



Appeal Decision

Site visit made on 20 November 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/B3030/W/24/3343953

Glebe Cottage, Main Street, Norwell, Nottinghamshire NG23 6JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mrs Alison Mellors against the decision of Newark & Sherwood District Council.
 - The application Ref is 22/01504/FUL.
 - The development proposed is new dwelling and cart shed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the above banner heading has been taken from the decision notice and appeal form. I understand that the description of development in the original application form has changed with the appellant confirming this within their appeal form.
3. The appellant has submitted a Preliminary Ecological Appraisal and Flood Risk & SuDS Statement with this appeal. The overall scheme remains unchanged, and the contents relating to ecology and flood risk matters are not considered prejudicial to any party. I have therefore taken this into account in reaching my decision. The Council has also had the opportunity to comment on this.
4. An update to the National Planning Policy Framework (the Framework) has been published dated 12 December 2024 but there are no material changes relevant to the substance of this appeal.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area, including whether it would preserve or enhance the character or appearance of the Norwell Conservation Area (CA);
 - The effect of the proposed development on trees and biodiversity; and
 - The effect of the proposed development on flood risk.

Reasons

Character and appearance

6. The appeal site relates to garden land to the rear of Glebe Cottage which is a red brick property under a clay pantile roof located to the north side of Main Street at the eastern edge of the village of Norwell. Access is via a gated entrance to the east side of the cottage leading onto a driveway/turning area. There is a garden area and a shed/garage to the rear of the cottage beyond which lies garden areas laid to lawn which is the area in which this appeal relates. Adjacent to the northeast is a field/paddock containing a stable building within the same ownership. Boundaries are mostly demarcated by mature hedgerows and there are several mature trees within and surrounding the site.
7. The site is located 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 the CA. I have also had regard to paragraph 212 of the Framework which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
8. The village runs in a historic linear from east-west and the CA covers the majority of the village, focusing around Main Street and the smaller roads leading from it. The CA is predominantly characterised with cottage vernacular and rural ancillary buildings. Mature landscaping and rural fringes make an important contribution to the character of the CA. The village has organically evolved, with variations in grain of development, sizes, and design.
9. The existing cottage is of a traditional design and makes a positive contribution to the character and appearance of the CA. Overtime, the cottage has been significantly altered and extended, and now includes a number of outbuildings associated with it although these are relatively modest in relation to the cottage itself.
10. The policy zone for the sites location as identified in the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document, 2013 defines the condition of the landscape as 'very good'. Its sensitivity to change is defined as 'high' due to there being a moderate sense of place and high visibility. It is understood that the landscape actions require, amongst other things, new development to conserve the rural character of the landscape by limiting any new development to within the settlements of Caunton and Norwell and promoting use of vernacular materials, style, and scale in any new developments.
11. At my site visit, I observed the surrounding context and nearby properties and noted that the historic core of the village is located further west than the appeal site and comprises a mixture of buildings of different shapes, sizes, and form with varying relationships to Main Street which is the main road running through the village. There was an overall rural vernacular style to properties with materials predominantly comprising redbrick and pantiles.
12. The proposed development seeks planning permission for the erection of a large, detached dwelling of a broadly inverted L-shape design with an attached open garage. The dwelling is largely single storey, with a two-storey section. It

comprises several distinct elements with various roof heights and alignments. It would be located to the rear of Glebe Cottage with access taken from Main Street to the south with the existing driveway extended to go around an existing tree to the front which is proposed to be retained. The dwelling would use a mixture of materials comprising, facing brickwork, clay pantiles, slate, elements of timber cladding, aluminium framed doors and windows including large areas of glazing.

13. The context of the appeal site is different to the general character and density of the historic core of the village. This is because of its location at the eastern fringe of the village, predominantly boarded by surrounding countryside. This means that it has a more open and lower density character to the historic core of the village. It also comprises a backland plot forming the edge of built form which would be very sensitive to development, requiring careful consideration to be had. To this end, Policy DM5 of the Allocations and Development Management Development Plan Document, 2013 (DPD) explains that, proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.
14. Changes have been made to the scheme including reducing the footprint and height etc although the proposed dwelling would still be of a significant scale which would be highly visible when approaching the village particularly from the east and from its immediate surroundings. This would still be the case even considering the setback positioning, landscape screening and road layout. The dwelling would be considerably larger in scale than that of the host dwelling, Glebe Cottage and thus would not respond well in terms of its relationship. For a site such as this, it would be expected that ancillary built form and structures located behind the host dwelling are more modest in form and design and smaller in scale. The scale of the proposed dwelling would not therefore appear subservient or ancillary to the host dwelling and would not be appropriate for this backland location.
15. The dwelling has been designed to reflect a modern interpretation of an agricultural building although the location of the garage creates an unusual planform disrupting the traditional L shape whilst adding an alternative pallet of materials that do not respond to the more rural vernacular character of the area of brick and pantile. This element may have been designed to be ancillary, but this would not alter my findings as it would still not respond well to this particular setting.
16. A large amount of glazing is also proposed and this, along with the glazed gable end of the main two storey linear building would not reflect that of an agricultural building. The location of these elements being away from prominent views would not be a sufficient reason to justify the scheme. Reference has been made to other schemes incorporating large areas of glazing although I have very limited detail to be able to consider this further. In any event, it would still not be appropriate for this particular context where such a large expanse of glazing would be uncharacteristic. The inclusion of an aluminium chimney is also not characteristic of a farmstead or barn grouping with the dwelling being very domestic in its overall character. Such features

would fail to harmonise with Glebe Cottage and its immediate surroundings including its rural landscape setting. It would fail to positively address the landscape actions of the policy zone for the sites location as set out earlier. The appellant has suggested that the chimney element could be revisited via a condition. However, this would not be sufficient to alter my findings on the overall design of the scheme.

17. The proposed design also turns away from Glebe Cottage and the road beyond, contrary to the relationship that would have existed between the original cottage and associated historical outbuildings. Overall, the design approach is not successful in reflecting a traditional farmstead and barn grouping due to its scale, siting, unusual plan form, and highly glazed design and thus does not reflect well to the site's context.
18. Reference has been made to other farmstead groupings in the village although these are located within and adjacent to the historic core of the village, which has a different, more built-up character to the appeal site. These have also been converted/extended overtime with greater variation in height, scale, and mass than the appeal scheme as a result. I have had due regard to the other buildings in the CA in terms of their scale, footprint, height, and widths but this would not bring me to a different conclusion as the dwelling would be read alongside Glebe Cottage and would not be a subservient addition.
19. Permitted development rights may exist for ancillary buildings although this is a theoretical position only and there is no substantive evidence to suggest that there is any reasonable likelihood for development of this scale to occur. To this end, I am also not convinced that a building utilising permitted development rights would be directly comparable to the scheme I am considering particularly in relation to its overall scale. There may be precedent within the district for development on the edge of villages, but this would not alter my findings as I have considered this scheme on its own merits and site-specific context.
20. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the site and surrounding area including its landscape setting. It would therefore fail to preserve the character and appearance of the CA causing less than substantial harm to its significance as a designated heritage asset. Paragraph 215 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The benefits associated with the scheme include some minor economic benefit through employment during the construction period and some minor economic and social contribution to the local community from a new dwelling. It would contribute 1 dwelling to the overall provision which would make very little difference to the overall supply. I am also aware of the energy efficiency and ecological arguments put forward although the extent to which such matters are beneficial is limited by the small-scale nature of the proposals. Reference has been made to a self-build dwelling although I have very limited detail to be able to consider this further. In any event, it would not be sufficient to outweigh the harm identified.

21. Accordingly, I find the public benefits to be limited and would be insufficient to offset the identified harm to the CA to which I have attached great weight given the CA's conservation advised by the Framework.
22. The proposed development would therefore be contrary to Spatial Policy 3 and Policies 9, 13 and 14 of the Amended Core Strategy, 2019 (CS) and Policies DM5 and DM9 of the DPD which together, amongst other matters, seek to conserve and enhance the character, appearance and setting of the district's heritage assets and historic environment, in line with their identified significance as required in national policy.
23. Additionally, the proposed development would also be contrary to Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and chapters 12 and 16 of the Framework relating to achieving well-designed places and conserving and enhancing the historic environment.

Trees and biodiversity

24. There are several mature trees and hedges within and around the appeal site. The appeal is supported by an Arboricultural Report and Impact Assessment. The report identifies a number of trees for removal to facilitate the proposed development which are all identified as category C trees with little arboricultural value. Due to the low value of the trees to be removed and that a significant proportion would still remain, then such removals would have limited impact. The report also identifies a number of trees which would require pruning works to facilitate the proposed development. These trees will readily tolerate these works and will not negatively impact the groups long-term prospects or visual amenity.
25. Although new development would encroach close to and into the edges of the Root Protection Area (RPA) of T24 located to the front of the site within the existing driveway, this encroachment is very minor with the report explaining that it is unlikely that significant roots would be within these areas and the retained tree should remain largely unaffected by the works, provided care is taken during construction. To this end, the existing driveway is of gravel construction, and it is proposed to continue this construction for the extended driveway and to use root protection systems as part of the construction to laterally dissipate loads. The footprint of the proposed building is clear of all other RPAs and never less than two metres from the retained hedge to the east.
26. The retained trees would require protection by fencing during the development phase and an associated Arboricultural Method Statement could be conditioned were I minded to allow the appeal. This would detail protective fencing specifications and construction methods close to the retained trees to ensure adequate protection.
27. I acknowledge concerns regarding the health and well-being of the trees due to impacts on the proposed dwelling and I do not dispute that the trees/hedging form a strong part of the history and character of the CA. I am also aware of the species of the trees, future growth, and shading impacts as well as the dropping of branches. However, based on the Tree Impacts Plan provided at Appendix 6 of the Arboricultural Report & Impact Assessment along with my own observations onsite, then I am sufficiently satisfied that the location of the trees/hedging in relation to the proposed dwelling/amenity

areas is such that there would be limited pressure to reduce or remove trees/hedging over and above that set out in the Assessment. This would also be the same for T24 given its location on the driveway being outside of the parking areas and thus having limited impacts on future occupiers.

28. The existing cottage is already located in close proximity to a number of trees, and it is understood that their location has not resulted in any adverse impacts for the existing property. A similar if not better relationship would be had with the proposed dwelling and trees particularly those located along the western boundary taking into account the distances. It is therefore unlikely that their location would result in adverse impacts. I have considered the previous appeals referred to, but this would not alter my findings on the appeal I am considering and site-specific context.
29. The Proposed Site Layout Plan includes provision for new tree planting and new mixed species hedgerows which could be controlled via an appropriately worded planning condition to mitigate for the required tree removal, and in the longer term, has the potential to improve the sites tree cover.
30. In terms of biodiversity, a Preliminary Ecological Appraisal has been submitted for the site which has considered habitats and species. It identifies a number of ecological constraints and specific avoidance, mitigation and compensation measures. Overall, it concludes that no further survey work is considered to be necessary to establish the ecological baseline of the site. The mitigation measures and enhancement opportunities can be secured through appropriately worded planning conditions were I minded to allow the appeal. Bringing all of this together, I find that matters relating to trees and biodiversity is of lesser concern to me but would not outweigh the harm I have identified.
31. For the above reasons, I conclude that the proposed development would not have a harmful impact on trees and biodiversity. It would therefore comply with Core Policy 12 of the CS and Policies DM5 and DM7 of the DPD which together, amongst other matters, explain that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits.
32. For the same reasons, the proposed development would also accord with chapter 15 of the Framework relating to conserving and enhancing the natural environment.

Flood risk

33. A Flood Risk & SuDS Statement has been submitted with the appeal. This confirms that the site falls within Flood Zone 1 which has a low probability of flooding from rivers and the sea. It is also confirmed within the statement that the Environment Agency's current Flood Map shows that flood risk is low from ground and surface water flooding. The low-risk flooding outline overlaps the northern part of the appeal site. A finished floor level a minimum of 300mm above the existing site level at the south facing front elevation is proposed to mitigate any risk to the property.

34. It is understood that at the time the application was determined, the Environment Agency's Flood Map indicated that the site was at a high to medium risk of flooding from surface water which prompted the case officer to consider the application of the sequential test. However, as the site is at low risk and taking into account the findings of the Flood Risk & SuDS Statement submitted, then I am sufficiently satisfied that the proposed development would be acceptable having regard to flood risk without triggering the need for further sequential testing. A drainage strategy could be conditioned were I minded to allow the appeal to ensure a satisfactory detailed scheme for the means of foul sewage and surface water disposal. Matters relating to flood risk is therefore of lesser concern to me but would not outweigh the harm I have identified.
35. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on flood risk. It would therefore comply with Policy 10 of the CS and Policy DM5 of the DPD which together, amongst other matters, seek to steer new development away from areas at highest risk of flooding.
36. For the same reasons, the proposed development would also comply with chapter 14 of the Framework relating to meeting the challenge of climate change, flooding, and coastal change.

Other Matters

37. The site lies opposite the Church of St Laurence, which is a Grade I Listed Building. A Scheduled Ancient Monument is located to the south of the Church and is formed by the Old Hall Moat and two fishponds. I therefore have a statutory duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
38. The Council does not consider the proposal to be harmful to the setting of the Grade 1 Listed Church particularly in light of changes made to the scheme from a previous submission including its reduction in ridge height, gable widths and reorientation of the proposed dwelling which reduces the visual prominence and therefore its impact on St Laurence's Church. Based on the evidence before me and my own observations on site, I have no compelling reason to disagree with this. It is not therefore considered that the proposed development would cause harm to the setting of the listed building although this would not overcome the other harm I have identified.
39. I appreciate that the appellant has worked with the Council and responded to queries, revised plans etc. I also appreciate the lack of objections from residents and support shown for the scheme from the Parish Council. Such matters would not however alter my findings on the main issues and would not mean that the development would not be harmful.

Conclusion

40. Although I have found a lack of harm in relation to trees and biodiversity as well as matters of flood risk, I have found harm to the character and appearance of the site and surrounding area including its landscape setting. It would also fail to preserve the character and appearance of the CA. It follows

that the proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which would outweigh this conflict.

41. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR