



Appeal Decision

Site visit made on 7 June 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/P3040/W/23/3334200

Fieldfare Cottage, Main Street, Thoroton, Nottinghamshire NG13 9DS

- 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 Mr James Max against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/00886/FUL.
 - The development proposed is to demolish an existing timber shed and the development of a new 2 bedroomed detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.
3. I have removed the superfluous text from the description of development in the banner heading above, as it does not relate to an act of development.

Main Issues

4. The main issues are:
 - a) the effect of the proposal on the character and appearance of the surrounding area and the significance of the Thoroton Conservation Area (CA);
 - b) the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance from vehicle movements; and
 - c) whether the appeal site is in a suitable location for the proposed development, including the site's accessibility to services and facilities.

Reasons

Character and Appearance, including the CA

5. The appeal site is within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 205 of the Framework states

that great weight should be given to the conservation of a designated heritage asset.

6. The CA encompasses the historic core of the village including the Church of St Helena, the built development either side of Main Street that includes dwellings and working farms, and some of the surrounding fields. The fields surrounding the village provide a rural setting and screen the village from approaching views. The significance of the CA lies in its historical and aesthetic values.
7. An existing timber garage within the appeal site is of modern construction and has limited architectural merit. Therefore, its demolition would not harm the significance of the CA.
8. Historically, except for the church and the buildings immediately surrounding it, the village had a linear pattern with built development fronting either side of Main Street. However, as the village has grown, particularly in recent years, dwellings have been constructed behind the frontage buildings. Consequently, the village's simple linear layout has been diluted and it no longer typifies the character and appearance of the CA. The proposed dwelling's siting behind Westlands would follow a similar pattern to other recent housing developments within the village and therefore, it would not be out-of-character and it would conserve the CA.
9. For these reasons, I do not find that the proposed dwelling would have a harmful effect on the character and appearance of the surrounding area or harm the significance of the CA. It would comply with Policy 11 of the Rushcliffe Local Plan Part 1: Core Strategy, adopted 2014 (CS) and Policy 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies, adopted 2019 (LPP) which, amongst other things, seek to support proposals where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

Living Conditions – Noise and Disturbance

10. The proposal would utilise an existing access/driveway onto Main Street between Westlands and Hudson Cottage, with the proposed parking and turning area in proximity of neighbouring properties' rear gardens. The information before me suggests that vehicles use the existing access and therefore the occupiers of neighbouring dwellings are subject to some noise and disturbance from vehicle movements.
11. I recognise that vehicle movements associated with one dwelling would likely exceed those of the existing use. However, the proposed dwelling would have two bedrooms which would restrict the number of occupants and limit the number of vehicle movements. Furthermore, a new 1.8m high fence would be constructed along the boundary shared with Fieldfare Cottage's rear garden and a landscaping buffer is proposed adjacent to the rear garden of Westlands, both of which would dissipate vehicle noise.
12. For these reasons, in reference to the second main issue, I am not persuaded that noise and disturbance from vehicle movements associated with the proposal would be unacceptably harmful to the living conditions of the occupiers of neighbouring dwellings. It would therefore comply with Policy 1 of the LPP which, amongst other things, seeks to grant permission for new

development provided there is no significant adverse effect upon the amenity of adjoining properties by reason of traffic generated.

Suitable Location?

13. Policy 3 of the CS directs the majority of development to the main built-up area of Nottingham and a number of identified key settlements. Thoroton falls outside of these settlements and therefore, is an "other settlement" whereby development will be for local needs only.
14. Paragraph 3.10 of the LPP states that development to meet local needs in other villages will be limited to small scale infill development, exception site development and sites allocated in Neighbourhood Plans. It defines small scale infill development as *"the development of small gaps within the existing fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area"*.
15. I have already determined that the proposal would not have a harmful impact on the pattern or character of the area. The appeal proposal is for one, two-bedroomed dwelling on a plot that would not be overly large and therefore I am satisfied that it would be small scale. The appeal site comprises part of the garden associated with Fieldfare Cottage and is bounded on three sides by dwellings and their gardens. These gardens are separated from the open fields to the north by a defined boundary, with the open fields having a distinctly different character and appearance. Consequently, I find that the appeal site forms part of the existing built fabric of the village. I accept that the appeal site is behind Westlands, however, the definition of "small scale infill development" does not require the gap to front the road. For these reasons, I am satisfied that the proposal would meet the definition of small scale infill development within paragraph 3.10 of the LPP.
16. Turning to whether the proposed dwelling would be for local needs, the appellant's Design & Access Statement indicates that the proposed dwelling could add to the overall housing supply of the district by providing a modest 2-bedroomed house suitable for a young family or downsizers. However, the appellant's Planning Appeal Statement details that it is required to accommodate a family member who has caring needs. Therefore, it is unclear who would occupy the proposed dwelling.
17. Notwithstanding this, the proposed dwelling would add to the overall supply of housing within the district. However, I am unsure whether a two-bedroomed dwelling is required to meet local needs. The proposal would comprise an open-market dwelling and I do not have a mechanism before me that would ensure that the proposed dwelling would be occupied by the family member. Furthermore, I am unaware where the family member currently resides and therefore, I am unable to determine whether their occupation of the proposed dwelling would meet a local need. Consequently, I am not persuaded that the proposed dwelling would be for local needs only.
18. Thoroton has an absence of services and facilities and while there is a bus stop within the village, I have not been provided with the frequency of the service to understand whether future occupiers could rely on it as an alternative mode of transport to the private car. Routes to and from other villages with services and facilities to meet the day-to-day needs of future occupiers would likely be unappealing for walking and cycling as they comprise narrow roads lacking

pavements and lighting and are a substantial distance from the appeal site. Therefore, future occupiers of the proposal would be reliant on the private motor vehicle to meet their day-to-day needs.

19. CS Policy 3 supports an appropriate level of growth within “other settlements” and I recognise that “other settlements” could lack the services and facilities to meet the day-to-day needs of future occupiers. Therefore, it cannot be the case that any small scale infill development will automatically be unacceptable due to future occupiers’ reliance on the private motor vehicle otherwise, the policy’s purpose to support small scale infill development would be hindered. However, I am not persuaded from the information before me, that the proposal has demonstrated compliance with the hierarchical approach to the delivery of sustainable transport networks detailed within CS Policy 14.
20. The appellant has directed me to other housing developments¹ in Thoroton whereby the village’s lack of accessibility to services and facilities was not a determining factor. While some information has been provided in respect of these housing developments, I have not been provided with full details and therefore, from the information before me, I am unable to determine whether they are directly comparable to the appeal proposal. In any event, I must determine each case on its own merits.
21. In reference to the third main issue, the appeal site is not in a suitable location for the proposed development, including the site’s accessibility to services and facilities. The proposal would be contrary to Policies 3 and 14 of the CS, which set out a hierarchical approach to the location of new development whereby development in an “other settlement” will be for local needs only, and seek to reduce the need to travel, especially by private car, by locating new development on sites which already are, or can be made accessible by walking, cycling and public transport.

Other Matters

22. The appeal site is within the setting of two listed buildings, the Church of St Helena and Manor Farmhouse. Accordingly, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of these listed buildings.
23. The Church of St Helena was constructed in 1869 of coursed and random rubble and has a tower with an octagonal spire. While Manor Farmhouse dates from the mid-17th century with later additions and comprises a two-storey manor house constructed of coursed rubble and brick that is colour-washed and partly rendered and a slate roof. The significance of these buildings derives from their aesthetic and historic values.
24. Due to the separation distance and intervening mature vegetation between the listed buildings and the appeal site, and the 1.5-storey height of the proposed dwelling, there would be limited intervisibility between them. Furthermore, I am satisfied that the overall height of the proposed dwelling would not adversely affect the “significant view” towards the Church of St Helena from Main Street² to the northwest of the appeal site. While the proposal would

¹ Planning Refs 21/02957/FUL and 23/00580/FUL

² Appendix 2 – Conservation Area Boundary and Townscape Appraisal Map of the Thoroton Conservation Area Appraisal and Management Plan, adopted 2022

introduce additional built development within the setting of these heritage assets, it would be viewed in the context of other existing dwellings. Consequently, I am satisfied that the proposal would not result in harm to the listed buildings, including to their significance and setting.

25. The submission of a list of suggested conditions by the Council is a requirement of the appeal process. The appeal site forms part of the garden to Fieldfare Cottage and from the information before me, I am not persuaded that it forms an under-utilised parcel of land. The proposal could provide an opportunity to encourage, support and enhance on-site biodiversity, however, insufficient details have been provided regarding how this could be achieved.
26. The appellant proposes the use of high levels of insulation and an air source heat pump. However, it is unclear whether these measures would go beyond the requirements of Building Regulations or development plan policy. Furthermore, the provision of an electric vehicle charging point is a requirement of Building Regulations. The preservation of existing on-site trees is a neutral matter.
27. The appellant alludes to the Council having a personal bias against them, which the Council has disputed. In any event, this has not prevented me from determining the appeal on its own merits.

Conclusion

28. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR