



**COMMITTEE DATE**    17/06/2020                      **WARD**            Stanton Hill and Teversal

**APP REF**                      V/2020/0069

**APPLICANT**                T Porter

**PROPOSAL**                Dwelling and Garage

**LOCATION**                      Land Adjacent, The Old Granary, Newbound Lane, Norwood,  
Sutton in Ashfield, Nottinghamshire, NG17 3JR

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.1641383,-1.2890395,16z>

**BACKGROUND PAPERS**    A, B, D, E, J, K

App Registered: 02/03/2020                      Expiry Date: 31/05/2020

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Cllr. H Smith on the grounds of Countryside impact.*

### **The Application**

The application site is located outside of the districts main urban areas and named settlements in an area designated as countryside. The site comprises of a large grassed area sited on the edge of a small group of seven dwellings, which comprise part of a small hamlet known as Norwood, located in the open countryside.

The proposed development site lies approximately 80m from the eastern boundary of the registered park and garden of Hardwick Hall and approximately 40m to the west of the Grade II listed building known as Norwood Lodge.

The applicant seeks full planning consent for the construction of a detached, dormer style bungalow, with associated off-street parking and private amenity space.

### **Consultations**

A press notice and a site notice have been posted together with individual notification to surrounding residents.

The following responses have been received:

### **ADC Planning Policy:**

The proposal does not meet the requirements of policy EV2 of the Ashfield Local Plan Review (ALPR), nor does it meet the provisions of the National Planning Policy Framework (NPPF) in relation to rural housing. The site is within close proximity of a

number of local and nationally significant heritage assets. Representations received from other bodies identify that there is the potential for the proposal to impact on these heritage assets. Considerable importance and weight needs to be given to the balancing exercise and it is considered this gives rise to a strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed heritage assets. The site is therefore considered to not be suitable for development or in a sustainable location.

**ADC Heritage and Conservation:**

A Heritage Impact Assessment has been submitted in support of the application. Significant concerns are raised in regards to the conclusions and summary contained within the statement, which are considered to be fundamentally flawed. Whilst the Heritage Impact Assessment identifies the major designated heritage assets, it does not highlight or consider the curtilage listed buildings or other non-designated heritage assets. It also fails to properly recognise the significance of the buildings adjacent to the application site; more specifically, their character and former function (prior to conversion) as remnants of an isolated farmstead. The Heritage Impact Assessment submitted therefore does not provide a thorough assessment of the proposal or an accurate assessment of its impacts as required by paragraph 189 of the NPPF, nor does it provide a convincing or compelling rationale for the development.

**ADC Environmental Health:**

No objections to the principle of the development provided hours of construction are conditioned to minimise noise nuisance.

**NCC Highways:**

Though the road is subject to the national speed limit, this is a lightly trafficked road, and for the intensification of just one dwelling, the Highway Authority would not wish to raise an objection on highway safety grounds.

**Historic England:**

Having reviewed the submitted Heritage Impact Assessment, Historic England do not agree with the conclusions drawn. It is considered that the proposal, which is located on a flat plateau of land, would be visually intrusive in views to and from the adjacent Grade I registered park and garden and on the approach to the Hardwick Estate. The proposal which is suburban in character would erode the rural character of this area and the surrounding rural landscape setting of the highly graded registered park and garden. The proposal would therefore be harmful to the overall significance of the Grade I registered park and garden derived from its setting, and that the resultant harm is unjustified

**National Trust:**

Consider that the Heritage Impact Assessment is inadequate, as it fails to identify the functional and visual relationships between the proposal and surrounding heritage assets, including that of Norwood Cottages. There is a clear visual link between

Norwood Cottages (a notable feature within the Park) and both the application site and the historic buildings beyond. The Hall and Park are also historically and functionally connected with the wider countryside and communities by the route of a historic drive, shown on William Senior's Plan for Hardwick 1610, which link with Norwood Lane and pass the application site. Furthermore, no analysis is provided about Norwood Cottages as a non-designated heritage asset or as a feature within Hardwick Park.

### **Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

#### **National Planning Policy Framework (NPPF) 2019**

Part 5 – Delivering a Sufficient Supply of Homes

Part 9 – Promoting Sustainable Transport

Part 12 – Achieving Well Designed Places

Part 15 – Conserving and Enhancing the Natural Environment

Part 16 – Conserving and Enhancing the Historic Environment

#### **Ashfield Local Plan Review (ALPR) 2002**

ST1 – Development

ST4 – Remainder of the District

EV2 – Countryside

EV4 – Mature Landscape Area

EV11 – Ancient Monuments

EV14 – Historic Parks and Gardens

HG5 – New Residential Development

#### **Teversal, Stanton Hill and Skegby Neighbourhood Plan 2016 – 2031**

NP1 – Sustainable Development

NP2 – Design Principles for Residential development

NP4 – Protecting the Landscape Character

NP5 – Protecting and Enhancing Heritage Assets

#### **Supplementary Planning Documents**

Residential Design Guide 2014

Residential Car Parking Standards 2014

#### **Other Material Considerations**

Hardwick Setting Study 2016

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66 (1)

### **Relevant Planning History**

**V/2017/0319**

Details: One Dwelling with Integral Garage

Decision: Refused – Dismissed on Appeal

**V/2014/0566**

Details: Detached Dwelling with Integral Garage

Decision: Refused – Dismissed on Appeal

**Comment:**

The application site comprises of an open area, covered by long grass and forms part of the flat landscape of hedged arable fields and copses of trees that characterise the surrounding landscape.

The site lies directly adjacent to arable fields to the north and west, and a historic group of traditional buildings to the east, known as the hamlet of Norwood. The site itself fronts onto the adjacent highway, and is accessed of the single track road known as Norwood Lane.

Sited approximately 80m to the west of the site is the Grade I registered park and garden (PAG) belonging to Hardwick Hall. Hardwick Hall is also Grade I listed and therefore both are of international importance. There are a variety of ancillary and curtilage listed buildings associated with the hall and the estate, including the Norwood Cottages which lie to the west of the application site, which are just inside the registered Hardwick Park boundary. In addition to this, 40m to the east of the site is the Grade II listed building known as Norwood Lodge.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on the historic environment and character and appearance of the locality, as well as matters relating to residential amenity and highway safety.

**Principle of development:**

The application site is located outside of the districts main urban areas and named settlements in an area designated as countryside, as outlined within policy ST4 of the ALPR 2002, and as such, permission will only be given for development appropriate to the countryside. Policy EV2 sets out the types of development considered appropriate in the countryside, and in combination with policy ST4, establishes a vision for the countryside and seeks to locate development in the most sustainable locations, ensuring that development does not adversely affect the appearance and setting of the countryside.

Policy EV2 outlines the forms of development which are deemed appropriate in the countryside, however it is considered that the proposal does not meet any of these requirements. Although part EV2(g) permits infill development, this is on the proviso it does not harm the scale and character of the area. The policy reflects that infill development normally comprises of one or two dwellings in a small gap in the existing development.

Norwood Lane is a rural lane located within the open countryside. Along its northern side in the vicinity of the application site is a small amount of sporadic linear development of houses. The proposed development site occupies a small part of a very wide gap of over 130 metres separating The Old Granary to the east, from Norwood Cottages to the west. Given the distance between the existing structures, no development within this gap could be reasonably classed or justified as infill development, as doing so would have a harmful impact upon the rural vernacular of the existing countryside setting of the site.

Such a position that the site does not constitute an infill plot has been accepted by two previous Planning Inspectors, and reflected in both the previous appeal decisions. Given that the site remains unchanged, and the proposal submitted is identical to the development previously refused, and later dismissed on appeal, there is no plausible reason to deviate from this stance.

Although the development is considered to not result in the provision of an isolated dwelling, as set out in paragraph 79 of the NPPF 2019, as there are nearby properties, under the provision of paragraph 78 of the Framework, housing in rural areas should be located where it will support local services. The hamlet of Norwood is a very small group of dwellings with no services. Therefore, taken with its location, the proposal does not meet the requirement of paragraph 78 of the Framework, and as such, does not meet the provisions of the NPPF for rural housing.

The applicant has submitted an image to support the claim that the site was once in use as a working farm yard, together with photographs of what is said to be the remains of buildings on the site beneath the top soil. However, land that is or has been occupied by agricultural buildings is excluded from the definition of previously developed land provided in Annex 2 of the NPPF 2019. As a result, the site does not constitute previously developed land.

### **Historic Environment:**

The application site is within close proximity to a number of heritage assets. The site is located within the open countryside, approximately 80m to the east of the Grade I PAG belonging to Hardwick Hall and 40m west of the Grade II Norwood Lodge. There are a variety of ancillary and curtilage listed buildings associated with Hardwick Hall and the estate, including the Norwood Cottages, which are sited to the west of the application site, just inside the registered Hardwick Park boundary.

Hardwick New Hall is listed Grade I, whilst the Old Hall is both listed Grade I and as a Scheduled Ancient Monument, placing both buildings within the top 2% of listed structures in England. The park and garden is also registered Grade I. This assemblage of highly graded assets represents a historic site of the highest quality and is of the very highest importance.

The Hardwick Setting Study (March 2016) describes the character of the area in which the application site falls as an area which "*comprises of gently rolling farmland*

*rising to an open plateau of larger open arable fields bounded by hedgerows. There are numerous smaller blocks of woodland in the area with one large block at Norwood Woods in the north, which essentially comprises an extension, in character terms, of the historic landscape associated with Hardwick”.*

The study goes on to identify that *“the continued use of the Hardwick estate and related historic farmland character of the landscape around Hardwick contributes to its setting and significance. This character is sensitive to change which may reduce its historic integrity and in turn the extent to which Hardwick can derive significance from this aspect of setting”.*

It is therefore clear that the rural nature and character of the application site contributes to the rural landscape setting of the adjacent Grade I PAG, which also forms the setting to the highly graded assets within it.

Paragraph 193 of the NPPF 2019 stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, whether the potential harm amounts to substantial harm or less than substantial harm. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Paragraph 194).

The applicant has submitted a Heritage Impact Assessment (HIA) as part of the proposal. The Council’s Conservation Officer, along with representatives from Historic England and the National Trust, have raised significant concerns regarding the submitted HIA and its conclusions drawn, and strongly object to the proposed development. Whilst the HIA identifies the major designated heritage assets, it does not highlight or consider the curtilage listed buildings or other non-designated heritage assets. It also fails to properly recognise the significance of the buildings adjacent to the application site to the east. More specifically, their character and former function, prior to conversion, as remnants of an isolated farmstead. Furthermore, the report gives little or no rationale for the design of the dwelling and concludes in a single sentence that *“the type and design of the development is not incongruous with its setting’*. This is clearly not the case.

As previously mentioned, the proposal is to erect a single dwelling. As outlined above the site consists of an area of open land, which lies adjacent to an arable field to the west and north and a historic group of traditional buildings to the east. This complex of buildings, which includes the Grade II listed Norwood Lodge, has a distinct rural character.

The proposal, which is located on a flat plateau of land, would be visually intrusive in views to and from the adjacent Grade I PAG and on the approach to the Hardwick Estate along Norwood Lane, one of Hardwick’s historic drives, shown on William

Senior's Plan for Hardwick 1610, and which serves a present day function as part of a walking route linking Hardwick Hall and Park (via Lady Spencer's Walk) with the wider landscape and local communities. The proposal which is suburban in character, is considered to not be sympathetic to the aforementioned group of historic, traditional farm buildings which still possess some degree of group value, both spatially if not functionally, and would therefore erode the rural character of this area and the surrounding rural landscape setting of the highly graded PAG.

It is therefore considered that the proposal would be harmful to the overall significance of the Grade I PAG which is derived from its setting, and the resultant harm identified is clearly unjustified. The HIA submitted subsequently does not provide a thorough assessment of the proposal or an accurate assessment of its impacts as required by paragraph 189 of the NPPF 2019, nor does it provide a convincing or compelling rationale for the development. The proposal would also fundamentally be contrary to policy EV14 of the ALPR 2002, which stipulates that development which would adversely affect historic parks and gardens, or their settings, will not be permitted.

#### **Character and Appearance:**

Part 12 – Achieving Well Designed Places of the NPPF 2019 places a substantial emphasis on the importance of good design, with the creation of high quality buildings and places. This includes the effect of the proposed development on the character and appearance of the surrounding locality. This stance is supported by policies ST1 and HG5 of the ALPR 2002, which amongst other matters, seeks to permit development where it will not adversely affect the character, quality, amenity or safety of the environment, and where the design is acceptable in terms of appearance, scale and siting.

Policy NP1 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan places a strong emphasis on high quality design. This sentiment is also reflected in policy NP2, which emphasises that development should respect local character, and the scale, height and massing of a proposal should make a positive contribution to local character.

The application site is located on the former farmyard to the Old Norwood Lodge Farm. The group of adjacent buildings to the east are reflective of a traditional farm setting, and comprise of the former farmhouse, an old granary, and associated outbuildings, some of which have since been converted into residential dwellings.

The proposal is for a dormer bungalow and the style and design of the proposed dwelling is considered to not be reflective of the historic character of the neighbouring buildings to the east or west. As such, the design and construction of the building would affect the contribution that the site makes to the character of this part of the countryside. The proposed scheme would also introduce substantial built development into the open countryside that would fail to conserve the rural character of this part of the landscape. The proposal would subsequently result in an

unwelcome intrusion in to the open countryside without any demonstrated agricultural need or justification, contrary with the aforementioned local and national policies.

**Residential Amenity:**

The application has been considered against the requirements of paragraph 127 of the Framework, which seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users. Consideration has also been given to the requirements of policy HG5 of the ALPR 2002, which states that residential development will be permitted where the amenity of neighbouring properties is protected.

In support of the application, given the proposed dwellings overall size, scale and siting within the plot, approximately 20m from the nearest residential property at The Old Granary, the proposal would not give rise to any detrimental massing, overshadowing or overlooking impacts on nearby residential occupiers.

Furthermore, the proposed dwelling would provide any future occupier with an acceptable standard of amenity, through the provision of adequate internal standards, and a generous area of private amenity space to the rear.

**Highway Safety:**

The application has been considered against Part 9 – Promoting Sustainable Transport of the NPPF 2019, which seeks to ensure that safe and suitable access to the site can be achieved for all users, whilst minimising significant impacts on the transport network or highway safety.

Norwood Lane is an existing single lane highway which presently serves dwellings within the hamlet of Norwood. The highway also leads to Dovedale Farm and Hardwick Park Farm to the west. The highway is as such not a through road, and typically there would be reduced traffic movement along the highway, when compared to a through road.

The applicant proposes the creation of a new gated vehicular access off Norwood Lane. The gated access would be set-back approximately 3.5m off the highway edge. Whilst the Highways Authority do not object to the proposed access, it is noted that the gated access should be set back sufficiently for a vehicle to park off the highway in order to allow the driver to open the gate.

The submitted layout plan indicates that a gravel driveway would be constructed, offering suitable manoeuvring space to allow vehicles to enter and egress the site in a forward gear. Whilst the internal dimensions of the proposed integral garage fall below the minimum dimensions to be classed as a parking space, as stipulated within the Council's Residential Car Parking Standards SPD 2014, the proposal will nevertheless have sufficient space for at least two off-street parking spaces.

**Conclusion:**

The NPPF states that proposals should be considered in the context of the presumption of sustainable development, which is defined by economic, social and environmental dimensions.

The Council cannot currently demonstrate a five year housing land supply, which sits at 2.67 years. The titled balance is therefore engaged, and planning permission should be granted unless the adverse impacts demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

It is acknowledged that the proposal would provide a number of benefits, including support for a small house builder and other economic benefits that would be generated during the construction of the dwelling and occupation thereafter. The proposal would also assist in providing a contribution towards the Districts housing supply, albeit modest.

Fundamentally however, no overwhelming need or public benefit has been demonstrated for the proposal and given the sites rural location, is clearly not in a sustainable location for a new dwelling. Previous appeal decisions confirm that the site cannot be considered as a brownfield site, nor does the proposal constitute an infill development.

Furthermore, the prominence of the building within the relatively flat landscape would be visually intrusive and detrimental to the intrinsic character and beauty of the open countryside. In addition to this, it would also be significantly detrimental and harmful to the setting of the nearby internationally, nationally and locally significant designated and non-designated heritage assets.

In conclusion this is an inappropriate development in the open countryside which would cause substantial harm. No compelling case has been put forward to establish the principle of development or rationale for a single dwelling in this location. The application is therefore recommended for refusal.

**Recommendation: Refuse Planning Permission**

- 1. The proposal, which is suburban in character, is unsympathetic to the neighbouring historic and traditional farm buildings to the east of the site, resulting in the erosion of the surrounding rural character which forms part of the setting of the Grade I registered Park and Garden of Hardwick Hall. The proposal would subsequently result in significant harm to the overall significance of the Grade I registered Park and Garden, derived from its setting, and by association, the highly graded assets within it which are of international significance. The proposal therefore conflicts with the requirements of Part 16 – Conserving and Enhancing the Historic Environment of the National Planning Policy**

**Framework 2019, saved policy EV14 of the Ashfield Local Plan Review, and legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.**

- 2. The proposal does not constitute infill development, which is defined as the development of one to two dwellings in a small gap in existing development. Furthermore, the proposal would introduce substantial built form into the open countryside that would fail to conserve the rural character of this part of the landscape, giving rise to an urbanising impact upon the appearance and character of the countryside in this location. The proposal is as such contrary to policy EV2 of the Ashfield Local Plan Review 2002 and Part 15 – Conserving and Enhancing the Natural Environment of the National Planning Policy Framework 2019. These policies state that development should not adversely affect the character, quality or amenity of the environment, and should respond to local character.**