



Appeal Decision

Site visit made on 3 April 2023

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 JUNE 2023

Appeal Ref: APP/A3010/W/22/3308856

Blanfield, Blyth Road, Oldcotes, Worksop S81 8JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nick Brocklebank against the decision of Bassetlaw District Council.
 - The application Ref 21/01872/OUT, dated 29 December 2021, was refused by notice dated 6 September 2022.
 - The development proposed is the demolition of the existing dwelling and its replacement with 5 bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the proposed development in the banner heading above from the appeal form. The scheme was described on the planning application form as the "demolition of existing dwelling and replacement with 5 new dwellings", but while the planning application was being determined it was amended to refer specifically to five bungalows. I have therefore used the revised description above for consistency with the proposal as it was considered by the Council.
3. The planning application was submitted in outline form with all matters reserved for subsequent consideration, though it was stated that the development would be accessed by the existing driveway from Blyth Road. Plans showing a site layout and some further details of the access arrangement were submitted while the planning application was being determined. However, the appellant's evidence was clear that these plans were purely illustrative, and I have treated them as such in reaching my decision.
4. Planning permission was refused by the Council's Planning Committee against the recommendation of its officers. This is something which the committee is of course quite entitled to do, and it is not a matter which weighs on my determination of this appeal one way or the other. I have reached my decision based purely on the planning merits of the appeal proposal as they have been presented to me.

Preliminary Matter – Development Plan Policies

5. The Council is currently preparing a new Local Plan to replace the Bassetlaw Core Strategy ("the BCS"), which was adopted in 2011 and therefore pre-dates the publication of the first National Planning Policy Framework ("the

Framework”) in 2012. The Council’s officer report referred to Paragraph 33 of the Framework which sets out the requirement to review policies in local plans at least once every five years, and to update them as and when necessary; on this basis, the Council has suggested that the policies of the BCS should be considered out of date. However, Paragraph 219 of the Framework states that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of [the] Framework”. The decision notice referred to two specific policies of the BCS, DM4 and DM9.

6. Among other things, in respect of non-major development Policy DM4 requires proposals to be of high-quality design, and respectful of their wider surroundings and context (including development patterns, building and plot sizes and forms, and density). It also requires development not to have a detrimental effect on highway safety. The policy’s requirements in respect of design are consistent with the provisions of the Framework which seek to achieve well-designed places, notably the requirements of Paragraph 130, while its approach to highway safety is consistent with Paragraph 111 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
7. Policy DM9 addresses matters relating to Green Infrastructure, biodiversity and geodiversity, landscape, open space and sports facilities; of particular relevance to this appeal it states that “development proposals will be expected to restore or enhance habitats and species’ populations”. This is consistent with the Framework’s requirements on this matter, and in particular the provisions of Paragraph 174 which seek to ensure that planning policies and decisions contribute to and enhance the natural and local environment.
8. Notwithstanding the Council’s stance therefore, there is no substantive evidence before me to demonstrate that either policies DM4 or DM9 of the BCS are inconsistent with the Framework or otherwise out-of-date. I therefore give both policies full weight in determining this appeal. I return to this matter in more detail in the final planning balance.

Main Issues

9. The main issues are the effect of the proposed development on:
 - The character and appearance of the area, having particular regard to the setting of the adjacent Oldcotes Conservation Area;
 - Highway safety; and
 - Trees and biodiversity

Reasons

Character and appearance

10. The appeal property Blanefield is a large detached bungalow at the centre of a block bounded by the A634 Blyth Road, the A60, and Main Street, within the village of Oldcotes. The rest of the block is almost entirely residential and comprises dwellings of a range of ages and styles which are predominantly arranged in linear form along or close to the block’s perimeter roads. Most of

the neighbouring properties are within generous plots, and many have long front and rear gardens (though there are some exceptions, of course). Even within this context, the plot on which Blanefield stands is particularly large, and the existing dwelling and detached garage, as well as a separate outbuilding towards the north west corner of the site, occupy a small proportion of the site. The plot contains hedges, shrubs and numerous mature trees but is mainly given over to grass; along with the rear gardens of the surrounding dwellings it makes a significant contribution to the pleasant sense of spaciousness, greenness and openness at the heart of the residential block which, I saw on my site visit, is a strong positive characteristic of the area.

11. The proposal is the demolition of the existing dwelling on the site, and the construction of five new bungalows in its place. The submitted Design and Access Statement indicates that they would be sited around a central access driveway and turning head, and each would have front and rear gardens and a patio area. As the planning application has been made in outline only with all matters reserved, the information which has been put before me in respect of the layout and scale of the development is indicative only, and I recognise that the scheme could be carried out in a different manner. However the illustrative layout, which the appellant suggests demonstrates the "best way of developing the site", shows that introducing five very substantial bungalows, as well as the shared driveway and turning head, large private driveways for each dwelling, and garden paths and patios, would transform the site from being spacious, green and open at present to being dominated by the bungalows and their surrounding hard surfaces. This would be harmful to the character and appearance of the area.
12. The appeal site is outside, but immediately adjacent to, the Oldcotes Conservation Area ("the OCA"), and I therefore also have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
13. I have not been provided with an appraisal or other management document for the OCA, but I saw during my site visit that the historic core of the village remains apparent along and around much of Main Street, where there are several well-preserved houses and cottages. The spaciousness and openness of the appeal site, which is in an elevated position above its nearest neighbours on Main Street, makes an attractive backdrop and setting for that part of the OCA. I note that the appellant considers that the change in the proposal from houses to bungalows (described in paragraph 2 above) would be sufficient to ensure that the OCA was not harmed. However, in my view the likely scale and siting of the dwellings which is suggested by the submitted illustrative plans means that there is a significant risk that they would be dominant and intrusive when seen from within the OCA (such as through gaps between South Royds and Riverview Cottage and between Woodlands View and Woodstock Cottage on Main Street to the south of the appeal site).
14. The appellant drew my attention to other cul-de-sac developments of varying ages and styles in the village at Weirside, Wynlea Drive and Elmsmere Drive.

However, none of these appears to have the same backland characteristics as the appeal site nor, from what I saw on my site visit, are any of those developments in positions where their topography dominates parts of the OCA. None therefore appears directly comparable to the appeal site or scheme.

15. Taking all of this together, as well as finding that the proposal to develop five bungalows on the appeal site would not be in keeping with the prevailing pattern of development in the area, I also find that it would be likely to mean that the setting of the OCA would not be preserved or enhanced. In the Framework's terms, the harm to the significance of the OCA would be less than substantial. The provision of five new dwellings would help to meet local need for housing; this would be a public benefit but, as the number of additional dwellings would be small, and the Council has stated that it can demonstrate a housing land supply of more than 13 years (a position which the appellant has not challenged) it is not an overwhelming one. There would also be some employment created locally during construction of the development, although the scheme is small in scale and consequently would support relatively few jobs for only a limited period. On this basis, I consider that these public benefits carry only moderate weight in favour of the proposal; they would not outweigh the harm to the heritage asset, to which I must attribute great weight.
16. The proposed development conflicts with Policy DM4 of the 2011 Bassetlaw Core Strategy ("the BCS"), which among other things seeks to ensure that development demonstrates high-quality design, and is respectful of its wider surroundings and context (including development patterns, building and plot sizes and forms, and density). For the same reasons, I find conflict with the provisions of Paragraph 130 of the Framework, which seek to achieve well-designed places, as well as with the provisions of Chapter 16 of the Framework which seek to conserve and enhance the historic environment.

Highway safety

17. The existing driveway from Blyth Road would continue to be used to provide access to the five proposed bungalows. With some modifications to the existing gateway, the drive would have a minimum width of 4.8m, and so would comply with the requirements of Nottinghamshire County Council's Highway Design Guide for shared private drives. I saw on my site visit that the driveway emerges onto Blyth Road from the appeal site across a wide grass verge and, while I have not been provided with visibility splay diagrams, there does not appear to be any serious doubt that there would be a good standard of intervisibility between drivers of vehicles leaving the appeal site and those heading along Blyth Road in either direction. While I understand from third parties' representations that traffic queuing from the traffic lights at the A634/A60 junction a short distance west of the appeal site may sometimes block the appeal site driveway, this is not an unusual situation and not in itself indicative of there being a risk of unacceptable harm to highway safety.
18. Concerns about the impact of the use of the driveway during the demolition and construction phase of the development are also not out of the ordinary. However, while it is important that such activity can be carried out with as little unnecessary disturbance to neighbours (including through dust, noise and other nuisance) or risk to safety (such as might arise from mud, or the manoeuvring of construction vehicles) as is reasonably achievable, this is a matter which, were the proposal acceptable in all other respects, could be

addressed by conditions securing a construction method statement and dealing with related operational matters.

19. Subject to the imposition of such conditions, I am satisfied that the proposed development would be unlikely to be significantly harmful to highway safety. I conclude that the proposal would not therefore conflict with the requirements of Policy DM4 of the BCS which seek to ensure that development is not detrimental to highway safety. For the same reason I also find that there would be no conflict with the provisions of Paragraph 110 of the Framework.

Trees and biodiversity

20. As I have explained under the first main issue, although the majority of the appeal site is grassland it also contains numerous hedges, shrubs and mature trees. Most of this planting is around the edges of the site, but there is also a line of mature trees running approximately north-south through the centre of the site. I understand that none of the trees is covered by a Tree Preservation Order; nevertheless, they not only make a positive contribution to the green and pleasant character and appearance of the area as I have described, but are also likely to provide nesting sites for birds and habitats for other wildlife.
21. While the appellant suggests that “the majority of the trees and hedges on the site boundaries can be retained”, the implication (reinforced by the submitted illustrative layout) is that the mature trees in the centre of the site would be lost to accommodate the proposed development. The appellant comments that “the site is large enough to ensure that some replacement tree planting can be provided in the individual garden areas”. However, and again as I have already described above, the submitted evidence indicates to me that the scheme would be likely to result in the site being dominated by the dwellings and their associated shared and private hard surfaces. Any condition requiring tree planting to be dealt with as part of the landscaping “reserved matters” would therefore in my view be unlikely to result in an adequate replacement for the existing mature trees on the site, and the contribution they make both to the character and appearance of the site and to biodiversity in the area.
22. Other features such as bird and bat boxes, as suggested by the appellant, would be positive additions to the site. However, these would be unlikely to compensate for the loss of mature trees given the proposed intensification of development on the site.
23. I conclude that the development would be likely to result in a harmful loss of mature trees and biodiversity on the site. The proposal therefore conflicts with Policy DM9 of the BCS, which seeks to restore or enhance habitats and species’ populations, and with the provisions of Paragraph 174 of the Framework which seek to ensure that planning policies and decisions contribute to and enhance the natural and local environment. There would also be conflict with the provisions of Paragraph 131 of the Framework, which seeks to ensure that existing trees are retained wherever possible.

Planning Balance and Conclusion

24. I have found that the proposed development would not have a significant harmful effect on highway safety. However, it would be harmful to the character and appearance of the area (including the OCA, though the appeal

- site is just outside its boundary), and to trees and biodiversity. It would therefore conflict with the development plan taken as a whole.
25. Paragraph 11(d) of the Framework states that “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date”, planning permission should be granted “unless (i) “the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”, or (ii) “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
26. The Council considers that because of the age of the BCS its policies are out of date. In fact, as I have set out in paragraphs 6 to 8 above, those BCS policies which are most important in determining this appeal appear to me to be consistent with the Framework. However, even if I accept entirely that the most relevant policies are out of date, footnote 7 of the Framework states that designated heritage assets are one of the “protected assets” described in paragraph 11(d)(i). In this case, the harm to the OCA provides a clear reason for refusing the proposed development, and the “tilted balance” is not engaged¹.
27. The Government’s objective is to significantly boost the supply of housing. The development would provide five new dwellings, which would help to meet local housing need, and which would have a reasonable degree of access to some services within Langold some 1km or so away to the south. Given the scale of the proposed development, the extent of any economic, social and environmental benefits arising from the scheme would be correspondingly modest; they would not outweigh the other harm I have found.
28. The proposal would conflict with the development plan taken as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.
29. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector

¹ Had I found no harm in respect of the OCA, I would still be of the view that the other harm which would be caused to the character and appearance of the area, and to trees and to biodiversity, would conflict with the specific requirements of Paragraphs 130, 131 and 174 of the Framework. The harm which would arise from the development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. The proposal would not therefore amount to sustainable development in the terms set out in the Framework, and in any event my overall conclusion would be the same.