



Appeal Decision

Site Visit made on 26 January 2021

by Steven Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021

Appeal Ref: APP/B3030/W/20/3260763

Fiskerton Signal Box, Middle Lane, Morton, Nottinghamshire NG25 0UY

- 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 Miss Emma Foster of Network Rail Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00476/FUL, dated 16 March 2020, was refused by notice dated 12 May 2020.
 - The development proposed was originally described as '*careful dismantling of signal box and its re-erection on the Vale of Berkeley railway, Gloucestershire*'.
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Decision

1. The appeal is allowed and planning permission is granted for the dismantling of the signal box at Fiskerton Signal Box, Middle Lane, Morton, Nottinghamshire NG25 0UY in accordance with the terms of the application, Ref 20/00476/FUL, dated 16 March 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: site location plan (scale 1:2500)
 - 3) The developer shall give the local planning authority 14 days' notice prior to the commencement of the start of works and access shall be afforded at all reasonable times to allow a person or body nominated by the local planning authority, for the purpose of inspecting the works or recording the building by making measured drawings or taking photographs. Access shall be afforded during works and upon completion.

Preliminary Issue

2. I have amended the description of development in my formal decision to remove any superfluous wording not related to the development. In addition, I have removed the wording relating to the re-erection of the signal box, as this decision cannot grant approval for works in a different planning authority area.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Morton Conservation Area (MCA).

Reasons

4. The appeal relates to a redundant and vacant railway signal box located on the outskirts of the small rural village of Morton. The site is adjacent to a

functioning level crossing. The former crossing keeper's cottage is located on the opposite side of the railway line. This small cluster of railway related activity is separated from the main built form of the village by fields. Nevertheless, the boundary of the MCA extends from the village to include the site.

5. As the site is within the MCA, I have had special regard to my statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I have also had regard to paragraph 193 of the National Planning Policy Framework (the Framework) which 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.
6. The Morton Conservation Area Appraisal (CAA) (2003) suggests that the special character of the village lies in its compact size and simple layout that has not changed significantly since the time of enclosure between 1839 and 1841. It has an overtly rural character and the CAA highlights the importance of farming to the history and built form of the village. The focus of the Conservation Area is therefore on the historic built form and layout of the main part of the village, which reflects its agricultural past. The scattering of agricultural buildings and features, the informal layout of the settlement and resistance to change over a considerable period provide the area with the majority of its significance. The fields on either side of the road which stretch out toward the railway line reinforce the agricultural character and history of the village and thus add to its setting in this regard.
7. The railway line and buildings clearly differ to this character. The line was opened in 1846 and there has been a signal box on or near the site since around the 1880s. There is however nothing in the evidence which suggests the railway buildings, or the signal box in particular, are of fundamental importance to the MCA's significance. The CAA makes little mention of the railway buildings themselves, only referring to them as being a gateway feature. The signal box is identified as an unlisted building of local interest in both the MCA and recently adopted Fiskerton cum Morton Neighbourhood Development Plan (FMNP). However, neither document provides any detailed justification for this status.
8. Nonetheless, the fact that little has changed in the form or layout of the MCA since enclosure and the introduction of the railway shortly after is likely to be of some importance to the historic context of the village.
9. The signal box itself is one of the later standard designs and is an inter-war addition to the area. As such, it is not contemporaneous with the cottage or the introduction of the railway itself. It is a prefabricated building typical of many signal boxes introduced during this period. As such, it was not designed specifically for this location. Some of the original windows remain in place, but the majority have been replaced by uPVC. This has had a moderately detrimental impact on the appearance of the building. However, the original name board is still present, and other than what appear to be mainly cosmetic timber and metal work issues, the building appears to be in a reasonable state of repair. Nevertheless, there is no strong evidence to suggest this is a particularly important example of signal boxes nationally. The building is therefore only of local interest.

10. The signal box is prominent in the approach to the village along the narrow Causeway Lane. It stands out in stark contrast against the open fields and hedgerows. In this regard, both it and the level crossing mark out the approach to the village. While clearly a functional building, it is of now of some age and has been in place for a considerable period. The position and prominence of the building is therefore likely to give it some status as a local landmark. The extension of the MCA to encompass the building and references to it in the CAA and FMNP confirm this. The main contribution it makes is however that of its historic operational functionality, rather than any beneficial impact on the visual appearance of the area.
11. From the village itself, the signal box and cottage appear somewhat remote and disconnected from the main built form. The site is some distance from any buildings on Middle Lane and views toward it are filtered to an extent by intervening trees. This visual isolation means that removal of the signal box would have no impact on the agricultural character or significance of the village, its form and layout, important buildings or other elements that provide the MCA with much of its significance.
12. While the line may have been introduced at around the same time as enclosure, there appears to be no other strong connection between the railway and the village. There is no railway station and the village does not appear to have been reliant on the railway for employment. The cluster of buildings here are indicative of the operation of a junction and level crossing, which in themselves are not unusual or novel features in the wider area. The railway line, level crossing and cottage would also all remain in place. Therefore, while the removal of the box would diminish the collective group interest of the railway related buildings, it would not alter the perceived importance of the railway line to the historic layout or context of the village. This would still be able to be appreciated through the features that would remain.
13. This is not to say that the removal of the building would not result in some harm. The proposal would remove a long-standing local landmark which marks the approach to the village. It also provides a physical reminder of the historic operation of the junction and level crossing in this location. This would be lost. In turn, this would have a negative impact on the contribution the cluster of railway activity makes to the historic layout and form of the village. While of clear secondary importance to the agricultural character and history of the village, the railway is still seen as contributing to the significance of the MCA.
14. In this regard, I find that the development would still fail to preserve or enhance the character and appearance of the MCA. Although I consider the harm to be only moderate in scale, there would still be conflict with FMNP Policy FCM6 which seeks to resist development that would have a detrimental impact on the character and appearance of Conservation Areas.
15. Newark and Sherwood Amended Core Strategy (CS) (2019) Core Policy 14 requires the conservation and enhancement of the character of heritage assets as required by national policy. The policy states that where an adverse impact is identified there should be clear and convincing justification, including where appropriate, a demonstration of public benefits. In terms of non-designated assets, it requires a balanced judgement having regard to the scale of harm or loss and the significance of the asset. FMNP Policy FMC10 broadly reflects this approach. Newark and Sherwood Allocations and Development Management

Policies (ADMP) (2013) Policy DM9 requires development in Conservation Areas to take account of their distinctive character but defers to Core Policy 14 in considering potential impacts.

16. I would characterise the harm caused to the significance of the MCA to be 'less than substantial'. For the reasons given above, I consider the harm would be at the lower end of any scale. Nonetheless, Core Policy 14 and paragraph 196 of the Framework requires the harm to be weighed against the public benefits of the proposal.
17. The development would remove any costs of on-going maintenance and security of the building. The appellant has estimated that maintaining the box to its most basic level, and not factoring in major repairs or security features, would be around £10,000 per annum. There is nothing before me which quantifies how this figure has been derived. However, as there is no likelihood that a use will be found for the building in-situ, this liability could extend indefinitely, resulting in significant costs over time. Considering the age and nature of the building, including its materials, it would also be reasonable to assume that the cost of maintaining the building could increase over time. I therefore accept that the saving to the public purse, and potential for reinvestment in operational rail infrastructure, is a public benefit of substantial weight
18. The appellant has raised the associated concern that the signal box could become a target for trespass and vandalism. No evidence has been provided which suggests the box has been a target for crime or anti-social behaviour in the period it has already been vacant. Therefore, while I consider the appellant's fears in this regard to be somewhat generalised, the proposal would completely remove any risk. Again, it would be reasonable to assume that even in this relatively remote location, and with some measures in place to deter such behaviour, the longer the building remains vacant the greater the chance that it could become a target. Given the importance of maintaining the safety of the railway, this factor also weighs substantially in favour of the proposal.
19. I acknowledge that the Council has powers to ensure buildings in Conservation Areas do not become eyesores through lack of maintenance or vandalism. While this might provide some comfort, it does not mean there would be no public benefits derived from the removal of the building from its current location.
20. I am mindful that there is little prospect of the building being used for any other purpose for the foreseeable future. In addition, as a prefabricated building, it can be removed and rebuilt elsewhere without any likely harm to the building's fabric and character. The appellant has indicated that the signal box would be rebuilt at the Vale of Berkeley Railway Heritage Centre. There appears to be financial support for the relocation and re-use of the signal box as part of the visitor attraction. Putting this non-designated asset to beneficial use and facilitating the operation of a tourist and heritage attraction would also have some clear public benefits.
21. While I have no reason to question the intentions of the appellant or other parties involved, there is no formal mechanism before me which would guarantee the relocation of the box. This inevitably tempers the weight I can give to this factor. I am also mindful that any benefits would be derived some distance from Morton. Nevertheless, there appears to be substantial

commitment to ensuring the use of the box. Furthermore, given the alternative of remaining vacant, unused and being subject to minimum maintenance, I have still given substantial weight to the potential benefits of a use being found for the building elsewhere.

22. Overall, I find that the public benefits of the development would outweigh the moderate harm caused to the significance of the MCA. In coming to this conclusion, I have also had regard to the effect on the non-designated asset and the scale of harm caused by its removal. On balance, I am satisfied that the development would accord with the relevant national policies and, by extension, CS Core Policy 14, ADMP Policy DM9 and FMNP Policy FCM10, the objectives of which are set out above. This would also outweigh any conflict identified with Policy FCM6.

Conditions

23. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). I have imposed the standard condition which limits the lifespan of the planning permission. I have imposed a condition specifying the relevant site location plan as this provides certainty over the extent of the permission.
24. I have also imposed the Council's suggested condition requiring the appellant to provide notice of any works so that the Council can carry out inspections and any recording it sees fit. This is to ensure the historic interest of the building is safeguarded. I have made some amendments to this condition in the interests of precision. I am confident any health and safety issues are not unusual in this regard and can be easily dealt with by the parties.
25. In my view, this condition negates the need for the Council's condition on building recording, which I do not consider to be reasonable or necessary in this case. While of some local interest, the signal box is not of such importance for a specific recording condition to be necessary.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR