



Appeal Decision

Site visit made on 16 October 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 November 2024

Appeal Ref: APP/B3030/W/24/3338270

**Hockerton Grange, Kirklington Road, Hockerton, Nottinghamshire
NG25 0PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Christy against the decision of Newark and Sherwood District Council.
 - The application Ref is 23/00640/OUT.
 - The development proposed is outline planning application for a residential development of up to 5 no. dwellings, with means of access submitted for approval.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decision. The relevant changes only relate to paragraph numbering and do not fundamentally affect the matters under appeal. Comments have been sought from both parties on the recently published Written Ministerial Statement entitled 'Building the Homes We Need' and the consultation on planning reforms to the Framework. I have taken these matters into account in arriving at my decision.
3. Outline permission is sought with access to be considered at this stage. I have had regard to the indicative site layout, and elevations which illustrate one way in which the site could be developed. An alternative site plan has been submitted with the appeal statement illustrating a slightly modified layout. As this scheme is in Outline seeking permission for access only, I recognise that the indicative layouts are intended solely to demonstrate how the scheme could appear in the landscape. For this reason and noting that the Council was able to consider the alternative site plan prior to the submission of their statement, I consider that no other interests would be prejudiced, and I shall therefore determine the appeal based on the plans referred to in the application, as well as being informed by the alternative, indicative site plan.

Main Issues

4. The main issues are:
 - Whether the appeal site would be a suitable location for housing, having regard to the development strategy for the area and access to facilities and services; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site is a rectangular parcel of land comprising scrubby vegetation, some hardstanding and a farm track lying to the north west of the settlement of Hockerton. It is located to the rear of a car park and a single storey range of buildings at Hockerton Grange (referred to as Grange Farm). It also adjoins the garden of a residential dwelling fronting Kirklington Road and there is relatively open agricultural land to the west and south. The scheme seeks to erect up to 5 dwellings together with a new vehicular access leading from the existing car park.
6. Spatial Policies 1 and 2 of the Newark and Sherwood Amended Core Strategy DPD (2019) (CS) identify a settlement hierarchy to help deliver sustainable development in the district and deal with the distribution of growth. They seek to focus development on larger population centres and their associated services and facilities. Hockerton is within the category of 'other villages' which do not have defined village boundaries. Proposals in this location are assessed against CS Spatial Policy 3 (Policy SP3) which deals with rural areas.
7. Under CS Policy SP3 housing is focussed on sustainable, accessible villages and seeks to protect the countryside. Proposals for new development are considered against several criteria which, for the purposes of this appeal, include locating new development in villages which have sustainable access to larger settlements and have a range of services to address day-to-day needs. The policy requires development to be small scale, housing should support community facilities and local services, should not generate excessive car-borne traffic from out of the area and should not have a detrimental impact on the character of the location or its landscape setting. Furthermore, within villages consideration will be given to schemes which secure environmental enhancement.
8. The policy also makes provision for up to 1 or 2 dwellings within settlements which may not meet the locational criterion of the policy but are well related to those settlements and represent the infilling of small gaps. This is subject to complying with the scale, need, impact and character criteria of the policy.
9. As CS Policy SP3 does not define a settlement boundary for Hockerton, a fundamental assessment relies on reaching a judgement based on the circumstances on the ground as to whether a site is located within the existing built extent of the village. The supporting text to the policy advises that undeveloped land, fields, paddocks or open spaces which form the edge of built form will not normally be supported for development. Outside the built extent, the policy advises that this is within the open countryside, where development will be strictly controlled and limited to uses requiring a rural setting.
10. Policy DM8 of the Allocations and Development Management DPD (2013) (ADM) relates to development in the open countryside and strictly controls development to certain types. In relation to new dwellings, this is limited to agricultural workers dwellings or dwellings of exceptional quality or innovative design, reflect the highest standards of architecture, significantly enhance their setting and are sensitive to the character of the local area.

11. The appellant suggests that the site should be assessed under CS Policy SP3, considering that it visually and physically forms an established part of the built form of the settlement. The appellant also states that the boundary treatments to the site are robust, and that the nature of the site has a character and appearance of previously developed land rather than open countryside.
12. I saw on site that at the western edge of the settlement its form is linear in character with buildings addressing Kirtlington Road, and the agricultural landscape wraps around the built form with mainly clear and well-defined boundaries. Except for the farm track through the appeal site and some seemingly undefined area of hardstanding, most of the site is covered in vegetation and is undeveloped. It adjoins open farmland on its western and southern sides, and I saw no nearby development to the west or south beyond the site or any other defining features which could be construed as forming part of the built form of the settlement. Furthermore, I saw no clear visual or physical characteristics of the site beyond the site access which would suggest that it is associated with Grange Farm.
13. Whilst there is mounded vegetation along the appeal site adjoining the open fields it was unclear to me whether there was an established hedgerow in this location. There was clearly a sprawling extent of brambles and some sapling trees and areas of post and rail fencing. However, even if there was a clearly defined hedgerow this is a typical boundary treatment in the area. The presence of this boundary therefore does not amount to a clear differentiation between the built extent of the settlement and open countryside or make the site visibly appear to be more closely related to the settlement.
14. The hardstanding on the site appeared to be haphazard in nature and covering a relatively limited area. The hardstanding and track is not prominent in public views and given their extent and the amount of surrounding vegetation, they do not significantly detract from the rural character of the site and the surrounding countryside. Furthermore, although the principle of development does not rely on whether the site constitutes previously developed land, under Annex 2 of the Framework, the definition of previously developed land specifically excludes land where the remains of a fixed surface structure have blended into the landscape. The land may well have previously been used intermittently for storage and parking in association with the businesses at Grange Farm, but this is not a determinative matter. Therefore, the nature of the site does not suggest to me that it could meet the definition of previously developed land, nor does it appear as such.
15. The set back from the road, absence of immediately adjoining buildings to three sides of the appeal site and its grassed appearance clearly makes it read as part of the surrounding agricultural landscape. Any development in this location would therefore be viewed as intruding into the countryside rather than part of the established built form.
16. For the avoidance of doubt, even if I had found the site to be within the built-up extent of the village, there is insufficient evidence to suggest that the other criteria of CS Policy SP3 would be met. In particular, I have considered character and appearance below. As I have found harm to character and appearance in terms of the discussion below it also fails this part of the policy. As a result, the proposal would not comply with CS Policy SP3.

17. Therefore, the proposal falls to be assessed under ADM Policy DM8 as development in the open countryside. In this regard there is inadequate detail to suggest that the appeal proposal would meet any of the exceptions listed.
18. The Appellant has drawn my attention to a nearby appeal decision¹ suggesting that the site should be viewed as being within the village. In this case the Inspector concluded that the site was surrounded by a loose pattern of surrounding development which visually 'read' as being part of the village. However, this is not the case with the appeal site before me. This appeal site does not have nearby buildings to its western and southern sides and is clearly on the edge of the built form of the settlement forming an integral part of the surrounding countryside. There are very different circumstances on the ground between the two appeal sites such that they are not comparable in this regard.
19. Whilst the appellant suggests that the appeal site has no meaningful agricultural function or use this does not justify the site not being in the countryside. Nor can it justify residential development which is not supported by the relevant planning policies.
20. Given the proximity of the appeal site to Hockerton and the presence of nearby dwellings, the site does not appear isolated in the context of paragraph 84 of the Framework and would be within walking or cycling distance of the village centre. It would also be relatively close to larger settlements and has the potential to support nearby local services and facilities in accordance with paragraph 83 of the Framework.
21. Drawing all these matters together, the site lies in the open countryside where planning policies require restraint to the spread of development in rural areas and to recognise the intrinsic character and beauty of the countryside. I have also taken account of the Government's Written Ministerial Statement and consultation on the Framework seeking to deliver more homes, and the comments made in relation to them. However, for the clear reasons stated above, I conclude that the proposal would not provide a suitable location for the development having regard to the development strategy for the area and access to facilities and services. As such, the proposal would conflict with CS Policy SP3 and ADM Policy DM8 and the Framework as outlined above.

Character and appearance

22. ADM Policy DM5 seeks to ensure that the rich, local distinctiveness of the District's landscape and character of built form is respected. It also seeks to avoid uncharacteristic backland development. In accordance with CS Policy 13 it also states that all development proposals will be assessed against the Landscape Character Assessment Supplementary Planning Document (2013) (SPD). Under the SPD, the site is identified as lying within the Mid-Nottinghamshire Farmlands Policy Zone MN PZ34: Hockerton Village Farmlands. The landscape analysis mentions a coherent pattern of elements composed of arable fields, riparian vegetation and settlements, and overall is a visually unified area. The detailed landscape actions for this policy zone include to conserve historic field patterns.
23. I have noted already that the appeal site adjoins and visually forms part of the open farmland on its western and southern sides. This agricultural landscape is

¹ Appeal Ref.APP/B3030/W/19/3225826

characterised by rolling pasture subdivided mainly by hedgerows with individual trees and some tree groups. Views of this attractive landscape are obtained across the site from the site entrance on Kirklington Road and from more distant viewpoints towards the appeal site further west along the road.

24. I have also noted that development of the appeal site to the rear of the parking area and buildings fronting the road would extend buildings into an area which would have no appreciable built form on three sides. It would therefore considerably increase the depth and density of the built form of the settlement on its western extent. It would introduce a setback, isolated and disjointed block of development extending in a limb out into the countryside rather than forming an integral part of the existing built form. The proposed development would therefore represent uncharacteristic backland development which ADM Policy DM5 seeks to guard against. It would harm the established character and appearance of the area including the visually unified characteristics of the landscape character type identified in the SPD.
25. Despite the indicative details suggesting a traditional farmyard layout and a design reflecting nearby traditional built form, it would still represent a fairly substantial, dense cluster of dwellings not reflective of the immediate surrounding pattern and grain of buildings in the area. The presence of a two-storey building, together with the likely proliferation of domestic trappings within the wider site would further add to the prominence of these buildings amid an open, rural landscape at the entrance to the settlement. This spread of development would be very visible from the vantage points I have highlighted above and would be seen as a creep of substantial built form out into the open countryside and eroding the settlement edge.
26. Whilst matters of scale, appearance, layout and landscaping would be subject to future consideration, the evidence presented does not convince me that the site could be developed without significant harm to the character and appearance of the area. The development of up to 5 dwellings would be a permanent, urbanising encroachment of the settlement beyond a clearly defined boundary into open countryside.
27. Consequently, I consider that the proposal would have a harmful effect on the character and appearance of the area. It would conflict with CS Policy SP3, Core Policies 9 and 13 and ADM Policy DM5 and the SPD for the reasons stated above. Furthermore, it would not meet the Framework's requirement to be sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matters

28. My attention has been drawn to The Pigeoncote and Attached Stable Blocks at Hockerton Grange Farm (Ref.1045488) identified as a Grade II listed building sited nearby. In this regard, I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

29. The list description mentions that the buildings are 18th century and describes the range of agricultural buildings with a central pigeoncote. It describes the built form, the arrangement of openings and their detailing. The special interest and significance of the buildings is mainly derived from their age, form, function materials and detailing. Their rural setting contributes to their special interest and significance. The building range is some distance from the appeal site separated by open fields and an intervening building. I have no reason to disagree with both parties that the proposal would not result in harm to the contribution that the setting makes to the significance of this listed building.

Planning balance

30. There appears no dispute that the Council can demonstrate a 5-year housing land supply. Therefore, the Development Plan is up to date for the purpose of decision-making. The development would provide up to five dwellings which would contribute towards housing land supply. A boost to housing supply is an important Framework consideration in favour of the development. It would also add to the overall stock and choice of residential dwellings. The site would also be in a reasonably accessible location with some local facilities and services. The additional housing therefore carries a moderate degree of weight in favour of the scheme.
31. The development would support the vitality of the community, including supporting local services and facilities, and would provide some construction jobs. Future occupants would also help sustain local businesses. However, given the size of the development proposed, these benefits would be modest in scale, and I attribute them limited weight in support of the proposal.
32. The appellant suggests that the site would target local needs within the settlement and would re-use under-used land. However, there is insufficient evidence before me to indicate how local needs would be met or to confirm that the site is under-used.
33. Although the appellant suggests that development would adopt a high-quality design approach, respecting vernacular detailing and integrate quality landscaping there are few details before me, particularly given the outline nature of the proposal. Furthermore, any benefit in this regard is moderated by the harm I have found to the character and appearance of the area. A high-quality development is also an expectation of the development plan and national policy. I therefore attach limited weight to these benefits. The lack of an objection from a statutory consultee does not indicate that a decision should be made other than in accordance with the development plan.
34. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed development, which include the matters I have highlighted above, are clearly worthwhile and should be offered moderate weight in favour of the scheme. However, the proposal conflicts with an up-to-date development plan and these benefits would not be of sufficient magnitude to outweigh the harm and related policy conflicts that I have identified. That harm would be very significant and permanent and such that the scheme would not be in accordance with the development plan when considered as a whole.

Conclusion

35. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR