



Appeal Decision

Site Visit made on 15 March 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/B3030/W/20/3265677

Chapel Farm, Newark Road, Wellow NG22 0EJ

- 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 Gair Kettles against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00593/FUL, dated 6 April 2020, was refused by notice dated 10 September 2020.
 - The development proposed is the erection of 8 no holiday accommodation with swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for 8 No holiday accommodation with swimming pool at Chapel Farm, Newark Road, Wellow NG22 0EJ in accordance with the terms of the application, Ref 20/00593/FUL, dated 6 April 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - the amenity of the rural area with particular reference to noise and disturbance; and
 - the safety of all users of the access track.

Reasons

Amenity

3. The appeal site is located to the rear of, and would form an extension to, a previously approved development comprising of, amongst other things, 13 holiday let units at Chapel Farm. The site is positioned above and outside of Wellow village in the countryside.
4. The proposal would result in an increase in vehicular activity along an access track from the A616, a busy road that runs through the village. The track serves, amongst other things, several residential properties, a fishing lake and a cricket pitch. The gravel and stone track contains several potholes, but is passable with a vehicle, and during my site visit was being used by cars, farm vehicles and delivery vehicles.
5. The combination of the access track's width, lack of lighting, informal finish, grassed areas of Common land and the position of farms and the vernacular of buildings near the track, results in a distinctly rural appearance to this part of

- the village. However, the presence of the A616, and the traffic along it, can be clearly heard.
6. The previous scheme was estimated to result in 26 trips per day on top of an estimated baseline figure of 80 daily movements along the track. Although the figures would fluctuate during the year, the appellant estimates that the proposal would result in an average of 16 daily movements and, in the absence of any firm evidence, I have no reason to dispute these figures.
 7. Cumulatively with the approved scheme, the vehicular activity associated with the overall holiday accommodation would represent a large proportion of vehicles using the track on a regular basis.
 8. The increased activity along the track would be apparent to the occupiers of residential properties and other users of the track, both during the day and night. However, given the slow speed of vehicular movement along the track, due to its width and surfacing and the general background noise of the A616, in my view the increased activity would not result in significant levels of noise and disturbance.
 9. The layout of the proposal with each unit facing inwards around a central communal area would assist in moderating the impact of the intensification of use from the increased number of holiday units. Whilst accepting that the noise levels from different groups may vary, the overall effect on the amenity of the area would not be significantly harmful.
 10. I therefore find that the effect of the proposal, individually or cumulatively, on the amenity of this rural area with particular reference to noise and disturbance would be acceptable. Insofar as it relates to this matter, I therefore find no conflict with the requirements of Spatial Policy 7 and Core Policy 7 of the Council's Amended Core Strategy (2019) (CS), Policies DM5 and DM8 of the Council's Allocations and Development Management Development Plan Document, (2013) (DPD) or the National Planning Policy Framework (the Framework). These stipulate, amongst other things, that development should have regard to their impact on amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Public safety

11. Cumulatively, with the approved scheme, the holiday accommodation would generate a large proportion of vehicles using the track. But even so, there is no firm evidence as to how this would result in an unacceptable safety risk. Due to the slow speed of travel along the track, there would be no particular safety risk to other users, resulting from the proposal, either individually or cumulatively.
12. Whilst there are potholes, it is passable, with a degree of attention often associated with rural tracks. There is no substantive evidence before me as to how an increase of the level proposed would lead to a level of deterioration that would be a danger to users.
13. Although not completed at the time of my site visit, the first 5m of the access track from the western junction is to be resurfaced as part of the previous permission. No accident incidents have been recorded since the previous scheme and there is no substantive evidence before me of a change in

circumstance or demonstrable safety risk now. Moreover, the Highway Authority did not object to the proposal before me.

14. Drawing the above together, I therefore find that the effect of the proposal upon the safety of all users of the access track would be acceptable. Insofar as it relates to this matter, I therefore find no conflict with the requirements of Spatial Policy 7 and Core Policy 7 of the CS, Policies DM5 and DM8 of the DPD or the Framework. These require amongst other things, that provision should be made for safe and inclusive access to new development.

Other Matters

15. Matters relating to the construction activities associated with the approved scheme, large events at the site, the future intentions of the applicant, enforcement issues, licensing and other consents and processes are not matters that form part of this appeal proposal.
16. Any disturbance during construction would be for a temporary period only. Moreover, any damage caused during construction, ownership, legal rights of access and any underlying covenants are private matters between the relevant parties and not within my jurisdiction.
17. The design of the proposed development utilising the topography and incorporating a green roof in a position between the car parking area and previously approved holiday accommodation would result in a well contained development. As such, and having regard to my statutory duties, I find that there would be no harm to the setting of the Conservation Area, any listed building or scheduled monument.
18. Given the proposal's location between the car park area and previously approved holiday accommodation, and in the absence of any substantive evidence, I cannot accept that the proposal would result in harm to biodiversity.
19. Although there have been concerns raised about the local drainage infrastructure, there is no firm evidence before me that adequate drainage could not be achieved. Severn Trent Water have not objected to the proposal subject to further details. Given that the proposal incorporates 8 en-suite letting units and a swimming pool for guests, it is necessary that such details are secured.
20. A roof light and glazed panels either side of the door to each unit would provide adequate natural light and a good quality of accommodation. Sufficient parking would be available in the area previously approved.
21. The site is in a rural area and there are farms nearby. However, the proposal is for holiday accommodation not a residential use and, given the short duration of occupation, I am satisfied that there would be no conflict between the different uses.
22. Although the proposed level of employment has been questioned, there would, in any case, be benefits to the local economy from the additional holiday accommodation, albeit to a small degree given the scale of the proposal.

Conditions

23. I have adapted the Council's suggested conditions where necessary, in the interests of precision, and brevity. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty.
24. Conditions relating to materials and landscaping are appropriate in the interests of the appearance of the development. Conditions relating to parking and access improvements are necessary in the interests of highway and pedestrian safety.
25. A condition regarding foul and surface water drainage is necessary to ensure that the site is properly drained and serviced. Conditions relating to the hollow way and archaeology are necessary in the interests of the potential archaeological interests at the site.
26. A condition restricting the use to tourism accommodation and requiring a register of occupants to be kept are necessary to ensure that the accommodation is used for such purposes. Conditions restricting the use of the swimming pool to guests and requiring a construction method statement are necessary in the interests of the amenity of the area.
27. Where necessary, consent has been obtained from the appellant for the use of pre-commencement conditions, as the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details.

Conclusion

28. In conclusion, I have found that the proposed development either individually or cumulatively with the approved scheme would result in an acceptable effect on the safety of all users of the access track and the amenity of the rural area, with particular reference to noise and disturbance. The proposal would therefore comply with the development plan when read as a whole.
29. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, the appeal is allowed, subject to conditions.

Robert Walker

INSPECTOR

Schedule of 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 plans: Dwg No 1929 (P) 01 C; 1929 (P) 03 B; 1929 (P) 04 B; 1929 (P) 05 B; 1929 (P) 06 B; and 1929 (P) 07 A.

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: details of the routing of construction traffic to the site and any traffic management measures; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; measures to control the emission of dust and dirt during construction; and delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No demolition/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
- the programme and methodology of site investigation and recording;
 - the programme for post investigation assessment;
 - the provision to be made for analysis of the site investigation and recording;
 - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation;
 - the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

- 5) No development shall commence on site until full details of the means of disposal of sewage and surface water for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity. No surface water shall enter the foul system by any means.
- 6) No development shall commence until a scheme and details of the improvements and/or widening of the existing dropped vehicular footway crossing opposite Rufford Road have been submitted to and approved by the Local Planning Authority in writing. The agreed scheme shall be carried out before the development hereby permitted is brought into use.
- 7) No development above slab level shall take place until details/samples of the materials and the green roofs to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

- 8) Prior to first occupation/use of the development hereby permitted there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The parking area as shown on the proposed layout plan (drawing no. 1929 (P) 03 B) shall be retained as such for the lifetime of the development.
- 10) No part of the development shall be brought into use until the access to the site opposite Rufford Road has been surfaced in a bound material for a minimum distance of 5 metres behind the highway (footway) boundary.
- 11) No works or operations shall be undertaken below ground in the area identified as the 'hollow way' (the access track) shown on drawing number 1929 (P) 01 C.
- 12) The premises shall be used for holiday accommodation and for no other purpose. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time upon written request.
- 13) The swimming pool as shown on 'drawing ref 1929 (P) 04 B Proposed Floorplan' shall only be used ancillary to the holiday let units on site, by occupiers of the holiday accommodation on the date of use, and not by any other persons at any other time.

End of Schedule