what the level of employment need is within nearby settlements. Little information has been provided that demonstrates how the proposal would support an ongoing contribution to local employment.
7. The proposal would allow for more effective and streamlined running of the business, appearing more professional to clients and visitors and allowing the existing business to 'level up'. The appellant also considers that given the presence of the existing business on site, a sequential test is not required. These matters, however, do not alter that the proposal does not demonstrate support for ongoing contribution to local employment and the subsequent conflict with Policy DM8.
8. The proposed development would not be a proportionate expansion of the existing buildings and it has not been demonstrated that the proposal would support ongoing contribution to local employment. The proposal would therefore not be suitably located. It would be contrary to Policy DM8 of the DPD, Policy 6 of the Review of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy 2019 (CS) and the National Planning Policy Framework (the Framework) which seeks to shape employment profile and strictly control development away from built up areas of villages in the countryside.

Character and appearance

9. The area surrounding the appeal site is characterised predominantly by rural countryside with agricultural fields with pockets of built development. The built development in the area, particularly the buildings immediately north of the appeal site, are modest in scale with traditional design architecture. The Old Coach House building is constructed from red brick and terracotta pantiles and is a non-designated heritage asset. The landscape condition in the area has been described as being moderate with low sensitivity. Nevertheless, it is the rural environment interspersed with modest built form that contributes positively to the character of the area.
10. The proposed development, due to its scale and massing, would be a large and intrusive structure. Whilst it would be positioned adjacent to a cluster of buildings, its design and size would not be reflective of the style of the existing built form and would have a detrimental effect on the local built vernacular.
11. The proposed materials would complement the existing materials palette of surrounding buildings. However, given the scale, massing, form and design of the proposed development, it would be a dominating incongruous feature that detracts from the character and appearance of the surrounding area, as well as the setting of the nearby non-designated heritage asset.
12. I have had regard to housing clusters and nearby development as detailed in figure 1 of the appellants statement of case. I do not consider these other examples to be

directly comparable to the appeal scheme, particularly with regards to size, design, relationship with adjoining buildings and type of building.

13. The proposed development would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Policy DM5 of the DPD, Policies 9 and 13 of the CS and the Framework which seeks new development proposals to demonstrate a high standard of sustainable design, reflect the character of built form in scale, form, mass and design, and protect landscapes.

Trees and hedgerows

14. There are mature trees and hedgerow located around the perimeter of the appeal site. The proposed building and parking areas would be located within close proximity to some of the boundary trees and hedgerow. An arboricultural report has not been submitted with this appeal although a survey schedule has been provided which identifies the condition of some of the trees and hedgerow.
15. The appellants arboriculturist has commented that a three-metre separation between the proposal and the trees and hedgerows would provide adequate clearance around the trees for development activity without significant pruning or soil compaction. There is minimal evidence to convince me that a three-metre separation has been achieved with little details on matters such as type of building foundations and whether the proximity of the proposal to trees and hedgerows would compromise growth and the lifespan of the trees and hedgerows.
16. Insufficient evidence has been provided and I am not convinced that the proposed development would not have a harmful effect on trees and hedgerows. The proposal would conflict with Policies DM5 and DM7 of the DPD, Policy 12 of the CS and the Framework which seeks natural features of importance and green infrastructure to be protected.

Flooding

17. The appeal site is located within a Flood Zone 3a. The Framework states that a site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3. An FRA has not been submitted with this appeal.
18. The appellant considers the development falls within the 'Less Vulnerable' flood risk classification, also indicating that the storage area of the proposal would be fitted with industrial shelving units in case of flooding events. Nevertheless, insufficient evidence has been provided such as matters relating to sequential test or specific design flood requirements, which provides certainty on whether the proposal would be adequately protected from potential flooding or the effect the proposal may have on flooding in the area.
19. My attention has been drawn to a number of other development schemes in the area which have been constructed in Flood Zones 2 and 3. Minimal information has been submitted with regards to these other schemes and I do not consider they are directly comparable to the appeal scheme, particularly with regards to location and development plan policies.
20. Accordingly, insufficient evidence has been submitted for me to be convinced that the proposed development would not have a harmful effect in terms of flooding. The proposal would not be in accordance with Policy DM5 of the DPD, Policies 9 and 10 of the CS and the Framework which seeks to steer new development away from areas at highest risk of flooding.

Conclusion

21. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
22. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR