
Appeal Decision

Site visit made on 6 September 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2024

Appeal Ref: APP/B3030/W/24/3337289

**Forest Farm House, Mansfield Road, Farnsfield, Nottinghamshire,
NG22 8JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs Frank and Tania Taylor against the decision of Newark and Sherwood District Council.
- The application Ref is 23/01614/S73.
- The application sought planning permission for replacement dwelling and office (including stores) with associated works including demolition of existing dwelling without complying with a condition attached to planning permission Ref 23/00107/FUL, dated 7 July 2023.
- The condition in dispute is No.2 which states that: The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:
 - DRWG no. 50 Rev A OS Plan and block plan;
 - DRWG no. 54 Rev A Proposed site plan and site sections;
 - DRWG no. 55 Rev A Ground floor plan – Proposed;
 - DRWG no. 56 Rev A First floor plan – Proposed;
 - DRWG no. 57 Rev A Second floor plan – Proposed;
 - DRWG no. 58 Rev A Roof plan – Proposed;
 - DRWG no. 59 Rev A Elevations – Proposed sheet 1 of 3;
 - DRWG no. 60 Rev A Elevations – Proposed sheet 2 of 3;
 - DRWG no. 61 Rev A Elevations – Proposed sheet 3 of 3.
- The reason given for the condition is: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

Decision

1. The appeal is allowed and planning permission is granted for replacement dwelling and office (including stores) with associated works including demolition of existing dwelling at Forest Farm House, Mansfield Road, Farnsfield, Nottinghamshire, NG22 8JB, in accordance with the terms of the application, Ref 23/01614/S73, without complying with condition 2 previously imposed on planning permission Ref 23/00107/FUL dated 7 July 2023, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of varying condition 2, to allow amendments to the previously approved plans, on the character and appearance of the area.

Reasons

3. The proposed new dwelling would be located in roughly the same position on the site as the existing dwelling and farm office. The proposed new farm office, store, staff welfare space and garage block would be located alongside an existing range of large farm buildings.
4. The previously approved plans included an open gap between the proposed dwelling and the proposed ancillary farm office, store, staff facilities and garage building. I understand that this was incorporated into the design at the request of the local planning authority to break up the massing of the overall development. The amended plans before me propose a farm office meeting room, which would physically link the new buildings, above a covered access way.
5. The gap between the previously approved buildings was narrow, and although it would have assisted in breaking up the massing of the new development, the variation in building lines and roof lines across the development would also achieve this, whilst retaining the traditional rural design of the overall scheme.
6. Furthermore, the part of the development to which the amendment relates is similar in height to the existing dwelling, which I observed is not visually prominent in public views from either Mansfield Road to the front of the site or from the Southwell Trail footpath to the rear.
7. I have not been provided with a copy of the Landscape Character Assessment SPD referred to in the Council's decision, and I have not been advised that the site falls within a designated or protected landscape. Given the minor nature of the amendment, in relation to what has already been granted planning permission, I do not consider that the proposed amendment would result in the development having a detrimental effect on the openness of the surrounding landscape setting.
8. I therefore conclude that the amended development proposed would not be harmful to the character and appearance of the area. Consequently, it would accord with policies FNP8 of the Farnsfield Neighbourhood Plan, Policies 9 and 13 of the Newark and Sherwood Amended Core Strategy, Policies DM5 and DM8 of the Allocations and Development Management DPD, and the National Planning Policy Framework. Collectively these policies seek to ensure that new development is of high-quality design and would not result in harm to the landscape setting and character of the site.

Conditions

9. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As the development has not yet commenced, I have re-imposed all of the conditions that I consider remain relevant. In the event that some of these have in fact already been discharged, that is a matter which can be addressed by the parties.

10. As section 73 should not be used to extend the time limit in which development shall be commenced, I have imposed the original time limit date at condition 1. Condition 2 has been varied to state the revised drawing numbers that the development should be carried out in accordance with, albeit the original permission remains in force should the appellants choose to revert to that scheme.
11. Conditions relating to external materials and landscaping of the development remain necessary to ensure it does not result in harm to the appearance of the site and its surroundings. Conditions to manage site clearance and to provide bat and bird facilities are necessary to support local wildlife. Given the location of the site and the scale of the replacement dwelling and farm office facilities, it is reasonable to remove permitted development rights to protect the character and appearance of the countryside.

Conclusion

12. For the reasons given above, the appeal is allowed.

R Bartlett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 7 July 2026.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - DRWG no. 54 Rev B Proposed site plan and site sections
 - DRWG no. 55 Rev B Ground floor plan – Proposed
 - DRWG no. 56 Rev B First floor plan – Proposed
 - DRWG no. 57 Rev B Second floor plan – Proposed
 - DRWG no. 58 Rev B Roof plan – Proposed
 - DRWG no. 59 Rev B Elevations – Proposed Sheet 1 of 3
 - DRWG no. 60 Rev B Elevations – Proposed Sheet 2 of 3
 - DRWG no. 61 Rev C Elevations – Proposed Sheet 3 of 3
- 3) No development above damp-proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials and the location, species and size upon planting of all trees, shrubs and hedges. The scheme shall be designed so as to enhance the nature conservation and biodiversity value of the site, including the use of locally native plant species.
- 5) The approved soft landscaping shall be completed during the first planting season following the first use of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs/hedging 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. The approved hard landscaping scheme shall be completed prior to first use.
- 6) No development shall take place until a scheme for protecting the retained trees and hedgerows has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include:
 - a. Details and position of protection barriers for the hedgerow on the eastern boundary.
 - b. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - c. Details of timing for the development in the context of the tree/hedgerow protection measures.
 - d. Siting of existing trees and hedgerows which are to be retained.Development shall be carried out in full accordance with the approved protection scheme. The protection measures shall be retained during the development of the site (including demolition) and in accordance with the timing schedule, submitted as part of this condition.

- 7) No building on site shall be occupied until details of at least 4 bat and 2 bird nest boxes and / or bricks have been submitted to and approved in writing by the Local Planning Authority. The nest boxes/bricks shall then be installed, prior to the first occupation of the development, in accordance with the approved details and retained thereafter for the lifetime of the development.
- 8) No site clearance or demolition shall take place during the bird nesting period (beginning of March to end of August inclusive) unless the site has first been inspected by a suitably qualified ecologist in accordance with paragraph 6.4 of the Bat Survey Report (ref:JME_1858_BR_01_V1).
- 9) Notwithstanding the provisions of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or any order revoking or re-enacting that Order), and the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended) Schedule 2 Part 3, the use of the building for farm offices/meeting rooms/farm store/staff room on the approved drawings, shall be used for the purpose of the existing farm only that exists on the site known as Forest Farm (or such subsequent name), and for no other purpose, including any other purpose within Class E of the Order.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:
Class A: The enlargement, improvement or other alteration of a dwellinghouse. Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.