



Appeal Decision

Site visit made on 2 August 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH August 2024

Appeal Ref: APP/B3030/W/24/3341130

Land associated with 7 Brownlow Close, East Stoke, Nottinghamshire NG23 5QN

- 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 Spencer Davies against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/01296/FUL.
 - The development is demolition of existing stable block and replacement with dwelling including new vehicular access.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing stable block and replacement with dwelling including new vehicular access at Land associated with 7 Brownlow Close, East Stoke, Nottinghamshire NG23 5QN in accordance with the terms of the application, Ref 23/01296/FUL, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issues

3. The main issues in this appeal are (i) whether the proposed development would result in encroachment into the open countryside and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. Spatial Policy 3 of the Newark and Sherwood District Council, Amended Core Strategy (2019) (the Core Strategy) supports housing in sustainable and accessible villages. The Council confirm that there is no defined settlement

- boundary for East Stoke and that it is classed as an 'other village' under Spatial Policy 1 of the Core Strategy.
5. Core Strategy Spatial Policy 3 supporting text states that 'the locational criteria supports the development of sites in sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village...'. It confirms 'It would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form.'
 6. The appeal site lies between residential development (Brownlow Close) and a small-scale commercial operation, opposite residential properties. The area does have a rural sense of openness which is enhanced the further one travels along Moor Lane to the east. Notwithstanding this sense of openness, the proposed development is within an area which provides a transition between the main built-up area of East Stoke and the open countryside.
 7. The appellant contends that the appeal site is previously developed land, I have not been provided with substantive evidence to demonstrate that this is the case. Despite this the site would infill an existing greenfield space which is predominantly surrounded by existing development, and would not extend the built form beyond the building line of adjacent development to the south.
 8. I understand that a previous appeal Inspector¹ considered that *visually, physically and functionally the appeal site related to the countryside rather than to East Stoke*. I agree with the previous Inspector that the appeal site and area to the south of the site has an open verdant appearance.
 9. Notwithstanding this during my site visit I observed that the proposed development would spatially read as being part of the village. Whilst an area of greenfield the site would not comprise the edge of built form of the existing village given the residential development opposite and the commercial site adjacent the appeal site.
 10. The hedgerow to the front of the appeal site demarcates the site from the Moor Lane, a small section of hedgerow would be removed to accommodate the proposed development. Most of the hedgerow would remain, on this basis the proposed development would be screened to a degree from the road, and the hedgerow would retain the transitional pattern of development from the main built-up area of the village out towards the countryside.
 11. The residential properties opposite the appeal site whilst set back from Moor Lane are clearly visible and have substantial domestic brick walls and fencing bounding Moor Lane. Although separated from the main built-up area of East Stoke by a field, these residential properties form part of the settlement and are viewed in the context of the village setting.
 12. I conclude that the proposed development would be located within the built extent of East Stoke, would be well related to the existing village and would not result in encroachment into the open countryside. There is no conflict with Spatial Policy 3 and Core Policy 13 of the Core Strategy and Policy DM8 of the Newark and Sherwood Local Development Framework, Allocations and Development Management Development Plan Document (2013) (the DPD) which seeks amongst other things for developments to protect the countryside and locate development within suitable locations.

¹ Appeal Ref: APP/B3030/W/20/3260838

13. There is no conflict with the Framework which seek to ensure sustainable forms of development.

Character and Appearance

14. There is little harmony in terms of terms of scale and massing of properties within the immediate area of the appeal site. Properties on the southern side of Moor Lane appear relatively close to the road and red brick and clay roof tiles are prominent features. The proposed materials for the development would be sympathetic to the surrounding area and the location of the proposed development would not deviate from the prevailing pattern of development.
15. The proposed development is of a design which would not be out of keeping with the rural character of the area given the variation of property designs within the area. On this basis the proposed development would not appear out of keeping with the immediate area.
16. I conclude that the proposed development would not harm the character and appearance of the area.
17. There is no conflict with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD which seeks amongst other things to ensure developments are of a high standard of design and in-keeping with the surrounding area.
18. There is no conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Conclusion and Conditions

19. For the above reasons I conclude that this appeal should be allowed.
20. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed conditions concerning materials and landscaping.
21. To ensure that the development provides satisfactory on-site car parking spaces, turning area and access I have imposed relevant conditions.
22. In the interest of ecology and biodiversity I have imposed conditions relating to the timings of works and enhancements for biodiversity.

C Pipe

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan - Location Plan – Ref. SD02
 - Existing Site Location Plan – Ref. SD 02
 - Boundaries Plan – Ref. SD02
 - Site Plan – Scale: 1:500, Date Produced: 20 Feb 2023
 - Floor Plan – Ref. SD MHD 001
 - Illustrative Elevations – Ref. SD MHD 002
 - Isometric Elevations – Ref. SD MHD 003
 - Street Scene – Ref. SD MHD 004
 - Moor Lane Screening – Ref. SD MHD 005
- 3) No development above damp proof course shall take place until details (and samples upon request) of the external materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.
- 4) No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material between the current public highway carriageway and the site boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 5) No part of the development hereby permitted shall be first occupied until such time that the parking and turning space/driveway has been provided in accordance with the approved plans. The parking, turning space and driveway shall be retained for the lifetime of the development.
- 6) Prior to first occupation of the development hereby approved full details of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include landscaping, means of enclosure, and hard surfacing materials.
- 7) The approved soft landscaping shall be completed during the first planting season following the first occupation of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The demolition of the stable building and clearance of any vegetation should be carried out outside of bird nesting season of March – August inclusive.

- 9) All works shall be carried out in complete accordance with the Preliminary Ecological Appraisal (April 2020) most notably Section 5 (Discussion and Recommendations).