



Appeal Decision

Site visit made on 7 November 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2023

Appeal Ref: APP/A3010/W/23/3322781

Cross Roads Farm, Sutton Lane, Sutton-cum-Lound, Retford DN22 8SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daulby against the decision of Bassetlaw District Council.
 - The application Ref 23/00108/COU, dated 25 January 2023, was refused by notice dated 27 March 2023.
 - The development proposed is conversion of existing garage / storage / workshop to one new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are :-
 - Whether suitable measures have been investigated with regard to alternative uses for the building.
 - The effect of the development on the character and appearance of the area.

Reasons

3. The appeal building is a brick-built structure, with some cladding which, from the evidence provided, has had a number of permissions and uses over a period of time.

Alternative uses

4. The Council, in their statement, on many occasions, have referred to the appeal building as both agricultural and non-residential, and as a result, have referenced policy DM2 of the Bassetlaw District Core Strategy and Development Management Policies DPD (2011) (the CS) which has two relevant sections, (A) General Principles and (B) Conversion for Market Housing.
5. The Council's first reason for refusal relates to section (B) which sets out the requirements for utilising a non-residential rural building for market housing, which includes investigation of alternative uses, and that effective marketing must have taken place.
6. However, I find this approach of the Council to be incorrect. The last approved and implemented use, previously approved by the council, was for domestic residential use, as itemised in the banner heading above. As such, I do not

consider that any marketing is required, as the use was, in fact ancillary to the residential use of the main property. As a result, I find no conflict with Policy DM2 of the CS, as it does not relate in this instance.

Character and appearance

7. I am advised that the site forms part of the Idle – Lowlands Policy Zone 9 within the Bassetlaw Landscape Character Assessment (LCA) which is defined as a coherent pattern of elements with strong ecological integrity, whilst reinforcing local vernacular and the open rural character of the Zone.
8. I find that the design and appearance of the proposed dwelling does not reflect the locality, with large amounts of glazing to the proposal, specifically on what is indicated as the front elevation, but overall, on three of the four elevations. This does not respect the rural character of the building and gives the overall appearance far more of a contemporary look than many of the nearby and surrounding properties, and does not reflect the character of the locality.
9. Albeit the development would not be readily visible from the main road or any public vantage points, views from surrounding dwellings would be available. Any loss of vegetation would allow longer distance views to become available, and the appeal proposal would generally be seen as an unwelcome intrusion. Whilst the development is of a modest scale and within a large site, I do not find the proposal is insensitive to its landscape setting for the reasons given above.
10. Policy DM3 also seeks to ensure such development is appropriate for its location, setting and compatibility with surrounding land uses. The wider character of the area is agricultural and interspersed with buildings. Despite the fact that inevitably there will have been landscape changes and built development across the wider area, since the time of the publication of the LCA, to my mind the site contributes to the rural character. Thus, despite the age of the LCA the appeal site contributes positively to the character and appearance of the area.
11. I therefore conclude that the development harms the character and appearance of the area, contrary to CS Policies DM3 and DM4. Combined, and insofar as they are relevant to the proposal these seek to ensure development is appropriate for its setting taking into account local distinctiveness. The development is also contrary to the National Planning Policy Framework (the Framework) at paragraph 130 where it seeks to ensure development is sympathetic to local character and recognising the intrinsic character of the countryside as set out in paragraph 174. For similar reasons, the development therefore conflicts with the aims of the Bassetlaw Landscape Character Assessment.
12. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. Accordingly, it would not comply with Policies DM4 and DM9 of the CS where they concern high quality design; development respecting its wider surroundings, and that proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting, including with regard to the distinctive qualities of the landscape character policy zone, as identified in the LCA.

Conclusion

13. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Paul Cooper

INSPECTOR