



Appeal Decision

Site visit made on 8 December 2024

by A Hartley LLB (Hons) Solicitor MBA

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/B3030/D/24/3351238

Old Hall, 1 Church Street, Farndon, Nottinghamshire NG24 3SW

- 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 Jack Nethercott (Prime Oak) against the decision of Newark and Sherwood District Council.
 - The application Ref is 24/00779/HOUSE.
 - The development proposed is the erection of an oak framed pool room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is within the setting of a listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies. Accordingly, I have had special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.
3. The proposal is within the Farndon Conservation Area (FCA). Section 72 of the Act applies. Accordingly, I have had special regard to preserving or enhancing the character or appearance of the FCA.
4. The National Planning Policy Framework (the Framework) has been updated since the appeal representations were made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph references) it was not considered necessary to seek further comment.

Main Issues

5. The main issues are the effect of the proposal on (i) the setting of the Grade II listed building (Old Hall) ¹ and (ii) the character or appearance of the FCA.

Reasons

Designated Heritage Asset - Setting of Listed Building

6. Old Hall is in a prominent position on higher ground, surrounded by a substantial walled garden set to lawn with mature trees. There is a modern sunken open air

¹ 1370155

swimming pool within the garden. The ground immediately surrounding the pool is covered with timber decking. There is a small historic outbuilding of red brick with tiled roof close to the pool. The historic red brick wall surrounding the garden is extensive and contributes positively to the setting of the listed building. The listed building can be seen as a dominant feature from surrounding streets above the wall, through the mature trees that are within the verdant garden.

7. Old Hall is a large early and mid 18th century house. Its significance is found in its historic and architectural importance, being a building constructed in red brick with ashlar dressings and a good example of a large rural dwelling from the Georgian period, illustrative of Neo-Classical architectural influence and association with the development of Farndon.
8. The appeal proposal would introduce within the setting of the listed building, a substantial single storey oak framed building with a significant extent of glazing. It would include large projecting cornicing and double lantern roofs. It would be visible above the historic garden wall from Church Street. It would appear dominant and incongruous, when viewed from either Church Street or from within the surrounding garden. It would detract from the prominence of the listed building by virtue of its size and design.
9. Consequently, the setting of the listed building would not be preserved and the proposal would fail to comply with policies CS9 and CS14 of the Newark and Sherwood Amended Core Strategy (2019) (CS), policies DM5, DM6 and DM9 of the Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document (2013) (LP) and the Newark and Sherwood Householder Development SPD (2014), (SPD) in so far as relevant.
10. I find that the identified harm to the significance of the listed building through development within its setting would by virtue of its nature and extent amount to a level of harm that in terms of the Framework would be less than substantial but nevertheless of considerable importance and weight.

Designated Heritage Asset – Conservation Area

11. The FCA covers an area encompassing part of the village of Farndon. This part of the FCA is characterised by secluded properties enclosed by large boundary walls, green verges and mature trees. The proposal would be a distracting feature that would starkly contrast with the verdant and secluded character of its surroundings. One of the significant features of this part of the FCA is Old Hall. The identified harm that would be caused by the appeal proposal to the significance of Old Hall would inevitably cause some residual harm to the special interest of the FCA as a whole, the character and appearance of which would not be preserved
12. Consequently, the character or appearance of the FCA would not be preserved or enhanced and the proposal would fail to comply with policies CS9 and CS14 of the CS, policies DM5, DM6 and DM9 of the LP and the SPD, in so far as relevant.
13. I find that the identified harm to the character and appearance of the FCA would by virtue of its nature and extent amount to a level of harm that in terms of the Framework would be less than substantial, but nevertheless of considerable importance and weight.

Heritage Balance

14. In accord with paragraph 212 of the Framework, in considering the effect of the proposal on the setting of the listed building and on the character or appearance of the FCA, I have attached great weight to the conservation of the designated heritage assets.
15. As I find that the level of harm to each of the designated heritage assets would be less than substantial in terms of the Framework, in accordance with paragraph 215 of the Framework, I must weigh the identified harm against any public benefits of the proposal.
16. My attention has been drawn to the greater energy efficiency that could result from the appeal proposal through maintaining levels of heat within the pool due to its enclosure. According to paragraph 167 of the Framework greater energy efficiency is a public benefit of significant weight. Having regard to paragraph 215 of the Framework, I find that the level of public benefit in relation to energy efficiency in this case is limited and even when affording it significant weight it would not outweigh the identified harm to the designated heritage assets.
17. I therefore conclude that the appeal proposal would cause unjustified harm to the designated heritage assets.

Other Matter

18. The Council cites a second reason for refusal regarding the lack of a tree survey such that the impact of the appeal proposal on trees cannot be assessed. The appellant does not consider a survey to be necessary. On visiting, I observed mature trees within the site, and I am persuaded by the Council that the impact on trees would need to be assessed. Had I found the proposal acceptable in relation to the main issues identified above, it would have been necessary for a tree survey to be submitted, and views of the parties sought before proceeding. However, as I have found the appeal proposal to be unacceptable in planning terms on the main issues and since I find that overcoming the second reason for refusal would not affect the overall outcome, it is not necessary to address this point further in my decision.

Conclusion

19. For the above reasons, having regard to all representations made, I conclude that the proposal conflicts with the development plan as a whole and with the provisions of the Framework. There are no material considerations that would justify a decision other than one in accordance with the development plan. Therefore, the appeal should be dismissed.

A Hartley

INSPECTOR