



Appeal Decision

Site visit made on 1 May 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2025

Appeal Ref: APP/B3030/C/23/3332032

Unit A (B&Q), Maltings Retail Park, North Gate, Newark on Trent NG24 1GJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act).
 - The appeal is made by Mr Phil Rowe of Merchant City Ltd against an enforcement notice issued by Newark and Sherwood District Council.
 - The notice was issued on 22 September 2023.
 - The breach of planning control as alleged in the notice is without planning permission, operational development consisting of the erection of a canopy structure to the rear (north) of the premises, illustrated in red on the attached Site Location Plan.
 - The requirements of the notice are to dismantle the canopy and remove all associated materials from the land.
 - The period for compliance with the requirement is four months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the canopy at Unit A (B&Q), Maltings Retail Park, North Gate, Newark on Trent NG24 1GJ as shown on the plan attached to the notice.

Appeal on ground (a)

2. The ground of appeal is that planning permission should be granted for the matters alleged in the notice.

Main issue

3. The main issue is whether the canopy structure preserves or enhances the character or appearance of the Newark Conservation Area (NCA).

Reasons

Conservation Area

4. The appeal site lies within the NCA. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. It has been described that the NCA within the locality of the appeal site, is associated with the industrial expansion of the town in the 19th century with the predominant growth in the malting industry. The buildings at the Maltings Retail Park, which includes the appeal building, are modern structures with a warehouse design that responds to the historic industrial character. Beyond the retail park, the character of the area is mixed with a range of buildings of differing architectural designs. To the north east of the site there is the Grade II listed buildings, named the Northgate Brewery Office Range and Brewhouse, and Maltings 70 Metres North West of Northgate Brewery, being of traditional built style. With the contrasting modern buildings such as the Aldi building to the south along with more modern uses of land of the car washing facilities. It is this mix of traditional and modern architectural styles that contribute to the character of the NCA, especially within close proximity to the appeal site.
6. The canopy is not visible from the front of the main building. It can be seen from views from the north, south and west including from the River Trent, the riverside walk way and the foot bridge. However, given its size and height, it does not appear overly dominating against the main building.
7. The main building and adjoining building have a distinctive roof formation and the design of the canopy does differ from this. Nevertheless, given the size, position and style of the canopy, it does not adversely compromise the architectural design of the main building and nor does it detract from the mixed style of built form in the surrounding area.
8. The canopy does preserve the character and appearance of the NCA and does comply with Core Policies 9 and 14 of the Newark and Sherwood District Council Amended Core Strategy and Policies DM5 and DM9 of the Newark and Sherwood Local Development Framework Development Plan Document which seeks the continued conservation of the character, appearance and setting of heritage assets and historic environment, and that development should protect and enhance the historic environment.
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Council consider given the position and visibility of the canopy in relation to the Grade II listed buildings to the north east, that the canopy does not adversely affect the listed buildings. I concur, and the canopy does preserve the setting and significance of these listed buildings.

Conclusion

10. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the canopy as described in the notice.

Chris Baxter

INSPECTOR