



Appeal Decision

Site visit made on 7 August 2025

by Dr Rachael A Bust BSc (Hons) MA MSc LLM PhD MIO L MCMI FGS MEnvSci MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/N3020/W/24/3355133

1 Church Lane, Linby, Nottinghamshire NG15 8AB

- 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 James O'Dwyer against the decision of Gedling Borough Council.
 - The application Ref is 2023/0443.
 - The development proposed is a detached dwelling with associated car parking, dropped kerbs and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the lifetime of the planning application, revised plans were submitted to amend the form of the proposed dwelling and materials. The Council's Report indicates that the revised proposal had been subject to public consultation. The Council decision was based on the revised plans and therefore the appeal will be determined on the same basis.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the special interest of the Grade II* listed building, Church of St Michael, and the character or appearance of the Linby Conservation Area; and
 - Whether the proposal would be inappropriate development in the Nottingham-Derby Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

Designated heritage assets

4. The submitted Linby Conservation Area Character Appraisal (LCACA) identifies several designated heritage assets within the vicinity of the appeal site. These assets include the Grade II* listed Church of St Michael¹ on Church Lane; Top Cross², a Grade II listed building and Scheduled Monument within Main Street and also other Grade II listed buildings including Clematis Cottage, 9 Main Street; The

¹ List Entry Number: 1265318

² List Entry Number: 1227505 (Grade II Listed Building) and 1012924 (Scheduled Monument)

Old Mill, Main Street; and 5-7 Main Street including their boundary wall. The appeal site is also within the Linby Conservation Area (CA).

5. Although the Council's reason for refusal only refers to St Michael's Church and the CA, I have a statutory duty as required by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to consider all relevant designated heritage assets. I have had special regard to the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest which they possess; and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in the determination of this appeal. I shall therefore assess the listed buildings first and then the CA.

Church of St Michael

6. St Michael's is a parish church which in part dates from the 12th century with a Norman south door, built of coursed and squared limestone rubble and ashlar with various pitched roofs predominantly in slate. The church is surrounded by its burial ground which is accessed from Church Lane.
7. The significance of the listed building is derived in part from the ecclesiastical architecture which despite evolving and expanding the church building over several centuries, it has a harmony and unity to its form, together with demonstrating traditional skills and craftsmanship. It also has historic interest by providing a place of worship, Christian teaching and a communal value.
8. The church is located to the southwestern edge of Linby where the slightly elevated topography enables its distinctive square tower to be seen from a distance in a variety of places. The surrounding burial ground of the churchyard, Church Lane and the gardens of the setback properties along Church Lane, including the appeal site, and views from Main Street across the appeal site, form a key part of the setting of the listed building. It is the open nature that allows the listed building to be experienced and therefore contributes to its significance.
9. The appeal site forms the private garden to No 1 Church Lane. No 1 is a semi-detached brick-built 20th century dwelling which, along with its attached neighbour, No 3, have been sited on an angle to face more towards the junction of Church Lane with Main Street. From my site visit I found that views of the church from Main Street were framed by the existing form of built development of Nos 1 and 3 Church Lane, and No 30 Church Lane. I do not disagree with the appellant that the 20th century housing on Church Lane, including the host property, has introduced a change in the foreground of the setting of the church when viewed from Main Street. However, it seems to me that the siting of Nos 1 and 3 retain the views towards the church with its distinctive square tower and therefore enable it to be experienced from Main Street. As such the angle of Nos 1 and 3 and the appeal site, notwithstanding some intervening deciduous vegetation in the churchyard, provides a valuable open and visual link between Main Street and St Michael's Church. Consequently, I find that the appeal site makes a positive contribution to the significance of the listed building.

Other Listed Buildings cited in the LCACA

10. Top Cross is a 14th century chamfered and tapered square cross with cornice in dressed stone with an octagonal base of 7 steps and a broached square plinth.

Although the cross is missing its original shaft, socle and cross head, the base is well preserved and a visually impressive example of a stepped calvary in its original location. This type of medieval cross was typical in the 11th and 12th centuries and continued until after the Reformation. Standing crosses outside of churchyards had a variety of purposes, such as focal points for religion and sometimes linked to particular saints, erected to commemorate events, scenes of village activities, validate transactions in marketplaces or denote boundaries.

11. Top Cross is located within an open village green area which is shared with a maypole on Main Street. These features are common within English villages, and the cross likely represents a place of gathering for the community. The wider surroundings comprise a range of 18th- and 19th-century buildings, several of which are listed buildings, and the modern 20th-century houses, including the appeal site.
12. The significance of Top Cross is derived in part by the historic interest of the structure itself and the role it would have likely played in medieval society and an English village. Its importance to Linby is enhanced by its relationship with Linby Bottom Cross which is located at the opposite end of the village. There is also architectural interest since it can be recognised as a medieval calvary cross. The open nature of the immediate surroundings enables the cross to be experienced from a variety of different directions. In my view the openness contributes to the significance of this designated heritage asset.
13. The appeal site is therefore part of the wider built form surrounding Top Cross. Although there is no submitted evidence that the appeal site has any form of historical connection with the cross, there is intervisibility between the appeal site and Top Cross. Consequently, the open nature of the appeal site makes a contribution to the overall significance of the cross.
14. The significance of Clematis Cottage, No 9 Main Street, the complex of buildings within The Old Mill, Main Street and Nos 5-7 Main Street including their boundary wall is derived in part from their age, form, orientation, historical use, style and use of materials. Clematis Cottage fronts onto Main Street and is set back with an open frontage behind the low stone wall boundary. The Old Mill is sited perpendicular to the appeal site with a similar boundary treatment. Nos 5-7 Main Street which are adjacent and screened by their slightly higher stone boundary wall than the other two. Consequently, the appeal site makes a negligible contribution to the ability to experience Clematis Cottage and no contribution to The Old Mill, Main Street or Nos 5-7 Main Street.

Linby Conservation Area

15. The CA encompasses a medieval core and includes 18th, 19th and 20th century buildings within the centre and on the village edges, including the appeal site. There is a linear pattern of development with buildings on Main Street forming the broad central route through the village. With origins as an agricultural settlement, there are a range of building types and forms which display the vernacular architecture and reflect the social status and economic prosperity of previous ages. The prevalence of vernacular buildings and boundary walls consistently using local buff/honey coloured stone, timber horizontal sliding sash windows, timber/timber-style doors and roofs which are natural clay plain or pan tiled, or natural slate. Two streams run through the centre of Linby (known as Linby Docks)

separated by Main Street, carried the water for the water wheels which were used to mill corn at the buildings now known as the Old Mill and Western House. Their dock shaped ends and sides constructed in local stone form an interesting feature and contribute to the sense of openness that the broad width of Main Street provides.

16. The submitted LCACA identifies that the relationship of buildings to spaces and the wider countryside surroundings defines the character of Linby. The siting and orientation of buildings, individually and in groups, create a varied mix of public and private spaces for gardens, courtyards, and the village green. The interaction of public and private spaces adds to the special character of Main Street and Linby and as such many are designated as significant green space within the LCACA. Buildings and stone boundary walls enclose private garden spaces at the back edge of pavements. Private gardens provide a natural floral and green connection to the public green spaces of Main Street from where they can be viewed generally without obstruction. Wider public space is accentuated by the width of the road and building distances either side with their varying heights and widths, the road aligned by Linby Docks, the footpaths and the green spaces between that combine to provide a special and most attractive appearance of its own. There is a variable building line, and the combination of enclosed and open spaces are an important feature that enhances the sense of intimacy and informality.
17. The significance of the CA is therefore derived in part from the historical interest from the agricultural origins through to the predominantly residential use of today. The historical evolution of Linby has created the relationships of buildings to open spaces and which periodically provide visual connections to the wider surrounding landscape. The public and private spaces make a substantial contribution to the character and appearance of the CA. Another key element is the architectural interest arising from the consistent use of traditional building materials, which provides a distinct and cohesive unity and identity to the appearance of Linby.
18. The undeveloped and open nature of the private garden area of the appeal site is identified in the LCACA as significant green space. Although the stone boundary wall may have been altered, it still is similar to the other traditional stone boundary walls which are a distinctive feature of the LCACA. Accordingly, the appeal site makes a significant positive contribution to the character or appearance of the CA.

The effect of the proposal

19. The appeal proposal would introduce a two-storey detached dwelling into the garden of No 1 Church Lane. Linby is characterised by a mix of dwelling types and forms. No 1 Church Lane is a two-storey semi-detached dwelling and No 26A Main Street is a one and a half storey dwelling. As such the principle of a two-storey detached dwelling would not be out of character with the locality. The proposed design and illustrative materials, as revised, in principle, presents a more traditional form which would be appropriate within Linby. The proposed materials could be secured by planning condition in the event that all other aspects of the proposal were acceptable.
20. No 1 Church Lane as a corner property has a slightly more generous garden area than others on Church Lane which were built in a similar style at a similar time. The siting of the proposed dwelling would diminish the current open nature of the corner plot. The existing topography gives the appeal site a greater physical and

visual prominence. As such any additional building within the appeal site would have an elevated position relative to Main Street and therefore visual prominence. Whilst it is noted that throughout Linby the siting of buildings is varied; in this particular location, the visual curve of the building line on this prominent corner is particularly noticeable. As such the proposed siting would not align with this established visual curve of the building line and would inevitably project forward of No 1 Church Lane and No. 26A Main Street. Consequently, the presence of a dwelling on the appeal site would provide a noticeable interruption to the current views of St Michael's Church from Main Street which are framed by the angled siting of Nos 1 and 3 Church Lane. This change to how the listed building is experienced would be harmful to its significance.

21. From my site visit and also noted within the LCACA, the host property and others along Church Lane appear out of place with the older buildings around them. Their elevated position accentuates their presence, and the use of brick departs from stone which provides the unity to the appearance of Linby. I note the appellant's suggestion that the proposed dwelling would screen the gable end of the host property. However, this would not be a reason in itself to grant planning permission.
22. In relation to the effect on Top Cross, the proposal would introduce another building within the wider setting of Top Cross. Whilst this would intensify the built development within this part of Linby, the siting of the proposal would not interrupt any specific views of the cross which can be gained from Church Lane or Main Street. Consequently, the appeal proposal would have a neutral effect on the ability to experience Top Cross and would therefore have a neutral effect on its significance.
23. Similarly, the ability to experience Clematis Cottage, No 9 Main Street, the complex of buildings within The Old Mill, Main Street and Nos 5-7 Main Street including their boundary wall as listed buildings within the wider locality, would not be changed by the appeal proposal. Accordingly, the proposal would have a neutral effect on their significance.
24. The appeal proposal would sever the open nature of the private garden and erode a piece of identified significant green space in Linby. As these green spaces make a substantial contribution to the character and appearance of the CA, the appeal proposal would harm the character of the CA as a whole. Whilst the LCACA does not contain any details of the criteria which were used to assess and justify each piece of land identified as significant green spaces; it states that it followed the guidance set out by Historic England and public consultation was undertaken prior to its formal adoption by the Council. As such the LCACA is a relevant consideration in the determination of applications and appeals.
25. Further alterations to the stone boundary wall on Church Lane are proposed to facilitate car parking. I note that there have been various alterations to the stone boundary wall along Church Lane to enable access points to the properties. The stone boundary walls are a distinctive feature of the CA. Given the prominent nature of the wall around the corner, in my view, any further changes to the boundary wall, however, minor, would diminish the prominence of the wall in this location and erode its important contribution to the character and appearance of Linby.

26. In drawing together my assessment of the effect of the proposal on the designated heritage assets, whilst I have found that the effect on Top Cross and other listed buildings within the wider locality would be neutral, there would be harm to the significance of St Michael's Church and the CA by virtue of the presence and siting of the proposed dwelling. Consequently, the proposal would fail to preserve the special interest of St Michael's Church, a Grade II* listed building and the character or appearance of the CA as a whole. It would not therefore accord with the statutory duties of the Act.
27. The proposal would conflict with several policies of the Gedling Borough Local Planning Document Part 2 Local Plan (the Local Plan), adopted 2018. These include: Policy LPD26 which seeks to conserve or enhance the significance of the heritage assets; Policy LPD27 relating to development within the setting of listed buildings; Policy LPD28 which seeks to ensure development proposals conserve or enhance the character or appearance of Conservation Areas and similarly Policy LPD34 b) which seeks to ensure that development involving residential gardens would not harm the general character and appearance of the area.
28. It would also conflict with Policies 10 and 11 of the Aligned Core Strategy (ACS), adopted 2014, which seek, respectively, to protect the historic environment and promote good design that reinforces local identity including the preservation and enhancement of listed building settings. There would also be conflict with Policies DES1, CBH2 and NE2 of the Linby Neighbourhood Plan, made 2019, which seeks similar outcomes to the other development plan policies.
29. Nevertheless, in line with paragraph 215 of the Framework and Policy LPD26 of the Local Plan, there is a requirement that the harm is weighed against the public benefits of the proposal. I shall return to the public benefits and the balance later in the decision.
30. Policy LPD19 of the Local Plan was cited within the reason for refusal. However, this policy relates to landscape character and visual impact. As the proposal is within the built environment, I find that this policy is not determinative in this case.

Whether inappropriate development in the Green Belt

31. The Government attaches great importance to Green Belts and the aim is to prevent urban sprawl by keeping land permanently open. Consequently, openness and permanency are the essential characteristics of Green Belt.
32. Policy LPD15 of the Local Plan sets out the local considerations for infill development within the Green Belt. The policy requires development proposals to satisfy all six criteria.
33. Criterion (e) refers to valuable views. I have not been provided with a definition of valuable views in any form of extract from the development plan. The LCACA identifies key views and vistas on map 9, but it does not include the appeal site. However, as set out in the first main issue, the appeal site does enable the Grade II* listed building to be experienced in views from Main Street. Consequently, I consider the appeal site therefore to provide a valuable view in the village. The proposal would diminish this valuable view and create conflict with criteria (e).
34. Criterion (f) requires proposals to be in keeping with the surrounding character. Under the first main issue, whilst the location and siting of the dwelling was

unacceptable in heritage terms, the proposed form, design and materials would be acceptable. As such in relation to the height, bulk, form and general design requirements contained within criterion (f), I find no conflict.

35. There is no dispute between the parties that the proposal would satisfy criterion (a), (b) and (c) regarding the limited scale, namely a two-bedroom dwelling, constitute infill development by virtue of the appeal site being bounded on two sides by existing development and the proposal being located within a village which is specifically defined within Policy LPD15. I see no reason to disagree.
36. Criterion d) refers to openness and the reasons for including land within the Green Belt. Paragraph 154 of the Framework indicates that development in the Green Belt is inappropriate unless it falls within one of the exceptions listed. The exception relevant to this proposal is paragraph 154 e) which allows limited infilling in villages. Case law³ has established that for those exceptions in the Framework where the effect on openness is not expressly stated as a determinative factor in assessing inappropriateness, there is no requirement to undertake a separate assessment of the impact of the development on the openness of the Green Belt. As such, for the exception of limited infilling in villages established by the Framework, which is relevant to this appeal proposal, a separate openness assessment is not required.
37. Although no conflict would arise in relation to criterion (a), (b), (c) and (f); the conflict with criterion (e) cannot be overcome by satisfying other criteria within Policy LPD15. The conflict I find with Policy LPD15 has to be tempered because of the degree of inconsistency with the Framework in relation to criterion (d). The Framework, together with caselaw, form an important material consideration and post-dates all portions of the adopted development plan. As such, based upon the approach in the Framework, the appeal proposal would benefit from the exception in paragraph 154 e) and would therefore not be inappropriate development in the Green Belt.
38. Policy 3 of the ACS was cited within the reason for refusal. However, this is a strategic policy which indicates that the Nottingham-Derby Green Belt will be retained and gives guidance to Local Plans in respect of Green Belt reviews and the sequential selection process for future site allocations, this policy is not determinative in this case.

Other considerations and balancing the conclusions

39. The appellant has suggested several other considerations and matters in support of the proposal. The appeal proposal would provide a single, two-bedroom dwelling. Whilst I have no details as to whether this would meet a specific local need, a new dwelling would make a small contribution to local and national housing targets. Small (and medium sites) are part of the overall supply of housing and rural areas do require incremental development for their vitality. Accordingly, this attracts modest weight in favour of the development.
40. Some employment in the construction process would be generated by this proposal, albeit for a temporary period, and would attract limited weight. Future

³, *R (on the application of Lee Valley Regional Park Authority) v Epping Forest District Council & Anor (Rev 1)* [2016] EWCA Civ 404, [2015] EWHC 1471 (Admin)

occupiers of the dwelling, and temporary construction workers, could potentially support local services and facilities. This would also attract limited weight.

41. The proposed traditional design and materials would not be harmful, providing a form of screening for the existing host property, making use of land within an existing settlement and the use of sustainable materials in the construction of the dwelling all of which would be expected in proposals. Each of these would be neutral considerations.
42. Whilst the appellant asserts that there is an absence of objections from interested parties; I have duly considered all representations, which do include objections to the application and appeal, as part of the determination of this case. In any event, the absence of objections would not necessarily mean that a development is acceptable.
43. The appellant has also drawn my attention to other sites on Church Lane including an approved dwelling with detached garage adjacent to The Headlands and another proposal at No 29 which at the time of the appeal submission was yet to be determined by the Council. I did observe these sites on my visit to Linby and have had regard to the information provided in relation to both these schemes. However, their context is not directly comparable to the appeal site which is a much more prominent corner location. In any event, each application and appeal are determined on their own merits which is what I have done in this case.
44. Given the nature of the issues within this appeal case, there are two balancing exercises to be done. The first is that set out in paragraph 215 of the Framework and Policy LPD26 of the Local Plan, in the context of the statutory requirements of s66(1) and s72(1) of the Act. The second is the more common balancing exercise under s38(6) of the Planning and Compulsory Purchase Act 2004 having regard to other material considerations, including the Framework. The former is dealt with first as its outcome has the potential to affect the operation of the latter.

The heritage balance

45. The Framework is clear that great weight should be given to the heritage asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
46. In this case, whilst the harm would not result in a total loss of the significance of the church; it would introduce an unacceptable change to how this listed building would be experienced and therefore it would harm the significance. The harm would be less than substantial in terms of the Framework, and in the order of low to moderate harm.
47. The degree of harm to the character or appearance of the CA would be localised to the views from within the CA. Nevertheless, it would be harm to the CA as a whole. The harm would be less than substantial in terms of the Framework, and in the order of low harm.
48. There would be a neutral effect of the appeal proposal on Top Cross; Clematis Cottage, No 9 Main Street; the complex of buildings within The Old Mill, Main

Street and Nos 5-7 Main Street including their boundary wall as the other listed buildings within the vicinity of the appeal site.

49. In accordance with paragraph 215 of the Framework and Policy LPD26 of the Local Plan, it is necessary to weigh the low to moderate less than substantial harm to the significance of the designated heritage assets against the public benefits of the proposal.
50. Of the other considerations set out in the preceding subsection, I have found the public benefits to be of limited to modest weight. As such they do not individually, or cumulatively, outweigh the identified harm to the significance of the designated heritage assets. I have given considerable importance and weight to the conservation of the designated heritage assets as required by the Framework. Consequently, in relation to heritage, I find that on balance, the proposal would fail to preserve the special historic interest of the Grade II* listed building of the Church of St Michael and the character or appearance of Linby Conservation Area as a whole would be neither conserved or enhanced. This would therefore fail to satisfy the requirements of the Act, the Framework and heritage policies within the development plan as set out my conclusions on the first main issue.

The planning balance

51. Turning to the overall planning balance, whilst I have found conflict with Policy LPD15 in relation to valuable views, this conflict is tempered by the inconsistency of the policy with the Framework and caselaw. Consequently, I have found that the proposal would benefit from the exception in paragraph 154 e) of the Framework, which is an important material consideration, therefore the proposal would not be inappropriate development in the Green Belt. Even if this finding was incorrect, it would not overcome the harm which I have found in relation to the designated heritage assets which in itself cannot be overcome by the suggested public benefits. Accordingly, the proposal would conflict with Policies LPD15; LPD26; LPD27; LPD28 and LPD34 b) of the Local Plan; Policies 10 and 11 of the ACS and Policies DES1, CBH2 and NE2 of the Linby Neighbourhood Plan.

Conclusion

52. For the reasons given above, and having regard to all other matters raised, and the development plan as a whole, I conclude that the appeal should be dismissed.

Dr Rachael A Bust

INSPECTOR