



Appeal Decision

Site visit made on 9 April 2018

by **Elizabeth Pleasant DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 May 2018

Appeal Ref: APP/A3010/W/18/3192866

Land at 30 Town Street, Sutton Cum Lound DN22 8PT

- 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 & Mrs Summers against the decision of Bassetlaw District Council.
 - The application Ref 16/00682/OUT, dated 28 November 2016, was refused by a notice dated 5 July 2017.
 - The development proposed is residential development (up to 15no. new dwellings) (incorporating the replacement of the existing dwelling).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline planning permission, with all matters except for access reserved for future consideration. Drawings showing the proposed access and an indicative site layout were submitted with the application and I have had regard to these in determining the appeal.
3. Since the appeal has been submitted the Sutton cum Lound Neighbourhood Plan, 2018 (NP) has been made and now forms part of the local development plan. The appellant has had an opportunity to comment further on the NP and has not therefore been prejudiced.
4. During the appeal process a Section 106 Agreement under the Town and Country Planning Act, 1990 has been prepared and agreed between the Council and Appellants. It contains obligations to provide affordable housing, sustainable drainage solutions and a contribution towards an off-site play area. I will address this matter later in my decision.

Main Issue

5. The main issue in this case is whether or not the proposal is sustainable development having regard to local and national planning policies, and its effect on non-designated heritage assets.

Reasons

6. The appeal site comprises a converted barn, 30 Town Street, and the land associated with it. 30 Town Street is identified by the Council as a non-designated heritage asset (NDHA). The site is located within the centre of the

- village and surrounded by built development, including the village hall and recreation ground. The proposal would involve the demolition of No 30, the provision of a new access off Town Street and the construction of up to 15 dwellings on the site.
7. The development plan comprises the Bassetlaw District Local Development Framework, Core Strategy & Development Management Policies DPD, adopted December 2011 (CS) and the Sutton cum Lound NP.
 8. Policy CS1 sets out the settlement hierarchy within the District and advises that the distribution of new development within Bassetlaw will be in accordance with the aims of the settlement hierarchy and restricted to the areas inside identified Development Boundaries. Sutton cum Lound is identified as a Rural Service Centre (RSC). Policy CS8 of the CS states that future development within RSC will be of a scale appropriate to the current size and role of that settlement and limited to that which will sustain employment, community services and facilities. It accepts that new development is likely to include greenfield extensions where no appropriate sites exist within the development boundaries.
 9. The NP recognises that the village has an aging population and that some housing development is required to sustain existing services and to support a local housing requirement. Accordingly, Objective 1 of NP is to bring forward carefully selected housing sites to meet the future needs of the community. The NP identifies three sites which it considers to be suitable for new housing development. Those sites are outside, but adjacent to the existing development boundary established by Policy CS8, and the development boundary has therefore been revised in the NP to include these three sites.
 10. The NP also recognises that over the Plan period, sites within the existing village will come forward for development. Such development would be in accordance with the Council's strategic aims for the distribution of housing as set out in Policies CS1 and CS8 of the CS. The NP recognises that even though there is not a conservation area within the village, the heritage quality of parts of Sutton cum Lound is reflected in the number of NDHAs within it. Accordingly, the NP seeks to ensure that infill and redevelopment within the village only takes place where it would preserve the character of the village and does not erode its historic character. In particular, Policy 6 of the NP supports residential development on infill and redevelopment sites where it meets a number of criteria, including where NDHAs are affected, the effect of the development on their significance is taken into account, including the scale of any harm or loss of building lines, and boundary treatments should reflect the positive characteristics of the area.
 11. The definition of heritage assets, as set out in the National Planning Policy Framework (the Framework), includes designated heritage assets and NDHAs identified by the local planning authority. Such assets have a degree of significance due to their heritage interest that merits consideration in the planning process. Paragraph 135 of the Framework advises that the effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that affect directly or indirectly a NDHA, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

12. Policy DM8 of the CS states that NDHAs in Bassetlaw include, amongst others, buildings of local interest which are identified in the Nottinghamshire Historic Environment Record or by the District Council using the guidance publication Non-Designated Heritage Assets: Criteria, updated 2016. It states that there will be a presumption against development, alteration, advertising or demolition that will be detrimental to the significance of a heritage asset.
13. 30 Town Street is an early 19th century former threshing barn which has subsequently been converted into residential accommodation. Taking account of their guidance, the Council consider this building to be a NDHA. In addition, Hawksley Farmhouse, which lies immediately to the south of the site, and Nos. 23 opposite and 36 Town Street to its north, are also identified as NDHAs.
14. For reasons set out in the heritage statement¹, the appellant does not agree that 30 Town Street should be considered to be a NDHA. However, there is no dispute that the building has been included on the Council's register of NDHAs where they identify the building to have historic and architectural interest as well as some aesthetic appeal.
15. No 30 originated as a threshing barn which was associated with the adjacent former Hawksley Farm. It was converted into a dwelling during the late 20 Century and has subsequently been further altered and extended. Although some of the neighbouring farm buildings have also been demolished, and the original farm holding has been broken up, there remains a clear historic and visual relationship between No 30 and Hawksley Farmhouse. The existing outbuilding within the appeal site and to the rear of No 30, was clearly part of the original farmyard, and brick wall linking the barn to the outbuilding provides clear evidence of the building's origin as part of Hawksley Farm's farmyard buildings.
16. Supporting evidence, including guidance and suggested methods to be used to assess the significance and value of heritage assets have been provided by the appellant and other interested parties to support their respective cases. I have had regard to this information in my consideration of the significance of the heritage assets.
17. No 30 has clear historic and evidential value in its origin as a threshing barn, and represents an important period of farm development in England. The building has been significantly altered over time, with more recent interventions, for example modern joinery, new openings and small dormers, altering its original simple agricultural appearance. However, evidence of its historic use and character remain clearly discernible. In particular, the form and position of the threshing doors, including the original timber lintel, are clearly identifiable and visible from Town Street. There is also clear evidence of the buildings linkage to neighbouring barns which have been subsequently been demolished. I accept that there are likely to be more intact examples of threshing barns within the District, however this building makes a valuable contribution to the interpretation of the history of Sutton cum Lound. The building was integral to the operation of a historic farmstead, and is located at the heart of the village. Even though it has been substantially altered, it still appears as a prominent vernacular building when viewed from Town Street and retains historic and evidential value as well as some aesthetic appeal which

¹ Heritage Statement for proposed development at No 30 Town Street, Prepared by Trigpoint Conservation & Planning Ltd, April 2017.

contributes to its significance. I consider that the building has sufficient heritage significance to be a NDHA. Furthermore, in this location, at the heart of the village, taking into account the building's historic and visual relationship with Hawksley Farm, it contributes significantly to the historic character of Sutton cum Lound.

18. Objective 3 of the NP aims to ensure that development reflects and enhances the rural local character of the village in relation to heritage, topography and views. This objective and supporting paragraphs in the NP, including Table 3: Key Issues, demonstrate that whilst supporting new growth, the community consider it important that the existing character of the village, including the historic buildings in the centre, is protected. Paragraph 71 of the NP further identifies the importance of the character of buildings on Town Street, where several NDHAs are situated in close proximity to each other.
19. It is clear that part of the appeal site was considered during the NP site selection process and did not receive community support for selection as a housing site. However, given that it is located within the settlement development boundary, and would involve the redevelopment of 30 Town Street and associated land, then Policy 6 of the NP would allow for the redevelopment of this site provided the development meets all of the criteria listed in this policy. Furthermore, the Council do not appear to object to the principle of development of the open land associated with No 30 for residential purposes. However, access to this land is constrained, and to deliver the amount of development proposed in this case, the demolition of No 30 is required to secure access improvements.
20. The total demolition of No 30 would result in a total loss of its significance. Whilst a new dwelling would be constructed in a similar location, which the appellant contends could be constructed to replicate the appearance of a former farm building, there is no doubt that the historic and evidential value of this NDHA would be totally lost. I consider that the significance of the building may be modest when compared with other heritage assets. Nevertheless, as I have described above, it makes a positive contribution to the historic and local character of Sutton cum Lound, which, as identified in the NP, is a significant and valued asset which the local community wish to protect.
21. The proposed development would destroy the significance of 30 Town Street and would erode the historic character of the Sutton cum Lound. Consequently, the development would conflict with one of the criteria set out in Policy 6 of the NP in that it fails to take account of the significance of the NDHA.
22. I conclude that the proposal would not comply with Policy DM8 of the CS which states that there will be a presumption against development that will be detrimental to the significance of a heritage asset. I also find conflict with Policy 6 of the NP, the aims of which are set out above.

Five Year Housing Land Supply and Overall Planning Balance

23. Paragraph 49 of the Framework says housing applications should be considered in the context of the presumption in favour of sustainable development, and relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. There is no dispute between the parties that the

Council cannot demonstrate a five-year housing land supply. Consequently, their relevant policies for the supply of housing should not be considered up-to-date.

24. The proposal would be contrary to Policy DM8 of the CS which seeks to protect and enhance the historic environment, including preventing harm to the significance of heritage assets. This policy is consistent with one of the Framework's core planning principles which requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. I therefore attribute significant weight to the proposals conflict with this policy.
25. I also give significant weight to the proposal's conflict with Policy 6 of the NP which seeks to ensure that residential development on infill and redevelopment sites within the village do not have a harmful effect on NDHAs taking into account their significance and the scale of any harm.
26. The proposal would have some social benefits in addressing an under-supply of housing land within the District and provide for four affordable housing units. However, the NP has only recently been made and has allocated additional land for housing on the settlement edge. Furthermore, I am aware that outline planning permission has recently been granted² for residential development on a 1.4hectare site in the village. This recent permission, when taken together with the sites allocated in the NP, would go a long way to meeting the indicative target of a 20% increase in housing in the village. This was the figure provided by the Council as part of the evidence base for the NP.
27. There would also be some economic benefits through investment during the construction period and some increase in local householder spending in the village pub and support for the local school. The proposal would also make a contribution towards improving the local play area.
28. On the other hand, the proposed development would have a significant and harmful effect on a NDHA which makes a valuable contribution to the character of Sutton cum Lound. The lack of a five-year supply of housing land does not automatically lead to a grant of planning permission. The adverse environmental impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. As such the proposal is not sustainable development and does not therefore benefit from the presumption in favour of sustainable development.

Other Matters

29. I concluded in the main issue above that whilst the site has not been selected as a housing site in the NP this would not preclude some development on the site as it is located within the settlement boundary. However, in this case the proposed development conflicted with one of the criteria that must be met for development to be acceptable on such infill and redevelopment sites. In view of the limited number of sites available within the village where infill and/or redevelopment could take place, even if I were to allow this appeal, the sites

² APP/A3010/W/17/3182489

selected for development within the NP would still be required to meet the identified housing need.

30. I have taken into consideration the contribution the proposed development would make towards affordable housing and play space, and I recognise that the proposal may also provide an opportunity for a development including small bungalows for an aging population. These matters are identified as some of the community priorities in the NP. However, these considerations would not outweigh the harm I have identified to the significance of 30 Town Street which the community has also identified as a valuable asset which they wish to conserve.
31. Although I have not received a completed Section 106 Agreement, I have seen a copy of the document that has been agreed. It contains obligations to provide affordable housing on the site and make a contribution towards improvement of the village hall play area and to provide and maintain a sustainable drainage system. However, in view of my findings on the main issue, this is not a matter I need to address.

Conclusion

32. The proposal would be contrary to the development plan as a whole and this conflict is not outweighed by other material considerations, including the provisions of paragraph 14 of the Framework.
33. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR