



Appeal Decision

Site visit made on 22 February 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 4th April 2022

Appeal Ref: APP/B3030/D/22/3291658

Fairfields, Station Road, Fiskerton, Southwell NG25 0UG

- 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 Andy Taylor against the decision of Newark & Sherwood District Council.
 - The application Ref 21/01992/FUL, dated 13 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is a single storey rear extension to garage/outbuilding, including conversion, to form home gymnasium/domestic leisure annexe.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to garage/outbuilding, including conversion, to form home gymnasium/domestic leisure annexe at Fairfields, Station Road, Fiskerton, Southwell NG25 0UG, in accordance with the terms of the application, Ref 21/01992/FUL dated 13 September 2021, 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 plans: Drawing Nos. 21031.01(a) (Existing and Site Location Plans), 21031.02(a) (Existing Elevations), 21031.03(d) (Proposed and Block Plans) and 21031.04(c) (Proposed Elevations).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has changed and a different wording has been entered, which is consistent with that which appears on the Council's decision notice. Nevertheless, neither of the main parties has provided written confirmation that a revised description of development has been agreed, the appellant does not support the altered description, and the original wording acceptably describes the proposed development. Accordingly, I have used the description given on the original application.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the scheme, having regard to its effect on the character and appearance of the area.

Reasons

4. The appeal site lies outside the “built-up area boundary” set by the Fiskerton-cum-Morton Neighbourhood Plan (2019) (the NP) and as a result it lies in the countryside for local policy purposes. Development at such locations is assessed according to the provisions of Policy DM8 of the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) (the DPD). This states that development in the open countryside will be strictly controlled and will be limited to certain types of development. These include the conversion of existing buildings. The policy additionally requires compliance with the requirements of Spatial Policy 3 and Core Policy 13 of the Newark and Sherwood Amended Core Strategy (2019) (the CS). The aims of these policies include the preservation of the countryside and landscape as a natural resource.
5. Policy CP13 of the CS states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie. The site is located within the Trent Washlands Policy Zone Bleasby, Morton and Fiskerton Village Farmlands character area as defined within the Landscape Character Assessment Supplementary Planning Document.
6. Relevant implications for this area include that development should conserve the historic character and setting of the village, should respect the scale, design and materials used traditionally, should conserve historic field pattern by containing new development within historic boundaries, and should create small scale woodlands/tree planting to soften new development.
7. The host dwelling is a substantial two-storey building within large grounds which lies at the edge of the village at the corner of Station Road and Claypit Lane. It has an individual and striking design arising from its discrete elements and varying roof types. Development at the site generally lies to the front, with remaining garden areas providing a verdant backdrop.
8. The host site lies immediately adjacent to open fields. Nevertheless, it is contained on all sides by mature hedgerow. The retention of the hedgerow to all sides of the wider site at a minimum height of 2 metres is required by a condition imposed on a grant of permission¹ for the host dwelling. The resulting separation from adjacent countryside, the substantial buildings at the site and their associated parking area give rise to a domestic and developed appearance which is distinct from the open landscape beyond.
9. A large garage lies adjacent to the dwelling and would form the proposed annexe. The appeal proposes its conversion and partial extension to provide exercise and leisure facilities. The facility would share access with the host dwelling and, whilst no bedroom area is indicated, it would contain bathroom and kitchen facilities, and open-plan areas.

¹ Local Planning Authority Ref 15/00503/FUL

10. The Council has concerns that the building could be used as an independent dwelling in future. It considers that this would not be appropriate at the site's location. Nevertheless, I am required to consider the proposal as applied for, and on the basis that any planning permission runs with the land. Even if the development could be used as a separate dwelling, there is no separate dwelling before me. If the structure is not used for the ancillary uses proposed, or if there is a material change of use in the future to create a separate dwelling, it is likely that a separate grant of planning permission would be required, and that the building would be at risk of enforcement action if such permission is not granted. Thus, the Council's concerns in this regard do not give rise to unacceptable harm. Furthermore, for these reasons I do not consider the suggested condition limiting the annexe's occupancy to be necessary.
11. Turning to the proposal's effect on the character and appearance of the area, the extended annexe would appear acceptably subservient to the host dwelling as a result of its single storey scale and because the entirety of the building's massing would not be visible at once from the road due to the building's layout. Its roofing arrangement would harmonise acceptably in the context of the diverse design of existing development at the site, which includes a variety of roof forms. Furthermore, these elements would only be seen in glimpses from the road due to the level of hedgerow around the site, the presence of which is secured by condition as set out above. The verdant appearance of the site's garden backdrop and its physical separation from open countryside would prevent the development from appearing as a harmful encroachment of built form into the countryside.
12. In terms of the requirements of Policy CP13 of the CS, the proposal would conserve the historic character, building design and setting of the village as the development site lies at its edge and is well screened by hedgerow, thus ensuring that it does not compete with the historic core. It would contain the development within the established site boundary. Although it would not result in any significant new planting, it would not alter the substantial tree planting around the site edges.
13. Whilst the removal of car parking facilities at the garage as a result of the appeal scheme has given rise to an application for a new garage building at the site, the securing of the appearance of such a scheme, if otherwise acceptable, is within the Council's control. As a result, the matter does not result in unacceptable harm.
14. Thus, the appeal site would be a suitable location for the scheme, having regard to its effect on the character and appearance of the area. The proposal consequently complies with Policies SP3 and CP9 of the CS, which state that the countryside will be protected and that new development should be of a high standard of design and should not have a detrimental impact on the character of the location or its landscape setting. Further compliance exists with Policy CP13 of the CS, the aims of which are set out above. Additional compliance exists with Policy DM5 of the DPD, which sets out that new development should respect the rich local distinctiveness of the district's landscape and character of built form. Further compliance exists with Policy DM6 of the DPD, which states that development should respect the character of the surrounding area. Additional compliance exists with Policy DM8 of the DPD, the aims of which are set out above. Further compliance exists with Policy FCM5 of the NP, which

states that development will be supported where its design and specifications complement the established character of the village. Additional compliance exists with the design provisions of the Council's Householder Development Supplementary Planning Document (2014).

Conditions

15. The plans condition is imposed because this creates certainty for all parties.
16. A condition in respect of materials is necessary in order to protect the character and appearance of the area.

Other Matters

17. The distance of the proposed annexe from residential development on the other side of Claypit Lane and the presence of mature intervening vegetation would prevent any unacceptable effects on the living conditions of neighbouring occupiers with regard to illumination. Furthermore, there is no substantive evidence before me to suggest that the proposal would result in any significant adverse effect on wildlife.

Conclusion

18. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

C Beeby

INSPECTOR