



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: 11 December 2024

Appeal Ref: APP/P3040/W/24/3338215

The Limes Farm, Cropwell Road, Langar, Nottinghamshire NG13 9HD

- 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 & Mrs Harwood, C J Harwood and Sons, against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/01833/FUL.
 - The development proposed is full planning application for the erection of 4 no. dwellings with associated gardens and car parking, following demolition of modern agricultural buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form refers to a corresponding application for listed building consent. The Council has confirmed that this latter application was withdrawn because it was not required. I have therefore amended the description of the proposal in the banner heading above to reflect this.
3. The appeal site lies within a conservation area and is within the setting of a listed building. Although the Council has not identified any harm in relation to these designated heritage assets, 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. I also have a duty under section 72(1) of the Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. I have therefore included these matters in the main issues. In relation to the conservation area, I have sought clarification from both parties regarding the relationship between landscape character and the character and appearance of the conservation area. The comments made have been included in my considerations.
4. On 30 July 2024, the Government published a consultation on 'Proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system'. A Written Ministerial Statement (WMS) entitled 'Building the homes we need' was also published at the same time. The main parties were given the opportunity to comment on these publications, and I have considered their comments raised in my decision.

5. The evidence indicates that the area comprising agricultural buildings forming the northern part of The Limes Farm have planning permission for conversion of a barn to form 1 no. dwelling and the removal of a grain store to form 2 no. dwellings (Ref. 22/02005/FUL and 22/02006/LBC), granted in 2023.

Main Issues

6. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area with particular regard to the effect on heritage assets, and whether it would have an urbanising effect on the settlement edge; and
 - Whether the appeal site would be an acceptable location for the development having regard to the spatial strategy for the area.

Reasons

Character and appearance

7. The Limes Farm is located on the south eastern edge of Langar at the junction of Cropwell Road and Harby Road. It is one of several isolated clusters of buildings lying to the south of Cropwell Road beyond the main part of the settlement to the north. The appeal site is a broadly rectangular parcel of land mainly comprising two portal framed agricultural barns and hardstanding. It forms the southernmost group of agricultural buildings at The Limes Farm and comprises land and buildings which do not form part of the planning permission referred to above. The site abuts a small paddock to the west with more generally open fields beyond, as well as open fields to the south. To the east, beyond Harby Road, is also mainly open fields. It is proposed to demolish the existing barns and erect four, two storey dwellings arranged in two blocks.
8. The appeal site lies within the Langar Conservation Area (the Conservation Area). From my observations and the details available to me, I consider that the significance of the Conservation Area is mainly drawn from the predominantly rural character and range of traditional buildings that it contains, together with its use of materials, pattern of development and the relationship of the buildings to the spaces around them. The area is mainly characterised by farmsteads and dwellings arranged in a linear fashion along the historic routes within the settlement, set within an agricultural landscape. The positioning of these dwellings and other historic buildings, which tend to be sited in relatively large plots, creates a loose, organic settlement form.
9. The appeal site lies towards the eastern end of the Conservation Area and the surrounding open fields to its west and south are also included within the boundary. These open fields clearly define the extent of built development and help reinforce the rural setting of the historic settlement. This surrounding landscape comprises attractive pastureland with mature hedges defining a range of field sizes with small copses of trees. The appellant's heritage statement identifies numerous key views of the appeal site from within and outside the Conservation Area. This includes views from Harby Road and from fields to the south.
10. The Limes Farmhouse is a Grade II listed building (Ref. 1235970) (the farmhouse). The list description mentions that the farmhouse dates from the

17th century with later alterations and additions and is a two storey brick building with a plain tiled roof with gable copings. The description explains the arrangement of openings and architectural detailing. From the details available to me, I consider that the special interest and significance of the farmhouse, insofar as it relates to this appeal, is predominantly derived from its age, form, historic fabric, detailing, and function. The wider farmstead associated with the farmhouse reinforces the building's function and significance. This is particularly the case with the traditional farm buildings to the east of the farmhouse grouped around the farmyard. The surrounding agricultural fields also reinforce that significance. In relation to this appeal, the special interest and significance of the farmhouse can be experienced from the surrounding roads and fields which includes views towards and across the appeal site.

11. Although the portal framed buildings on the appeal site do not appear to have any intrinsic significance, they are not unexpected features within a rural historic farmstead. The site and buildings also appear to be in a generally tidy condition. Therefore, the presence of these buildings does not unduly impact on the setting of the farmhouse, and they have a largely neutral impact on the character and appearance of the Conservation Area.
12. The proposed dwellings would be arranged in two roughly parallel blocks with two dwellings in a linear row towards the western side of the site and two dwellings in an L-shaped plan towards Harby Road, with a central parking area. The building design would take some inspiration from nearby traditional buildings and incorporate agricultural details.
13. As the portal buildings are to be replaced with structures of more traditional form it should be expected that they would be sited to relate well to the existing buildings of the farmstead, such that they would be read as forming an integral part of it. However, I find that the siting of the proposed dwellings would read as being visually and physically remote and separate from the farmstead. Whilst the western linear block may reflect the location of an earlier structure shown on historic mapping, there is little evidence to suggest what this structure looked like, and it does not sufficiently demonstrate to me that a building in a similar location should be acceptable now.
14. The siting of the proposed buildings also shows little unity between them, so they would read as two separate blocks of dwellings rather than creating a sense of place. Nor would the L-shaped block, with rear gardens facing Harby Road, address that road frontage. Despite the retained boundary hedge and additional proposed landscaping, the available views from the road would be mainly of the rear elevations of the buildings together with their rear gardens and all the domestic paraphernalia usually associated with them. The bin store at the road edge would also be visually harmful. The development would therefore appear as visually isolated buildings unrelated to their context, lacking a visual cohesiveness and not presenting a well-considered appearance. These are crucial considerations given the edge of settlement location and the heritage context.
15. Furthermore, the uniform height, scale and massing of the two storey buildings spread across the site would add to the detached, visual presence of the development on the edge of a built-up area. Typically, in this rural interface you would normally expect to see a general decrease in height, scale and density on the rural fringe.

16. The proposed development would be some distance from the listed building and would have little shared intervisibility. I therefore find no harm to the way that the setting contributes to its significance. However, given the proximity of the development on the rural fringe of the settlement, I find that the siting, scale and massing of the proposed buildings, for the reasons stated above, would be harmful to the character and appearance of the Conservation Area. It therefore follows that the proposed development would also have a dominant and urbanising effect on the rural fringe of the settlement. This harmful effect would be particularly noticeable from Harby Road. Despite the vernacular detail and nod to the design of agricultural buildings it would still appear as an outlier of a more urban form of development.
17. The development would replace large portal framed buildings on the site so it would not represent a new incursion into the rural area. I also share the view of the Council's Conservation Officer that the removal of these buildings would be a small benefit to the heritage assets. However, that is not a reason to allow a residential scheme that is not sensitive to its built or rural context.
18. I recognise also that the approved development on the northern part of the farmstead, which includes the removal of other more modern barns, may increase the prominence of the portal framed buildings on the appeal site. However, I have seen no adequate evidence, illustrative or otherwise, to convince me that the visual presence of these buildings would become harmful to the character or appearance of the area following that development. A future scheme could well improve views of the settlement and the legibility of its historic buildings. However, based on the scheme before me, including the views of the Conservation Officer, and my findings, the appeal proposal would harm rather than enhance the site and its surroundings. Also, a residential development may well be the site's optimum viable use, but I am not satisfied that the appeal scheme before me represents the optimum development taking account of the site context.
19. I therefore conclude that whilst the proposal would cause no harm to the setting of the listed building, the proposal would have a harmful effect on the character and appearance of the surrounding area with particular regard to the effect on the Conservation Area, and it would have an urbanising effect on the settlement edge. As such it would fail to comply with the Act.
20. As I have found harm to the significance of the Conservation Area, Paragraph 205 of the Framework advises that when considering the impact of proposals, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets or from development within its setting, and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework advises that this harm should be weighed against the public benefits of the proposal.

Public benefits

21. The development would provide four dwellings which would contribute towards housing land supply. A boost to housing is an important Framework consideration in favour of the development, given further impetus in the

recent WMS. The Framework also recognises the importance of small to medium sized sites which can often be built out quickly. It would also add to the variety of housing to meet the needs of different groups in the community. The site would be within an established residential area, which the appellant suggests is close to facilities and services. The development would also have some social and economic benefits during construction and occupation and would support the vitality and viability of local facilities. However, given the size of the development proposed, these public benefits would be modest in scale, and I attribute them limited weight.

22. I conclude that the overall limited weight that I attribute to the public benefits would be insufficient to outweigh the great weight to the designated heritage asset. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage asset. Consequently, the proposal would conflict with Policy 11 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS) and Policy 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2) which require new development to conserve heritage assets and does not adversely affect the character or pattern of the area.

Location

23. CS Policy 3 directs most new development to the main built-up area of Nottingham and several key settlements to ensure that sustainable development is achieved. To meet short-term housing targets, several sites in smaller villages are also allocated within the LPP2. Langar is not a key settlement identified for growth and is classified as appropriate for local needs development only. This, CS Policy 3 explains, shall be limited to small scale infill development, or on exception sites and sites allocated in Neighbourhood Plans.
24. LPP2 Policy 22 states that beyond the physical edge of settlements is identified as countryside and restricts development to that which has an essential need to be located outside the existing built form of a settlement and lists those developments that are supported. It also lists further requirements including respecting the appearance and character of the landscape.
25. There is no definition of 'local needs' set out in either CS Policy 3 or the supporting text at paragraph 3.10 of LPP2. Paragraph 61 of the Framework refers to the requirement for a housing needs assessment to establish a local need. However, beyond the appellant stating that the development would target local housing need by providing family homes for those seeking a village environment and a local school, I have no housing needs assessment or anything similar to substantiate a local need. Therefore, I am not satisfied that a case for local need has been clearly made.
26. LPP2 Paragraph 3.10 defines small scale infilling as the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area. Whether the proposal would satisfy these criteria is a question of planning judgement based on the site context. I recognise that the planning permission to the immediate north of the appeal site was regarded by the Council as limited infill. However, the appeal site is on the edge of the settlement with three sides predominantly surrounded by fields and extends

south beyond neighbouring properties on Cropwell Road. It would not, therefore, represent the infilling of a small gap. Nor could the site be regarded as a previously developed site as land that is or was last occupied by agricultural buildings is excluded from the definition in Annex 2 of the Framework. Furthermore, I have already concluded above that the proposal would be harmful to the settlement pattern and character of the area, including harm to the significance of the Conservation Area. Therefore, I find conflict with CS Policy 3.

27. In relation to LPP2 Policy 22, there is no clear suggestion that the proposed development represents any of the uses supported in the countryside. However, the wording of the policy relates to land 'beyond the physical edge of the settlement'. In this regard, I saw no clear visual line or gap separating the existing buildings on the appeal site from the wider farmstead such that the appeal site forms part of that farmstead. Therefore, this proximity indicates to me that the appeal site should be regarded as a contiguous part of the built form of the settlement as described in LPP2 Policy 22. I therefore find that this policy is not relevant to the appeal.
28. Given the proximity of nearby dwellings, the site does not appear isolated in the context of paragraph 84 of the Framework. The settlement is also relatively close to larger urban centres, including Nottingham with some public transport options. The immediate area also has some local facilities including a school and public house as well as some local employment. Supporting these facilities would also contribute to their long-term viability. However, most future occupants would still need to undertake regular vehicle journeys to access facilities and services to support everyday living.
29. Although I have found that the appeal site does not lie beyond the built form of the settlement, Langar is not identified for growth and the site would not represent small scale infilling. Nor is there sufficient evidence to demonstrate a local need and I have found harm to the character and appearance of the area. The appeal site would therefore not be an acceptable location for the development having regard to the spatial strategy for the area. It would conflict with CS Policy 3 and would not represent sustainable development in accordance with the Framework.

Other Matters

30. I have had regard to the planning permission granted by the Council in 2020 (Ref 19/01500/FUL), a site spatially detached from Langar and within the Conservation Area. Whilst this site was in the open countryside, and contrary to LPP2 Policy 22, the Council considered that the development would address a recognised, unsightly site within the Conservation Area and therefore should be regarded as an exception to this policy. This is not the case with the appeal site before me where I have found that the existing site is not visually harmful, and the proposed development to be harmful to the Conservation Area and wider landscape character of the area. This permission therefore represents different circumstances to the appeal site before me.

Planning Balance

31. The Council advises that it has a Framework compliant housing land supply, a matter not disputed by the appellant, and therefore the policies in the Local Plan attract full weight.

32. I have already outlined the main public benefits of the proposal, including the provision of four dwellings, the availability of a small site, and the social and economic benefits to the area both during construction and occupation. The appeal site would be close to several services and facilities and would contribute to their vitality and viability. The settlement has some public transport links and is not too remote from other centres of population. I have also taken account of the WMS and the consultation on the Framework seeking to deliver more homes, and the comments made in relation to them. However, I have concluded that, given the size of the development proposed, these benefits would be modest in scale, and I attribute them limited weight.
33. It is suggested that the development would represent high quality design and have some environmental and ecological benefits, but these aspects of the proposal generally represent good planning expected in all cases, and therefore as positive features of the development I attribute them limited weight. It is also suggested that the scheme would make the best and most beneficial use of the land but whilst I have acknowledged that future redevelopment of the site may be beneficial, the scheme before me is not the optimum solution.
34. In order for the Council to achieve sustainable development, Langar is not identified for growth and is appropriate for local needs development only. I have found that there is no adequate case to demonstrate local needs, nor does the development represent small scale infilling. I have therefore found no demonstrable need for the dwellings to be in this location as well as harm to the character and appearance of the area. It would also have a significantly harmful effect on a designated heritage asset which should be attributed great weight. These are matters that weigh heavily against the scheme.
35. 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 highlighted above, are clearly worthwhile but nevertheless carry limited weight in favour of the scheme. However, 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

36. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate that 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