



Appeal Decision

Site visit made on 17 March 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2025

Appeal Ref: APP/P3040/W/24/3356642

Land at The Old Vicarage, Vicarage Lane, Kneeton, Nottingham NG13 8JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs Sonia Pring against the decision of Rushcliffe Borough Council.
 - The application Ref is 24/01670/PIP.
 - The development proposed is Permission in Principle for residential development of one dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising of one dwelling at land at The Old Vicarage, Vicarage Lane, Kneeton, Nottingham NG13 8JR in accordance with the terms of the application, Ref 24/01670/PIP, dated 30 September 2024.

Preliminary Matters

2. The proposal is for Permission in Principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (technical details consent) (TDC) stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting permission for the development. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted.¹ All other matters are considered as part of a subsequent TDC application if PiP is granted.
4. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as the parts most relevant to the main issue in this appeal have not substantially changed, I have not gone back to the parties to seek further submissions. I consider no party has been prejudiced by this approach.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, land use and amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

6. The Council considers that the site lies beyond the physical edge of the settlement of Kneeton and is therefore identified as countryside. Paragraph 3.122 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LAPP), in acknowledging that the plan does not identify the settlement boundaries, states that the location of the proposal and its relationship to neighbouring buildings and the physical edge of the settlement will determine whether the application is within the settlement or within the open countryside.
7. The appeal site comprises a parcel of land currently occupied by a tennis court part of an extended garden area of The Old Vicarage, which is adjacent to the appeal site. The land can be accessed from the garden of the Old Vicarage and a gate from an unsurfaced track at the end of Vicarage Lane. It is well contained and bounded by mature hedgerow/planting on all four sides. The front boundary facing Vicarage Lane and the rear boundary align with the boundaries of two residential properties to the north which front Vicarage Lane. Although set away from the cluster of dwellings towards the northern end of Vicarage Lane, the plot shares characteristics and aligns with the established spacious pattern of linear development of the two dwellings immediately north of the appeal site. A dwelling here would respect the pattern of the area.
8. The southern hedgerow boundary of the appeal site forms part of a longer, continuous hedgerow, which borders an agricultural field to the south and strongly delineates the appeal site from those fields. Beyond the site boundaries to the west, south and east lies open countryside which is spatially and functionally different to the appeal site. Whilst the appeal site would extend the built form to the south west, such a projection is not uncharacteristic of Kneeton, given the linear pattern of existing development and separation distances between buildings along Vicarage Lane.
9. Accordingly, considering the above context and given the proximity and relationship to the adjacent dwelling and the existing pattern of development, the siting of a house here would not be in an outlying position, but would form part of the settlement of Kneeton, albeit on the edge. As such, it would not be in the open countryside. Consequently, I find that Policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LAPP), which sets out the types of development that will be permitted within the countryside, does not apply in this case.
10. The appeal sites lies within the Kneeton Conservation Area. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty to ensure special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.
11. The significance of the Conservation Area is derived, in part, from its historical evolution as an agricultural village, evidenced by the clusters of agricultural buildings arranged in courtyards, as well as the architectural consistency of the cottages and farmhouses that exhibit a largely uniform palette of red brick. The village contains a number of listed buildings, and the adjacent Old Vicarage is identified as a positive building within the Conservation Area Appraisal.
12. The mature boundaries that encompass the appeal site largely screen the site from the Old Vicarage and would give a new dwelling an established and mature

setting. Due to the functional appearance of the tennis court, which dominates the appeal site, the site currently makes a neutral contribution to the Conservation Area. The TDC stage would address matters such as layout, access, design, materials and landscaping. Given the current neutral contribution of the site, subject to a sympathetic design and a layout reflective of the surrounding residential context, I am satisfied that a scheme for a single residential dwelling could be provided on the land without resulting in any harmful effects on the character or appearance of the Conservation Area, and without harming the significance of the designated heritage asset. I also note that the Council's Conservation Officer did not object to the proposal in principle.

13. My findings in this regard are restricted to the in principle matter that is before me and further consideration of the designated heritage asset would need to be made at TDC stage noting the lack of detail available at this stage in the process.
14. Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS) has established a settlement hierarchy which focuses new development within the Borough on areas and settlements most able to accommodate it and on those settlements which need regeneration. In other settlements, including Kneeton, development should be for local needs only through small scale infill development.
15. No definition of 'local needs' is set out either in the policy itself or the supporting text at paragraph 3.10 of the LAPP. I acknowledge that the proposed dwelling is to enable the appellant to remain in the village and I have no reason to dispute that assertion.
16. Policy 3 also does not define 'small scale infill development'. This definition is set out in the supporting text at paragraph 3.10 of the LAPP which is a material consideration. This defines small scale infill development 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.
17. The question which therefore arises is whether the proposed dwelling would comply with this definition, which is a matter of planning judgement based on an assessment of the site and its surroundings.
18. The appellant has drawn my attention to schemes at Bradmore and Screveton, which were deemed infill by the Council. The parcel of land at Bradmore was occupied by a tennis court and in a Conservation Area, similar to this appeal. However, that scheme was bound by development on three sides. The Officer Report acknowledges this, stating that there are residential properties to the south, a mix of properties to the east and development to the west, clearly forming part of the built fabric. The Screveton site is also located between buildings to the west, south and east, whereas the scheme before me is bound by planting/hedgerow on three sides. I therefore do not find these examples directly comparable to the scheme before me, and they do not persuade me that the appeal scheme would be infilling a gap *within* the existing built fabric.
19. However, the definition of small scale infill also defines this as the development of previously developed sites, whose development would not have a harmful impact on the pattern or character of the area. I have already found that the location of the proposed dwelling would not have an adverse effect on the pattern of development or character of the area.

20. I have not been directed to a definition of 'previously developed site' within the local plan. Therefore, I am guided by the definition of 'previously developed land' in the Framework (Annex 2: Glossary). This definition excludes residential gardens within built up areas. There is no definition of what constitutes 'built-up' in the glossary of the Framework; it is a matter of judgement. The land is currently occupied by a tennis court and is part of the residential garden area of The Old Vicarage. While I have found the site to be part of the settlement of Kneeton, the appeal site is located on the edge, where development is of a lower density and is surrounded by open fields to the west, south and east. As such, and having had regard to caselaw², I consider the land does not fall within a 'built-up' area and the land can be considered previously developed land. I have no compelling evidence before me which would suggest anything contrary to this. Consequently, the appeal site would meet one of the definitions of small scale infill.
21. I accept that Kneeton has little in the way of amenities and also lacks public transport options. In this respect future occupiers would be reliant on a private motor vehicle. However, Policy 3 of the CS is not predicated on accessibility to services and facilities. The Framework also recognises that development in one village may support services in a nearby village. I thus do not find this reason alone would warrant refusal of the proposed development. Moreover, the appellant has drawn my attention to several permissions granted for residential development in Kneeton that were also assessed under Policy 3 of the CS. In these cases, the Officer Reports raise either none or limited concerns with regard to services and facilities.
22. In conclusion, for the reasons above, the appeal site would be suitable for residential development, having regard to its location, land use and amount of development. There would therefore be no conflict with Policy 3 of the CS. I have also found that the appeal site is not in the countryside, as such Policy 22 of the LAPP is not engaged. I have also found, based on the information submitted, that the proposal would not adversely affect the character or appearance of the Conservation Area, it would thus not conflict with Policy 28 of the LAPP which seeks to conserve and enhance heritage assets.

Other Matter

23. I acknowledge that access to the site is from an unmade track at the southern end of Vicarage Lane. This track would need to be re-surfaced and I note the need for the appellant to demonstrate that they have vehicular rights of way. However, there is nothing before me at this stage to suggest that appropriate access could not be achieved. Notwithstanding this, matters of access are not considerations at the PiP stage but is rather a matter to be considered at the TDC stage. It thus does not alter my conclusions on the main issue.

Conclusion

24. For the above reasons the appeal should be allowed.

T Bennett

INSPECTOR

² Dartford Borough Council v Secretary of State for Communities and Local Government [2016] EWHC 635 (Admin)