



Appeal Decision

Site visit made on 6 August 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/P3040/W/25/3365017

18A Market Place, Bingham, Nottinghamshire NG13 8AP

- 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 Les Howard of Great Northern Inns against the decision of Rushcliffe Borough Council.
 - The application Ref is 24/01002/FUL.
 - The development proposed is amendments to existing site drainage and associated landscaping works as shown in proposed plan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in 2019 to refurbish and change the use from B1(a) Offices to A3/A4 Public House and Restaurant, new external decked terracing with glass balustrade, installation of new kitchen extraction unit to rear roof and replacement of window to front elevation with French doors¹. An application to regularise hard and soft landscaping works, including enlargement of the outdoor seating arrangement, part re-instatement of the front lawn, pathway and artificial grass to replace existing hardstanding and new paving to the side access was approved in 2022². The application subject to this appeal is described as an amendment to the existing site drainage and associated landscaping works.
3. The appellant states that the proposed works have largely been carried out. I saw on my site visit that the area in front of the building is landscaped comprising soft and hard landscaped elements. The two parts of the garden, to the east and west of the central pedestrian access/path have been laid with artificial turf (astro-turf).

Main Issues

4. The main issues are: -
 - the effect of the proposed astro-turf on the setting of 18A Market Place, a Grade II Listed Building;
 - whether the proposed astro-turf would preserve or enhance the character or appearance of the Bingham Conservation Area; and

¹ Planning Application and Listed Building Consent Refs: 19/01154/Ful & 19/01155/LBC.

² Planning Application and Listed Building Consent Refs: 22/01441/FUL & 22/01442/LBC.

- the effect of the proposal on the protected Beech tree with regard to drainage and any subsequent effect on the Listed Building and Conservation Area.

Reasons

Listed Building

5. The listing for Nos 18 and 18A Market Place³ describes the appeal site (No 18A) and its attached neighbour (No 18) as two houses. They were built in the 19th century in brick stucco and whitewash with hipped slate roofs and flat stone plinths, moulded eaves and coped parapets. Each property has 20th Century additions. No 18 was vacant at the time of my site visit and No 18A is a café/bar (Gilt). The listing provides limited information about the building but nevertheless it is a designated heritage asset and therefore its significance lies with its historical importance that warrants it being listed as Grade II.
6. The proposal would not affect the building itself but it would affect the area in front of it. This is landscaped and used for external seating for customers. The levels have been altered to create a terraced area close to the building and a flat lower area below. The adjoining property, No 18 has a sloping grassed area. Both properties have mature trees in their frontage which, in the case of 18A, has been landscaped around it. The trees are protected by a Tree Preservation Order (TPO)⁴.
7. The Council's main concern is the use of astro-turf instead of grass. Astro-turf has been laid to both sides of the central path so I was able to see it in situ. In parts, especially on the eastern side, the astro-turf had lifted which creates a poor image but this could be rectified by either a better quality product or relaying. The site's frontage provides the visual setting for the building as viewed from Market Place, its appearance therefore affects the immediate setting of the Listed Building. In addition to the astro-turfed areas, the rest of the frontage includes a raised terrace and raised planting beds. Given that the astro-turf is at ground level, and provided the quality of the artificial grass was of a standard befitting its location (precise details of this could be conditioned), it would not undermine the significance of this heritage asset. The effect would be a neutral one therefore the setting of the Listed Building would be preserved.
8. In reaching this view, I have taken into account the statutory duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This is reflected in Local Plan Part 1⁵ Policy 11 and Local Plan Part 2⁶ Policies 1 and 28 together with Section 16 of the National Planning Policy Framework (the Framework). Consequently, I find that no conflict with the Act, these policies or the Framework would occur.

³ Listed on the National heritage List for England – List Entry Number: 1273138.

⁴ Town and Country Planning Act 1990 Rushcliffe Borough Council Bingham No.1 Tree Preservation Order 1999 (TPO).

⁵ Rushcliffe Borough Council – Rushcliffe Local Plan Part 1: Core Strategy, Adopted December 2014.

⁶ Rushcliffe Borough Council – Rushcliffe Local Plan Part 2: Land and Planning Policies, Adopted October 2019.

Conservation Area

9. The area around Bingham dates back to Roman times and Bingham appears in the Domesday Book of 1086. It's history as a market town dates back to 1314 when Edward II granted Bingham a market right. Although the 19th Century saw a decline in the markets popularity, it was reinstated in 1975 and continues to thrive today. An appraisal of the Conservation Area is set out in the Bingham Conservation Area Appraisal and Management Plan⁷ which sets out the history of the area.
10. Market Place lies at the heart of the town centre and the Grade II Listed Butter Cross structure provides a focal point. The buildings around it provide a strong sense of enclosure and include a number of Listed Buildings including the appeal site and other buildings in the vicinity together with two K6 red telephone kiosks (Grade II Listed). The site therefore provides a prominent and important function within this setting and establishes its significance as a heritage asset.
11. Whilst the building is very prominent, its outdoor landscaped seating area sits behind a low stone wall and metal railings. Whilst the grassed area to No 18 is fairly prominent due to it sloping upwards towards the building, No 18A's grassed area is flat. The astro turf is approximately level with the top of the stone wall and set behind railings. The area is used for customers to sit out so comprises tables and chairs. Whilst the plans indicate seating on the eastern side of the garden only, there were tables and chairs and customers using the western side also at the time of my visit. These largely obscured the ground area but even if they were not there, the surface, although artificial is not unduly visually harmful.
12. The ground area is mainly visible from close up. Moving away from the building into the pedestrianised area of Market Place, the surface can barely be seen. As well as the wall and railings, parked cars and people moving around Market Place combine to ensure that the ground surface of the garden does not impact on the area. Whilst I appreciate that the Council would prefer natural grass, which I do not disagree with, the astro-turf has such a minimal effect as to be neutral. Therefore, I find the character and appearance of the Bingham Conservation Area would be preserved.
13. I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I find that no conflict with the Act would occur, nor would the proposal conflict with Local Plan Part 1 Policy 11 and Local Plan Part 2 Policies 1 and 28 or Section 16 of the National Planning Policy Framework, which reflect the aims of the Act. I also find no conflict with Policy 10 of the Local Plan Part 1, which amongst other things, requires development to reinforce valued local characteristics and Section 12 of the Framework seeks to achieve well designed places.

Drainage/Protected Beech tree

14. To the front of the building and within the landscaped area is a mature Beech tree which is protected by a TPO. The area immediately around the tree comprises a planted semi-circle. The astro-turf is outside this. However, the root protection

⁷ Rushcliffe Borough Council Bingham Conservation Area Appraisal and Management Plan December 2022.

zone of the tree is not shown on the submitted plans although the canopy spread is. This extends over the raised terraced decked area and the astro-turfed area.

15. The appellant states that the Council did not request drainage details when assessing the planning application. However, the proposal is described as amendments to existing site drainage and associated landscaping and therefore given that drainage is included in the description of development I would have expected to see more details with regard to drainage, especially given the position and crown spread of the TPO tree.
16. The appellant quotes an explanation of the works carried out to lay the astro turf. This sets out the commercial specifications including a sub-floor; soakaways; the removal of top-soil and compaction of the surface; the laying of limestone aggregate and sharp sand; and the application of the astro-turf, adhesive and nails. There is no mention of any measures taken to protect the tree or to address the tree's roots. Whilst a drainage cross section is included in the submitted plans, it does not provide assurance that the long term health of the tree would be taken into account. Therefore, the proposal indicates that the tree could have already been compromised when the works were carried out. This would continue to cause the tree harm and so its longevity could be adversely affected by the laying and retention of the astro-turf.
17. Given that the proposal is specifically for drainage and landscaping, it would not be reasonable to leave these details for later determination through the imposition of conditions relating to an approval. I consider that this is a matter that should be addressed at the outset. In the absence of details therefore, the proposal would have a harmful effect on the protected Beech tree with regard to drainage. This would conflict with Local Plan Part 2 Policy 37 which seeks to avoid any adverse impacts on mature trees.
18. Notwithstanding my conclusions regarding the astro-turf on the Conservation Area and the Listed Building, given the prominence of the tree, any adverse effect on the tree, would fail to preserve the character and appearance of the Conservation Area and the setting of the Grade II Listed Building. In this regard the proposal would conflict with the Act and Local Plan Part 2 Policy 28. This seeks to conserve and enhance heritage assets, respect the asset's relationship with, amongst other things, the landscape, and contribute to the long term maintenance and management of the asset.

Heritage Balance

19. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, in terms of my third main issue, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
20. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The astro-turf surface would enable better use of the area for additional outdoor seating rather than grass. This would be a benefit to the viability of the business and therefore

would be an economic benefit. This would benefit the business itself but would also be a public benefit in that successful businesses are important for the economic viability of the town generally. Whilst I do not doubt the stated economic benefits, I have no evidence that would quantify the scale of this. Therefore, I can only attribute modest public economic benefits.

21. Notwithstanding that I have found no harm with regard to the visual impact of artificial grass, as set out in my first and second issues above, I have found harm as set out in my third issue. Given the modest scale of the benefits and the great weight afforded to the preservation or enhancement of the Conservation Area and the setting of the Grade II Listed Building, I conclude that the benefits would not outweigh the harm I have identified.

Planning Balance and Conclusion

22. Whilst I have found that the proposed astro-turf would not harm the character or appearance of the Conservation Area or the Grade II Listed Building and the proposal would be acceptable in terms of my first and second issue. I have found harm with regard to my third issue with regard to drainage details and the effect on the protected Beech tree.
23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR