



---

## Appeal Decision

Site visit made on 18 November 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

---

**Appeal Ref: APP/B3030/W/25/3372240**

**Land at The West Lawns, Southwell, Nottinghamshire NG25 0JW**

- 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 M and P Wagstaff against the decision of Newark & Sherwood District Council.
  - The application Ref is 25/00637/FUL.
  - The development proposed is a Self-Build Detached Dwelling.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's first reason for refusal refers to the location of the development, and its second reason for refusal refers to the living conditions of a neighbouring occupier. I must also have regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Accordingly this has defined one of the main issues in my decision, and the parties have been given the opportunity to comment.

### Main Issues

3. The main issues are:
  - the effect of the development on the character and appearance of the area, including Southwell Conservation Area;
  - whether the location for the development would be appropriate having regard to local and national policy; and
  - the effect of the development on the living conditions of the neighbouring occupiers of 18 Handford Court, with particular regard to light and outlook.

### Reasons

#### *Character and appearance*

4. The site lies within the Westgate area of Southwell Conservation Area (SCA); a designated heritage asset. Having regard to the Southwell Conservation Area Appraisal and the appellant's Heritage Statement, the SCA's significance derives from its architectural and historic interest. The historic layout of the different

character areas, including Westgate, and the wider rural landscape setting form part of the significance of the area.

5. In the vicinity of the appeal site the area is residential. Older buildings are a reminder of the area's former village or hamlet arrangement centred around Westgate, and they are interspersed with modern dwellings. Residential streets spur off from Westgate on both sides. As these streets tend to be a loose knit arrangement on the southern side, there are glimpses across to the trees that line Potwell Dyke.
6. The dyke with its linear woodland is a green corridor that marks a visual transition from the countryside to the south and the urban fringe to the north. At the appeal site, and to the west of it, swathes of undeveloped land that is rural in character, serve as a buffer between the countryside and the built-up area, thus contributing to the area's historic rural appearance. To the east of the appeal site, development is more densely arranged and is in close proximity to Potwell Dyke. As such the character becomes more urban. This transition is apparent in glimpses across Potwell Dyke from the countryside and footpaths to the south, albeit filtered by trees.
7. The appeal site is a large, grassed area directly to the rear of a group of three substantial dwellings set in large plots. There is a narrow vista through to the appeal site from Westgate via the established access, with views into the undeveloped area, and towards the trees lining Potwell Dyke to the rear. There is also significant space between Potwell Dyke and the closest dwellings on West Lawns. Thus, the site contributes to the historic rural appearance, and therefore the significance of the SCA.
8. The proposed dwelling would be harmonious with the design and appearance of other dwellings on West Lawns, and it would not appear isolated due to its proximity to development on Handford Court and West Lawns. However, it would present as a substantial mass, with several large, glazed elements orientated south towards the dyke, the open countryside beyond, and the footpath. The rear garden and access road and their associated residential usage, such as vehicle movements and domestic paraphernalia, would be in close proximity to the dyke, and as such they would also be apparent from the vantage points from south. Whilst views towards the dwelling itself from Westgate would be limited due to its siting, the access road would extend the developed, domestic nature of West Lawns, deep into the appeal site, disrupting the undeveloped vista.
9. As such, the development would extend the urban fringe further west, diminishing the rural appearance of the area, and it would be discordant with the sylvan character of Potwell Dyke, rather than having a connection to it. It would have a harmful effect on the manner in which the green, rural qualities of this part of the SCA are experienced and would fail to preserve the character or appearance of the SCA.
10. The proposed orchard would enhance the part of the appeal site to the west of the proposed access road, including by way of historic association to former land uses. However, it would be visually separate from the proposed dwelling and its associated domestic areas such that urban encroachment would still be apparent. The proposed garden hedgerows, additional tree planting and post and rail fencing, whilst allowing clear views across the garden towards the sylvan Potwell

Dyke, would also provide little in the way of softening of the development. Therefore, these aspects of the scheme do not diminish the harm I have identified. I am mindful that additional landscaping could be secured by planning condition. However, whilst this might limit the extent of harm, it would not fully address it.

11. As such, having regard to the tests set out in the National Planning Policy Framework (the Framework), rather than having a negligible adverse impact, the development when considered overall, would fail to preserve the character and appearance of the SCA and it would erode its historic significance. I find that the degree of harm to its significance would be less than substantial, and this would be at the lower end of the scale.
12. Even so, the Framework is clear that great weight should be given to the asset's conservation. Paragraph 215 of the Framework states that where less than substantial harm to the significance of a designated heritage asset arises, this harm should be weighed against the public benefits of the proposal. I will return to public benefits later in my decision.
13. For the above reasons, I conclude that the development would harm the character and appearance of the area, including by failing to preserve the character and appearance of Southwell Conservation Area. It would therefore conflict with the relevant provisions of Policy DM9 of the Newark and Sherwood Local Development Framework, Allocations and Development Management, Development Plan Document (DPD), Core Policies 9 and 14 of the Plan Review, Review of the Newark and Sherwood Local Development Framework Core Strategy and Allocations, Amended Core Strategy (Core Strategy. Amongst other things, these policies seek to secure a high standard of design appropriate to its context. Also, by protecting the historic environment and ensuring heritage assets are managed in a way that best retains their significance.

#### *Location*

14. The site lies outside of the defined Southwell Urban Boundary and there is no dispute that it is designated as within a rural area. This is as defined in the hierarchy for development contained in the DPD. Development in rural areas is subject to the criteria of Spatial Policy 3 of the Core Strategy, and Policy DM8 of the DPD.
15. Criterion 3 of Policy DM8 restricts new dwellings in rural areas, and states that amongst other things, they will only be granted where they significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area. Spatial Policy 3 states that new development should not have a detrimental impact on the character of the location or its landscape setting, amongst other requirements.
16. The site is immediately adjacent to the Southwell Urban Boundary, in a residential area that is well connected with footways, bus services and leisure routes. It is also not remote from day to day shops and services that are available to those within Southwell.
17. Nevertheless, I have found that the development harms the character and appearance of the area, including a designated heritage asset, and the site's location lies outside the urban boundary. The proposal therefore fails to meet the requirements of the aforementioned policies. There is also nothing before me to

indicate that other exceptions for new dwellings in rural areas cited within the policies would be pertinent.

18. Accordingly, I conclude that the location of the proposed dwelling would not be appropriate, and as such the development would conflict with the relevant provisions of Policy DM8 of the DPD, and Spatial Policy 3 and Core Policy 9 of the Core Strategy, and Policy SD1 of the Neighbourhood Plan. Amongst other things, these policies restrict new dwellings outside of settlement boundaries unless they meet relevant exceptions, and to ensure development is appropriate to its location.

### *Living conditions*

19. The neighbouring property, 18 Handford Court (No 18), has a dining room window, and a kitchen window facing west, towards the boundary fence, hedge and sky above. From the photograph submitted by an interested party, in the intervening space is a side garden, and patio covered with a pergola. This area is directly in front of the set-back dining room window, which the Council's committee report explains, is a patio door. It is therefore evident that this outdoor area is used by the occupant as an outside amenity space, and there is also a clear relationship between the outside space and the dining room.
20. The development would be directly opposite the patio, dining room and kitchen windows of No 18 at a distance of approximately 3 metres from the boundary. Whilst it would incorporate a half-hipped roof, a significant proportion of side walling of the proposed dwelling would be up to two storey in height. This would tower above the neighbour's side garden and windows, in a position where there is currently no built form above the fence. This relationship would be overbearing and would harmfully erode the quality of outlook for the occupiers of No 18.
21. The dining room has an additional window, however that window faces towards the front path, Handford Court public realm, and is smaller. It is therefore secondary to the aforementioned dining room window. It is also acknowledged that No 18 benefits from a good sized, south facing garden. However the evidence leads me to conclude that the side patio directly adjoining the dining room is also a well-used space. As such, these factors do not lead me to a different conclusion.
22. The appellant has submitted daylight and sunlight assessments<sup>1</sup> (technical assessment) relating to the extent of daylight and sunlight reaching the windows and outdoor areas of the three nearest neighbouring dwellings, including No 18. It uses technical calculations and refers to Building Research Establishment Guidance: 'Site layout planning for daylight and sunlight: a guide to good practice,' 2022 (BRE guidance).
23. It concludes that in terms of the effect on neighbouring properties by way of light entering rooms, the development would meet BRE guidance for annual and winter sunlight provision, Daylight Distribution (DD), and for most rooms, the Vertical Sky Component (VSC) measurement. It also concludes that the proposal meets BRE guidance in respect of sunlight provision for outdoor spaces.
24. It identifies a noticeable reduction in daylight reaching the aforementioned dining room via the west facing window. It goes on to apply an average weighted VSC calculation, taking account of daylight reaching the room via the secondary dining

---

<sup>1</sup> Daylight and Sunlight Report, MES Building Solutions, dated 2<sup>nd</sup> April 2025; Letter, MES Building Solutions, dated 12 June 2025.

room window. In doing so, it concludes that BRE guidelines are met, with a weighted VSC of 0.82. However, an interested party has provided independent advice from a surveyor with relevant expertise. This has drawn my attention to paragraph 2.2.8 of the BRE guidelines, which state that the weighted VSC calculation is only appropriate in situations where the windows light the same areas of the room.

25. There is nothing before me within the technical assessment that confirms that the windows light the same areas within the dining room, or that window sizes have been calculated. As such, it is not convincingly shown that the presence of the secondary window would sufficiently compensate for the harmful effect identified. Therefore, based on the evidence presented, I find that there would be a noticeable decrease in daylight levels to the dining room.
26. It is acknowledged that the technical assessment concludes that the dining room within No 18, would meet BRE guidelines for Daylight Distribution (DD). However, the DD was undertaken prior to the author's subsequent letter, which confirmed that the dining room layout and its windows were not known at the time of the initial assessment. The letter then goes on to reappraise only the VSC calculation. The discrepancies between the original report and subsequent letter, mean that I attribute less weight to the findings of the DD calculation.
27. Moreover, section 5.0 of the initial report highlights that an assessment of daylight comprises both a VSC and DD calculation. The technical assessment does not provide any conclusive correlation between the DD and VCS calculation. It is also not shown that the BRE guidance indicates that only one need be acceptable.
28. For these reasons, and taking account of the orientation, close proximity, and scale of the development relative to No 18, it has not been robustly demonstrated that the development would avoid a harmful reduction in the level of daylight reaching the principal dining room window of No 18. The resultant effect of the development would be a less inviting and gloomy space, thus harming the living conditions of the neighbouring occupier.
29. I acknowledge that the report to the planning committee assesses the impact on neighbouring properties and finds this to be acceptable. However the report narrative does not refer to the use of the side garden as an amenity space, or its relationship with the dining room via the patio door. Nor does it refer to an effect on outlook in respect of these spaces. This limits the weight I attribute to this assessment.
30. Accordingly, and in the absence of robust evidence to the contrary, I conclude that the proposal would have a harmful effect on the living conditions of the neighbouring occupiers of 18 Handford Court. This is with particular regard to light and outlook. As such the development would conflict with Policy DM5 of the DPD, which requires an acceptable level of amenity, including in relation to outlook and light.

## **Other Matters**

31. The proposed development would be in an accessible location and would contribute to the boost of housing supply via a 'windfall' development, including contributing towards a mix of sites in accordance with paragraph 61 of the Framework. It would be a family-sized dwelling, and economic benefits would arise

from its construction and the occupier's day-to-day living requirements. The proposal also incorporates biodiversity enhancements comprising an orchard, hedgerows, other trees and parcels of grassland. These are benefits of the proposal.

32. The site was previously safeguarded for a town by-pass project, however that project has long since been shelved, and my attention has not been drawn to any safeguarding policies in this respect. I therefore give this matter limited weight.
33. The mandatory requirements of Biodiversity Net Gain (BNG), require developments to deliver a BNG of 10%, unless exempt. The proposal is described as a 'self-build dwelling.' The evidence including the officer report, leads me to conclude that the intention is for the development to be a self-build, as defined in the Self-build and Custom Housebuilding Act 2015. Regardless, I must be satisfied that self-build can be adequately secured in order for the development to be exempt. There is no mechanism before me for securing the development as self-build. The appellant has confirmed a willingness to provide a Unilateral Undertaking and has presented an alternative case for a planning condition. However, given my other fundamental concerns, I have not pursued this matter further with the parties.
34. The appellant refers to positive pre-application discussions with officers of the local planning authority and points out that officers recommended the application for approval. I am mindful that pre-application discussions are informal and not binding on any future decision the Council may take. I also note that members of the planning committee are not duty bound to follow the advice of their officers.
35. Concerns have been raised by interested parties in respect of the proposed access alterations, drainage and flood risk. However, the access design would improve pedestrian visibility, and there is limited evidence to indicate that it would lead to cars parking on the road, to the detriment of highway safety. The Flood Risk Assessment and Drainage Strategy, identifies suitable mitigation and drainage requirements, based on an analysis of surface water flood risk and other factors. Therefore, and in common with the Council's conclusions I am satisfied that with appropriate planning conditions, safe access and an appropriate drainage scheme can be achieved.
36. The rear elevation of 2 West Lawns faces the site of the proposed dwelling. However it lies to the north and is significantly separated from it by its own good-sized garden, and the proposed parking and turning area of the development. The rear elevation of 16 Handford Court lies to the north east. Its rear elevation is stepped back behind its adjoining garage and faces the garden of 2 West Lawns. Privacy would therefore not be adversely affected. The south west corner of the rear garden of No. 16 adjoins the appeal site. The proposed garage would be set back from this garden boundary, would be single storey with the pitch of the roof sloping away. As such, detrimental overshadowing of the garden would not occur.

## **Heritage Balance**

37. Paragraph 215 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons set out above, I find that the proposal would harm the significance of Southwell Conservation Area. I have found this to be at the lower end of the scale of less than substantial harm,

but nevertheless of considerable importance and weight. Under such circumstances, the Framework and Core Policy 14 of the Core Strategy advise that this harm should be weighed against the public benefits of the proposal.

38. The appellant has identified benefits of the scheme, which could be deemed as public benefits. In particular, the provision of a new dwelling in the context of the district's necessary housing delivery requirements, biodiversity enhancements, and mitigation in the form of the planting of the orchard, which would have historical links to the area. However taken together, these public benefits would be modest, relating to a single dwelling, and enhancements limited to a small area. These would not outweigh the harm that I have identified, and the great weight attached to the conservation of heritage assets. The proposal would therefore conflict with the historic environment policies of the Framework, and Core Policy 14 of the Core Strategy.

### **Planning Balance and Conclusion**

39. It is common ground that the Council is unable to demonstrate the necessary five year housing land supply in accordance with the Framework. The parties advise that the figure stands at 3.43 years, which represents a modest shortfall.
40. In such circumstances, paragraph 11 d) of the Framework indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposed development. Footnote 7 of the Framework lists designated heritage assets, as such assets of importance.
41. I have concluded that the development would harm the significance of a designated heritage asset, which would not be outweighed by public benefits. Given the great weight afforded to the asset's conservation, this matter provides a strong reason for refusing the development. Consequently, the balance in paragraph 11 d) ii. does not apply, and the proposal does not benefit from the presumption in favour of sustainable development.
42. For the above reasons, I conclude that the proposal conflicts with the development plan when read as a whole and the material considerations do not indicate a decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

*E Heron*

INSPECTOR