



Appeal Decision

Site visit made on 23 September 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/A3010/W/25/3368098

Land at Broad Gate, East Markham, Nottinghamshire NG22 0SH

- 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 Alan Broadbent against the decision of Bassetlaw District Council.
 - The application reference is 24/01478/FUL.
 - The development proposed is described as 'a single 4 bedroomed bungalow with solar & ground source heat pump, PV panels, a detached two bay garage with attached workshop groundwork: existing hedge kept though some removed for broad gate access purposes, garden area with greenhouse for plants, the area to the house to be paved and gravel, all general area to be grass, area adjacent railway orchard of apple trees to serve as sound limiting a small tree line to the ne fence line two soak aways service the property the one nearest to the railway lines removing water away from the railway line the driveway suitably laid with stone and gravel, a gated entrance west side (broad gate) of the property a septic tank to be installed with a suitable contract for emptying.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted additional documents at appeal stage, including a revised site layout plan relocating the proposed dwelling to the eastern side of the site; an Environmental Noise Impact Assessment and Soakaway Testing Results.
3. The Planning Appeals Procedural Guide is clear that the appeal process should not be used to evolve a scheme, and what is considered by the Inspector at appeal should essentially be the same scheme as was considered by the Council and interested parties at the application stage. No publicity has taken place with respect to the revised site layout plan, which I regard as a material change given the different position and orientation of the dwelling, the garages, parking areas and access point. Therefore, having regard to the Wheatcroft principles, I have not taken the amended plans into consideration but have determined the appeal on the basis of the plans originally submitted to the Council.
4. I have had regard to the other documents in so far as they attempt to address specific reasons for refusal. However, the technical assessments in each have been undertaken on the basis of the revised site plan, not the originally submitted plans. I address the consequences of this in my reasoning below.

Main Issues

5. The main issues are:
 - i) Whether the proposal would represent a suitable location for housing, having regard to relevant development plan policy;

- ii) The effect of the proposal on the character and appearance of the area;
- iii) Whether the proposed dwelling would provide a satisfactory standard of accommodation, with respect to noise;
- iv) The effect of the proposal on drainage and flood risk in the area.

Reasons

Location

6. The appeal site is located to the east of the village of East Markham, separated from the built-up area of the village by the East Coast Mainline (ECML) railway line. Development on this side of the railway is limited to a dwelling and car dealership opposite the site on the southern side of Broad Gate, and a single large farmstead to the east close to the junction with the A57.
7. East Markham is categorised as a Small Rural Settlement (SRS) under the third tier of the spatial strategy for the district set out under Policy ST1 of the Bassetlaw Local Plan (May 2024) (the BLP), which supports delivery of approximately 1,715 dwellings across the SRSs over the plan period to 2038. Under Policy ST2, East Markham is anticipated to experience 5% growth, or a minimum of 27 dwellings.
8. Policy ST2 sets further criteria to assess the appropriateness of residential development, dependent on whether the site lies within or outside of development boundaries or, where none exist, the built form of the settlement. East Markham does not have a defined settlement boundary. However, the ECML forms a significant physical barrier between the appeal site and the built-up area of East Markham. There is no access across the railway line at the site, and I saw the surroundings on the eastern side to be overwhelmingly rural in character. In my judgment, the land to the east of the railway line lies beyond the built-up area in the open countryside. Therefore, per Part 3 of Policy ST2, the proposal is required to accord with criteria 2(a-f) and one of criteria 3(a-d).
9. Criteria 2(a), (b) and (e) relate to matters of design, character and appearance, which I address below and find to be in conflict. The proposal would not erode physical separation between settlements, in accordance with criterion 2(c).
10. Criterion 2(d) prioritises use of previously developed land (PDL) or underused land where possible. There is no evidence that the site amounts to PDL or that the site is underused for any reason other than the appellant's choice.
11. Criterion 2(f) requires well-designed, safe and convenient access for all, including where appropriate, connections and improvements to existing infrastructure to promote walking, cycling, and the use of public transport. The Council refers to a lack of pedestrian or vehicular connectivity to East Markham that would promote car dependency. The site is not far from village facilities as the crow flies, but the ECML presents a physical impediment that prevents pedestrian or cycle access and would force residents to travel eastwards to join the A57 and circle back to reach the village, almost certainly by car given the speed and volume of traffic on the A57. The specific location of the proposal would therefore result in undue dependence on the private car by future occupants.
12. The appellant has pointed to the presence of public footpaths alongside the railway line to crossing points north and south of the appeal site, but I saw these to

be potentially hazardous and circuitous journeys through agricultural fields with routes not clearly defined on the ground, and subject to uneven surfaces, overgrowth and no lighting. None would provide a convenient or safe route to travel to East Markham. I find criterion 2(f) is not met, therefore.

13. The evidence before me does not indicate that the site benefits from support for development under the East Markham Neighbourhood Plan. The proposal would not replace an existing dwelling, nor involve the conversion of a redundant building. As such, no support is gained under any of the criteria 3(a-c). As set out elsewhere in this decision, the proposal would conflict with other policies of the BLP, contrary to criterion (d).
14. Overall, the proposal would be in significant conflict with the requirements of Policy ST2 and so would not represent a suitable location for development under the spatial strategy of the development plan.

Character and Appearance

15. The proposed dwelling would stand to the centre of the roughly rectangular plot located in the corner of a larger agricultural field next to the ECML. I saw the rough area of the site marked by stakes at my visit, and it was in an overgrown state in contrast to the actively worked larger field. Nonetheless, the site is absent development and contributes to the overwhelmingly rural character which exists to this side of the railway line. The lack of direct road or footpath access into East Markham across the ECML, and the limited visibility of only a few dwellings on the other side, adds to the sense of separation from the village.
16. In this context, the proposal would introduce a dwelling into the open countryside, standing conspicuously by itself to the northern side of the lane on a site hewn artificially from the larger agricultural field, as indicated by the proposed timber fence to the northern and eastern boundaries and loss of a section of hedgerow to form the access point. The addition of a detached garage to the front, hard surfacing for parking and turning and ancillary elements including refuse storage and a greenhouse, would result in a clearly domestic character at odds with the surrounding countryside.
17. Moreover, the low bungalow form and use of sandstone as the facing material would not reflect the two storey scale and red brick façade which form the prevailing features of the nearest neighbouring dwellings opposite the site and on the other side of the ECML.
18. For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area, in conflict with Policy ST33 of the BLP, which requires development to achieve high quality design that, among other things, has a clear function, character and identity, respects the local context and complements the landform.
19. There would also be conflict with criteria 2(a), (b) and (e) of Policy ST2 that the location, size, scale and form of the proposal do not cause significant harm to the existing built character; that development does not cause significant harm to the openness and distinctiveness of the surrounding countryside and that it responds positively to the design principles as identified in Policy ST33.

Standard of Accommodation

20. The site is directly adjacent to the ECML which is heavily trafficked day and night. I observed trains passing at speed roughly every 5 minutes during the course of my visit, the sound from which would be clearly audible from the appeal site and a potentially significant source of noise and disturbance for future occupants.
21. The appellant has submitted an Environmental Noise Impact Assessment (ENIA), but this has based its calculations on the dwelling being located to the eastern side of the site, furthest from the railway line. This does not accord with the central position of the dwelling on the original plans which I am considering.
22. This aside, even assessing the dwelling further from the railway line, the impact of the railway noise, and road traffic noise from the A57 to the north, is made clear. The ENIA concedes that sound levels at the garden boundary and middle of the garden, assuming a 2m high, close boarded timber fence is in place, would range from 59 to 62 dB $L_{Aeq,T}$ at 1.5m high, exceeding the upper guidance values for external environmental daytime sound pressure of 55 dB $L_{Aeq,T}$. The harmful extent of the noise is further illustrated by the onerous mitigation measures – either a significantly taller boundary fence, or partially enclosed areas within the garden with imperforate walls of around 2.3m to three sides and open to the south – that would be required just to provide a pocket of external space that would barely fall within the 55 dB $L_{Aeq,T}$ upper limit. Even with this, the majority of the garden area would be subject to consistent, disruptive noise that would severely undermine future residents' enjoyment of the space.
23. Moreover, the ENIA indicates that west facing bedrooms (in the alternative layout assessed) would fail to achieve acceptable indoor ambient night time noise levels with the windows open, instead requiring mechanical ventilation and closed windows to achieve suitable noise levels. Ultimately, the ENIA has considered a dwelling in a different position and thus these results are of limited value. But in indicating that a dwelling positioned further from the railway line would experience such impacts, it adds to my concern that occupants of the dwelling in the proposed central position within the site would experience unacceptable noise levels with windows open, thus forcing an unpalatable choice between keeping windows permanently closed, or enduring the noise. Neither would be acceptable and would seriously undermine the standard of accommodation provided, particularly during warmer weather where ventilation is not optional.
24. Therefore, I conclude that the proposal would fail to provide an acceptable standard of accommodation, contrary to Policy ST46 of the BLP, which requires development to be designed and constructed to avoid and minimise impacts on the amenity of existing and future users.

Flood Risk

25. The Council's fourth reason for refusal is based on a holding objection from Network Rail to a proposed soakaway close to the railway, which could have implications on the use and safety of the railway. Network Rail subsequently submitted a letter withdrawing its objection subject to certain criteria, including that the soakaway be at least 30m from the railway line. However, the plans to which Network Rail had regard are the revised plans showing the dwelling and soakaway in different locations further from the railway. As already indicated, I have not taken these amended plans into consideration.

26. Nonetheless, the size of the site is such that it appears possible for the appellant to meet with the requirements set down by Network Rail, most notably ensuring sufficient distance between the soakaway and the railway line. Precise details of the soakaway location and any other necessary particulars could be secured by planning condition. On this basis, I am satisfied that the proposal would not have a detrimental impact on drainage or increase flood risk. Therefore, no conflict arises with Policy ST50 of the BLP which requires proposals to consider and, where necessary, mitigate the impacts of the development on flood risk, on-site and off-site, commensurate with the scale and impact of the development.

Other Matters

27. I am referred to several recent appeal decisions relating to the appeal site.¹ The first, in August 2022, related to an outline application for four dwellings. Although not identical to the scheme before me, the conclusions of the Inspector in respect of the effect on character and appearance, and noise impacts from the railway line, are similar to my own. The other appeals related to applications for lawful development certificates for the construction of a dwelling and use as 'operational land' adjacent to the ECML respectively. In neither case was the stated use or operation demonstrated to be lawful on the evidence before each Inspector. Consequently, none of these appeals represents a fall-back position for the appellant, nor do they otherwise amount to material considerations weighing in the proposal's favour.
28. The proposal would add one dwelling to the housing stock. The Council's evidence is that it can demonstrate in excess of a five year supply of deliverable housing sites, a position not challenged by the appellant. Therefore, whilst I acknowledge the appellant's reference to the Framework's support for new housing, including in rural areas and the benefits of small sites coming forward, the contribution of the proposal to achieving these aims would be limited. Similarly, whilst there would be some economic boost for local trades in constructing the dwelling, and later some patronage of local businesses by future occupants, this would again be modest in scale and attracts only limited weight in favour of the proposal.

Conclusion

29. For the reasons set out, the proposal would cause harm due to its conflict with the spatial strategy, adverse effect on the character and appearance of the area and failure to provide a suitable standard of accommodation. This results in conflict with the development plan, taken as a whole. The identified harms would also conflict with the Framework's expectations for high quality design, high standards of amenity and promoting sustainable transport.
30. Material considerations weighing in favour of the proposal attract limited weight, and would not outweigh the identified conflict with the development plan, to which I afford significant weight. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR

¹ APP/A3010/W/22/3291872, dismissed 18 August 2022; APP/A3010/X/22/3296411, dismissed 23 January 2023; APP/A3010/X/24/3344615, dismissed 17 September 2024.