



Appeal Decision

Site visit made on 14 June 2013

By Martin Elliott BSc FIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: **- 5 JUL 2013**

Appeal Ref: APP/HGW/12/361

Site Address: The Farm, Costa Row, Long Bennington, Newark, Nottinghamshire, NG23 5DY

- The appeal is made under The Environment Act 1995, Section 97 and the Hedgerows Regulations 1997, Regulation 9, against a Hedgerow Retention Notice.
 - The appeal is made by Mr R Dring of G E Drings and Partners against South Kesteven District Council.
 - The Hedgerow Removal Notice application is dated 27 August 2012.
 - The Hedgerow Retention Notice S12/2202/HR is dated 11 October 2012.
 - The criteria given for determining that the hedgerow is important is as set out in Part II of Schedule 1 to the 1997 Regulations at paragraphs 3 and 5.
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Decision: I dismiss the appeal.

Main Issue

1. The main issue is whether the hedgerow should be regarded as important and, if so, whether there is sufficient reason to justify its removal.

Reasons

2. The appeal relates to a section of hedge approximately 100 metres in length. The hedge has previously continued to the boundary to the east, the appellant says that this section was removed many years ago.
3. It is not disputed that the hedge is important in that it meets the criteria set out in Part II of the Hedgerow Regulations 1997 (the Regulations) at paragraphs 3 and 5. The Hedgerow Retention Notice indicates that the hedgerow is part of, or associated with, an archaeological site and it encloses the ridge and furrow recorded on the County Historic Environment Record. Furthermore, the hedgerow forms an integral part of the pre-Parliamentary inclosure field system with the date of the inclosure being 1794/6. There is no evidence before me to suggest that these criteria have not been met and therefore the hedgerow is important in accordance with the Regulations.
4. The Hedgerow Regulations 1997: A Guide to the Law and Good Practice (Defra¹) indicates that the presumption is in favour of protecting important hedgerows (paragraph 8.14). Further, at paragraph 8.16, the circumstances in which the removal of an important hedgerow is allowed to proceed are likely to be exceptional.

¹ Department for Environment Food and Rural Affairs

5. The original application form indicates that the hedge is no longer used as a boundary to fields and that it has become gappy with weeds. The appellant would like to remove the untidy 100 metre section of hedgerow and then continue to maintain the remaining old hedgerows on the farm. Although the hedge is no longer used as a boundary and it is untidy and gappy this does not provide justification for the removal of an important hedgerow. The appellant provides no information as to any exceptional circumstances which might justify the removal.

Conclusion

6. Having regard to these and all other matters raised I find that the hedgerow is important and that there are insufficient reasons to justify its removal. I conclude that the appeal should be dismissed.

Martin Elliott

Inspector



Appeal Decision

Site visit made on 19 June 2013

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 July 2013

Appeal Ref: APP/E2530/A/12/2186398

Oak Farm Barns, Church Street, Harlaxton, Grantham NG32 1HB

- 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 Gary Sharp, InterM2 Ltd, against the decision of South Kesteven District Council.
 - The application Ref S12/1727/FULL, dated 6 July 2012, was refused by notice dated 21 September 2012.
 - The development proposed is conversion of former barns into 2 dwellings, demolition and rebuilding of former milking parlour, new detached 3 bay garage, erection of a new 3 bedroom cottage, demolition of Dutch barn and Nissen hut.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of former barns into 2 dwellings, demolition and rebuilding of former milking parlour, new detached 3 bay garage, erection of a new 3 bedroom cottage, demolition of Dutch barn and Nissen hut at Oak Farm Barns, Church Street, Harlaxton, Grantham, NG32 1HB, in accordance with the terms of the application, Ref S12/1727/FULL, dated 6 July 2012, subject to the conditions set out in Schedule A at the end of this Decision.

Application for costs

2. An application for costs was made by Mr Gary Sharp, InterM2 Ltd, against South Kesteven District Council. This application is the subject of a separate Decision.

Procedural matters

3. The address of the appeal site on the planning application form referred to Church Road, and no post code was given. These details were corrected on the appeal form, so I have referred to Church Street and added the post code to the address in the heading and the Decision above.
4. The appeal site is within the Harlaxton Conservation Area. Conservation area consent for the "Demolition of Dutch barn and Nissen hut" was granted by the Council, ref S12/1751, in September 2012.
5. A scheme for the conversion of the traditional farm buildings at the site, "Change of use and conversion of farm buildings to two dwellings", was granted planning permission, ref S10/0864, dated 2 July 2010. The proposal in this appeal includes the conversion of those farm buildings to 2 dwellings, but its details differ, and it includes a new dwelling on the eastern part of the site.

6. Reason for refusal 2 refers to the effect of the number of new openings proposed in the north range of existing farm buildings on the original traditional character of the barns and the setting of the adjacent listed church. After the planning application in this appeal was refused, the Council confirmed that a reduction in the number and arrangement of the slit windows in the north and west elevations of the north range, as now shown on plan 2113/09B, would overcome the second reason for refusing planning permission ref S12/1727/FULL.
7. Planning application ref S12/2727 was subsequently submitted, which included plan 2113/09B. It was refused for the same first reason for refusal as before but the second reason for refusal was not repeated. Revised plan 2113/09B also included amendments to the car port, which would have stone and brick finishes instead of timber boarding, and a hipped roof. As the latter planning application would have been subject to public consultation, as the Council has confirmed that the revisions on the plan would overcome their concerns in reason for refusal 2 and, because I do not consider that anyone's interests would be prejudiced, I shall take plan 2113/09B into account in this appeal.

Main issues

8. The appeal site is within the Conservation Area, and within the settings of a number of listed buildings, including the Grade I Church of St Mary and St Peter (the Church), and the Grade II 16 and 20 Church Street, which are identified in the list as "Chimo [*sic*] Cottage, Old School and the Old School House". From what I have said above, from my inspection of the site and its surroundings, and from the written representations made, I consider that the main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Conservation Area, and
 - Whether the proposed development would preserve the settings of the Church, and 16 and 20 Church Street, which are listed for their special architectural or historic interest.

Reasons

Conservation area

9. The Conservation Area includes the historic core of the former estate village of Harlaxton. The picturesque estate cottages and historic vernacular buildings have been interspersed by a number of more recent buildings. Their varied forms and styles are linked together by their fairly consistent use of materials and well-vegetated surroundings. Much of the Conservation Area has a spacious character. However, there is a strong sense of enclosure in Church Street, due to the front boundary walls and the siting of most buildings close to, or by, the gently curving street. The ridgelines of the mainly brick and stone buildings mostly run parallel to Church Street, and there are many listed buildings which contribute positively to the historic character.
10. The appeal site is between the Church and the former Methodist Chapel, which is now the dwelling at 24 Church Street. It is reached by the short lane off Church Street, which leads to 16 and 20 Church Street, on the opposite side of the lane to the site, and to the Church. Due to the bend in Church Street, the frontage development and vegetation, and the siting and alignment of 24 Church Street, the tapering site is only visible from a short length of the main

part of Church Street. It has little impact there. The eastern part of the site is enclosed by a fairly low stone wall, which reflects the curve in the narrow lane to the Church, so it is visible from the lane. The site includes a number of agricultural buildings which have become redundant for modern agriculture.

11. None of the buildings at the site are listed. However, the historic agricultural character of the north and west ranges of farm buildings makes a positive contribution to the Conservation Area, because they allow the historic connection of the village with farming to be understood. These buildings are deteriorating, so their part rebuilding and conversion would safeguard these non-designated heritage assets in the long term.
12. Whilst they are also a remnant of the farmyard in the village core, the modern steel-framed barn and the Nissen hut have a negative effect on the Conservation Area, which has a mainly residential character. The substantial steel-framed barn dominates the cluster of dwellings mainly to the south and east of the site and the views towards the lane along the path from the south porch of the Church. The Nissen hut looks incongruous in the street scene in Church Street, and in the routes along the lane to and from the churchyard. It looks harmfully discordant in views down the path to the lane from the Church.
13. The proposed cottage would be sited on the eastern part of the site, set back a little from Church Street, and it would be further from the lane than the Nissen hut. It would be seen from the lane against the mainly stone side wall and pitched roof of the former chapel. Whilst the land at the eastern end of the site may not have been developed until the Nissen hut was placed there at some time during the C20, little evidence was put to me to show that it had any specific historic purpose other than as part of the historic farmyard, or land ancillary to it, or that it was a historically significant space. It does not have an open character due to the presence of the Nissen hut and the modern barn.
14. Without the Nissen hut and the modern barn, that part of the site, edged by the low rubble wall, would contribute little to the historic route to the Church because the spire of the Church is the main focus of attention and the view is mainly framed by the surrounding development and vegetation. Although the north range is close to the lane and partly encloses the views along it, parts of the traditional farm buildings are somewhat peripheral in the views along the lane to and from the churchyard. Because the potential openness at the site would not enhance existing views or offer significant new views, it would not contribute positively to the street scene in Church Street, or to the routes along the lane, or along the path from the Church.
15. However, in the approved scheme, ref S10/0864, the eastern part of the site would become a private garden. In time, the Council could come under pressure to allow garages or outbuildings there. Even if buildings were to be resisted, that part of the site could be used for sheds, vehicles, caravans, washing lines, play equipment, garden furniture and other domestic paraphernalia. With or without enclosing fencing, this back garden character and appearance would be detrimentally out of keeping in this important part of the Conservation Area and the street scene in Church Street. It would cause significant harm to the street scene in the historic lane to and from the Church.
16. By contrast, due to its modest 1½-storey scale, gable-roofed form, compact T-shaped footprint, materials and detailing, including the tall ornate chimney stack, overhanging eaves and small dormers, the proposed cottage would

respect the scale, form and character of the nearby historic dwellings. Its well articulated form would be seen against the long side of the former chapel, and it would enhance the views in the foreground of the Church.

17. Due to its siting, the cottage and its modest front gardens would face towards Church Street and the lane, so the scheme would reinforce the existing pattern of development. Its back garden would be fairly compact, but there would be ample space for a washing line and other domestic paraphernalia. The form and siting of the means of enclosure of the back garden could reasonably be controlled by planning condition. The parking for the development would be screened from Church Street and much of the lane. Apart from 2 pedestrian gateways, the existing stone wall would be retained, so it would continue to contribute positively to the semi-rural character in the lane. Thus, the cottage and its surroundings would improve the quality and character of the area, and the street scenes in Church Street and the lane. It would be sympathetic to its context, and it would strengthen local distinctiveness.
18. There would be little change to the form and detail of the north range of farm buildings facing the churchyard, so the significance of these non-designated heritage assets as historic farm buildings would be preserved. Due to their siting, the cottage and the cart shed style car port, would partly frame 2 sides of the former farmyard which would otherwise be left open. This development within the setting of these non-designated heritage assets would better reveal their significance as former farm buildings in a farmyard setting in this historic part of the village. It would enhance the route to the Church along the lane.
19. For all of these reasons, I consider that the proposed development would enhance the character and the appearance of the Conservation Area. It would satisfy Policy EN1 of the *Local Development Framework for South Kesteven Core Strategy* (CS) which aims to protect and enhance the character of the District, and the *National Planning Policy Framework* (Framework) which seeks to always secure high quality design, and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Settings of listed buildings

20. The Church is listed in Grade I, and some of the chest tombs and headstones between the Church and the lane are listed in Grade II. The historic farm buildings partly edge the expansive churchyard which provides the interdependent settings of the Church and the listed tombs and headstones. The relatively humble vernacular character of the traditional farm buildings complements the striking architecture of the Church, which has been at the heart of this rural community for centuries.
21. Other nearby buildings listed in Grade II, which are identified in the appellant's heritage impact assessment, include Jasmine Cottage and its boundary walls, 16 and 20 Church Street including The Old School House and Chime Cottage, the well head, boundary walls and gate piers at Chime Cottage, Vine Cottage, and 10 and 12 Church Street. These are on the same side of the main part of Church Street as the site. On the opposite side, the nearby buildings listed in Grade II include Village Farmhouse, The Lilacs and the Old Post Office. However, apart from the Church and the nearby tombs and headstones in the churchyard, all of the other listed buildings close to the site have limited inter-visibility with it, due to the intervening vegetation and buildings.

22. The appellant's heritage impact assessment identifies the visual impact of the proposed development on the Church and the listed tombs and headstones as low to moderate, and its impact on the other nearby designated heritage assets as very low to none. Due to its siting, and from what I saw, I agree. Whilst parts of the cottage would be seen from nearby buildings and their grounds, its sympathetic design and siting would enhance their wider settings.
23. The contrast between the enclosed character in Church Street and the lane contributes in an important way to the significance of the historic churchyard as the immediate setting of the Church. The tighter grain of the nearby development in its wider setting contrasts with and strengthens the significance of the churchyard as an important historic space surrounding the Church.
24. Due to its traditional form and materials, the north range of the historic farm buildings contributes positively to the setting of the Church, and the tombs and headstones, by edging part of the southern boundary to the churchyard. Because their significance as traditional farm buildings would be preserved, for the reasons given in the first main issue, their proposed conversion would preserve the settings of the Church, and the listed tombs and headstones.
25. The proposed cottage would complement the historic forms and the ornate detailing of the listed dwellings nearby. The cottage enclosed by its stone wall would harmonise with the existing development, and its characteristic tall chimney stack would sympathetically punctuate the views into the lane from the churchyard. The discreet siting of the cottage, clustered amongst the existing buildings, would enhance the openness in the churchyard which contributes to the significance of the Church as an important historic building.
26. Whilst there is likely to have been a historical link between the Church and the former school and its school house, no evidence of any historical or functional link between the school and the farmyard was put to me. The form and roofscape of 16 and 20 Church Street are important foreground features in views of the Church spire from Church Street and the lane, and they contribute positively to the views from the Church and its surrounding churchyard.
27. However, there is little visual relationship between 16 and 20 Church Street and the site due to the boundary walls and the height and density of the vegetation between them. Due to its scale and its sympathetic locally distinctive design, the cottage would be subservient to these listed buildings. Although the cottage would be taller than the Nissen hut, it would be sited further from them. As it would be set in front gardens facing the lane and Church Street, it would strengthen the significance of the historic route to the Church, and enhance the wider setting of 16 and 20 Church Street.
28. If the eastern part of the site were to become more open this would weaken the spatial quality of the churchyard as an important historic space, and erode its valuable contribution to the setting and the significance of the Church. If it were to become a private garden, the potential back garden character and appearance would detract from the wider settings of all of the surrounding listed buildings. By contrast, the proposed development within the settings of these heritage assets would sustain and enhance their significance.
29. I consider that the proposal would preserve the settings of the Church, and 16 and 20 Church Street, which are listed for their special architectural or historic interest. It would satisfy CS Policy EN1 and the Framework.

Other matters

30. Harlaxton is defined as a Local Service Centre in CS Policy SP2, where small scale development within the built-up part of the settlement is permitted by CS Policy SP1 provided that it does not compromise the nature and character of the village. As the proposed development would enhance the character of the Conservation Area, it would preserve the settings of the listed buildings, and no other harm has been identified, the nature and character of the village of Harlaxton would be sustained. Thus, there would be no Development Plan policy objection to the principle of development.
31. The site is not previously developed land because it is presently occupied by agricultural buildings. The Council's representations suggest that all or part of the site falls to be considered as private residential garden land. I disagree, because there is nothing to suggest that the approved conversion of the barns to dwellings has been implemented. Although I have seen the site and its surroundings when the deciduous trees and other vegetation are in leaf, I have taken into account the changes that would occur with the seasons.

Balance

32. None of the other matters alter the planning considerations which have led to my conclusions. As the proposal would enhance the character of the Conservation Area and it would preserve the settings of the listed buildings, planning permission should be granted subject to the imposition of planning conditions.

Conditions

33. The Council's suggested conditions and those of its consultees have been considered in the light of the advice in Circular 11/95 *The Use of Conditions in Planning Permissions* and the Framework. The condition identifying the approved plans is reasonable and necessary for the avoidance of doubt and in the interests of proper planning. The conditions to control external materials and boundary treatment are necessary to preserve the character of the Conservation Area. The materials condition has been amended to include approval of details and materials of all external doors, windows, roof lights and external joinery. This is necessary for the avoidance of doubt and to preserve the character of the Conservation Area.
34. Because the site is within the settings of listed buildings and within the Conservation Area these considerations provide the exceptional circumstances whereby conditions withdrawing permitted development rights for extensions, enlargements, other alterations, windows, dormer windows and roof lights, are necessary and reasonable. The condition withdrawing permitted development rights for windows, dormer windows and roof lights, is also necessary to protect the privacy of nearby occupiers.
35. The condition for details of foul and surface water drainage, and measures to maintain drainage routes through the site during construction, is necessary in the interests of public health and to avoid flooding. Conditions for a construction method statement and for the vehicular access, parking and turning areas are necessary and reasonable in the interests of highway safety. The condition for compliance with the recommendations and method statement in the protected species survey is necessary in the interests of biodiversity.

Conclusion

36. For the reasons given above and having regard to all other matters raised, the appeal succeeds.

Joanna Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 2113/09B, 2113/10, 2113/012, and "Oak Farm Barns Harlaxton, Parking Plan".
- 3) No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, including details and materials of all external doors, windows, roof lights and external joinery, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and details.
- 4) Notwithstanding the provisions of *The Town and Country Planning (General Permitted Development) Order 1995* as amended (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the buildings shall be erected.
- 5) Notwithstanding the provisions of *The Town and Country Planning (General Permitted Development) Order 1995* as amended (or any order revoking and re-enacting that Order with or without modification), no window, dormer window or roof light other than those expressly authorised by this permission shall be constructed.
- 6) No development shall take place until details of foul and surface water drainage, and details of measures to maintain drainage routes through the site during construction, have been submitted to and approved in writing by the local planning authority, and construction works shall be carried out in accordance with the approved drainage measures. No dwelling shall be first occupied until development has been carried out in accordance with the approved foul and surface water drainage details.
- 7) No development shall take place until details of the vehicular access, including the means to prevent surface water from the site being discharged onto the public highway, materials, specification of works and construction method, have been submitted to and approved in writing by the local planning authority. No dwelling hereby approved shall be first occupied until the vehicular access has been carried out in accordance with the approved details, and it shall be retained as such thereafter.
- 8) No dwelling shall be occupied until the access, parking and turning spaces have been constructed in accordance with the approved plan entitled

- “Oak Farm Barns Harlaxton, Parking Plan”, and the access, parking and turning spaces shall be retained as such only for those uses thereafter.
- 9) No demolition or development shall be carried out other than in accordance with the recommendations and Method Statement in Scarborough Nixon Associates “Protected Species Update Survey of Oak Farm, Harlaxton, Lincolnshire” dated July 2012.
- 10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including the repair, reinstatement and realignment of the existing stone boundary wall. The boundary treatment shall be completed before any dwelling is first occupied or in accordance with a timetable approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be retained as approved thereafter.
- 11) 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 approved Statement shall be adhered to throughout the demolition and construction periods. The Statement shall provide for the parking of vehicles of site operatives and visitors, and loading and unloading of plant and materials.

End of Schedule A