



Appeal Decision

Site visit made on 23 July 2025

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/B3030/W/25/3366276

Smallholding to rear of No. 55 Beacon Hill Road, Newark, Nottinghamshire NG24 2JH

- 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 Mr Richard Griffin against the decision of Newark & Sherwood District Council.
 - The application reference is 25/00512/PIP.
 - The development proposed is permission in principle for residential development of two to four dwellings following demolition of agricultural buildings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development of two to four dwellings following demolition of agricultural buildings at smallholding to rear of No. 55 Beacon Hill Road, Newark, Nottinghamshire, NG24 2JH in accordance with the terms of the application, reference 25/00512/PIP.

Applications for Costs

2. An application for costs was made by Mr Richard Griffin against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Planning Practice Guidance advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage, or 'permission in principle', establishes whether a site is suitable 'in-principle'. The second 'technical details consent' stage is when the detailed development proposals are assessed.
4. This appeal relates to the first stage. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

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

Reasons

6. Regardless of how the Urban Boundary of the Newark Urban Area has been defined, the appeal site other than the access sits outside it. Although the proposed dwellings would not be isolated in the context of paragraph 84 of the National Planning Policy Framework (the Framework), in line with Spatial Policy 3 of the 2019 adopted Newark and Sherwood Amended Core Strategy (the CS) the proposal would be development in the open countryside.
7. The site is located to the rear of 55 Beacon Hill Road. While access to the site would be along an existing drive that runs between nos. 53 and 55, the development would nonetheless introduce a backland form of development into the area. Under the section relating to local distinctiveness and character, Policy DM5 of the DPD¹ only allows for backland development where it 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. Policy DM5 also resists inappropriate backland and other uncharacteristic forms of development. Amongst other considerations, Policy DM8 of the DPD only allows for new dwellings in the open countryside if they are sensitive to the defining characteristics of the local area.
8. There is some variety in the architectural forms and sizes of the dwellings along Beacon Hill Road in the vicinity of the site. However, common features in the pattern of development are a relatively consistent alignment of the dwellings which, while set back behind front gardens, nevertheless face directly towards the road. The result is a predominantly linear stretch of development with the dwellings having a presence in the street scene. The trees and vegetation to the rear of the dwellings can be seen through the gaps between the properties and provide a pleasant backdrop. Overall, the street scene in the vicinity of the site has a verdant and spacious character and appearance.
9. There is some housing to the rear of the frontage development along the northern side of Beacon Hill Road at Phillipot Close and Grant Close. These dwellings sit between the houses fronting on to Beacon Hill Road and those to the rear on Syerston Way, and are viewed in this context, which would not be the case with the appeal proposal. The dwellings that sit behind 37a and 39c Beacon Hill Road and at Oak View appear to have a closer spatial and visual relationship with those that front onto the road than would be the case with the appeal proposal. These are not therefore directly analogous to the appeal proposal which I have, in any event, assessed on its own planning merits.
10. The appeal proposal would result in an incongruous form of backland development which, due to the size of the gap between nos. 53 and 55 would likely be visible in the surrounding area. The backland position would not be typical of the prevailing pattern of frontage development along Beacon Hill Road in the vicinity of the site and would not have a clear relationship with neighbouring properties.
11. The proposal is for two to four dwellings. This would result in a density of development below that identified by the Council as generally accepted in the district. However, my attention has not been drawn to a policy requirement for a

¹ 2013 adopted Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document

specific density of development. Given the edge of settlement location, I am satisfied that the density of development that would result from two to four dwellings on the site would be acceptable and would help to maintain the verdant backdrop to the properties fronting onto Beacon Hill Road.

12. While the amount of development would be acceptable, I find overall that the site would not be suitable for residential development, having regard to its location and the proposed land use. This is due to the conflict with the development strategy and the harm that would be caused to the character and appearance of the area as described above. The proposal would consequently fail to accord with Policies DM5 and DM8 of the DPD, the most relevant requirements of which have been summarised above.

Other Considerations

13. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. Accordingly, paragraph 11. d) of the Framework is engaged.
14. The development would facilitate the creation of up to four dwellings on a small site supporting the government's objective of significantly boosting the supply of homes in an area with an acknowledged lack of forward supply. Given the shortfall in housing supply, which from the evidence before me is not insignificant, this attracts substantial weight.
15. The dwellings would be located adjacent to the boundary of the Newark Urban Area which is defined as a Sub-Regional Centre in Spatial Policy 1 of the CS. It is the main location for services and facilities and the focus for housing and employment growth in the district. The Council describes the Newark Urban Area as a sustainable location which I have no reason to disagree with, based on the submitted evidence and my site visit observations. Given the proximity to the Newark Urban Area, the site would not be an unsustainable location for a residential land use.
16. The proposal would provide for the removal of the agricultural buildings on the site which are in a somewhat poor state of repair. They are nevertheless not an unexpected type of built form in the countryside and due to their limited height, sit relatively unobtrusively in the landscape. Additionally, the appellant can control and improve the condition of the buildings and the site in general, including delivering biodiversity gains, without its redevelopment. These are therefore considerations which carry little positive weight in the overall balance. However, using the land for residential development would make use of what the submitted evidence indicates are under-utilised land and buildings, supporting the Framework's objective of making efficient use of land. This weighs positively for the proposal.
17. The short-term and long-term economic benefits from the proposal, including facilitating ongoing support for local services and facilities, also weigh positively for the proposal.
18. The appellant refers to a fallback position of utilising permitted development rights to convert the agricultural buildings to a residential or flexible commercial use. Nevertheless, as acknowledged by the appellant, the buildings are not ideally suited to conversion due to their layout and limited height. I therefore give this

matter little weight. I give very limited weight to the appellant's point that the appeal proposal would incorporate energy saving measures as these would generally be expected with a new development.

19. While it may be the case that there would be no harm to heritage assets, a lack of harm is neutral in the planning balance.
20. I have had regard to the other matters raised by interested parties. There is no clear evidence before me to indicate that, in principle, developing the site for two to four houses would result in unacceptable impacts relating to landfill gas, flooding, highway safety or biodiversity. The detail relating to these matters would need to be addressed as part of the stage two technical details consent, should permission in principle be granted. Reference has been made to a proposal for backland development at no. 59 which was dismissed on appeal. However, the details of this scheme are not before me, and as noted above, each application is assessed on its own planning merits, and I must assess this current appeal proposal based on the evidence that is before me.

Planning Balance and Conclusion

21. The harm arising from the proposal would come from the introduction of a residential use in the open countryside and on a backland site which would be out of character with the prevailing pattern of development in the area. However, the harm to the character and appearance of the area would be modest, given the amount of development proposed and the overall residential character of the area. The conflict with the development strategy for the area is moderated by the site's proximity to the boundary of the Newark Urban Area.
22. Given the particular circumstances of this case, the adverse impacts of the proposal would not significantly and demonstrably outweigh the aforementioned benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development in paragraph 11 d) of the Framework.
23. When judged overall, this is a case where the presumption in favour of sustainable development is a matter that is sufficiently weighty, as a material planning consideration, to outweigh the identified conflict with the development plan.
24. I therefore conclude that the appeal should be allowed.

F Wilkinson

INSPECTOR