



## Appeal Decision

Site visit made on 16 August 2022

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19 August 2022**

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**Appeal Ref: APP/A3010/W/22/3297113**

**Low Holland Farmhouse, Low Holland Lane, Sturton Le Steeple DN22 9HH**

- 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 P Warburton against the decision of Bassetlaw District Council.
  - The application Ref 21/01631/FUL, dated 28 October 2021, was refused by notice dated 19 January 2022.
  - The development proposed is described on the application form as the change of use of land next to Low Holland Farmhouse from agricultural to residential garden and to include floor mounted solar panels and new walling to boundary fronting Low Holland Lane.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from agricultural land to residential garden and erect ground mounted solar panels at Low Holland Farmhouse, Low Holland Lane, Sturton Le Steeple DN22 9HH in accordance with the terms of the application, Ref 21/01631/FUL, dated 28 October 2021, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The description of development in the banner heading is taken from the application form. The submitted evidence identifies that the 'new walling to boundary fronting Low Holland Lane' was subsequently removed from the proposal. I have therefore used the description of development on the Council's decision notice and appeal form in my decision as this more accurately describes the proposal.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The appeal site is an area of land located to the side and rear of the dwelling at Low Holland Farmhouse. The property is the end one in a small hamlet of properties along Low Holland Lane, just beyond the settlement of Sturton le Steeple and outside of its development boundary. The proposed development would comprise the change of use of the land from agriculture to a residential garden, and the installation of three rows of 10 ground mounted solar panels.
5. Both parties have identified that the site lies within the Mid-Nottinghamshire Farmlands Regional Character Area as defined in the 2009 Landscape Character

Assessment – Bassetlaw, Nottinghamshire (the LCA). Key characteristics are described in the LCA as small, nucleated villages, isolated farmsteads and quiet country lanes, along with undulating landform, hedged fields and woodland. The LCA states that these features, and the fact that the area is dominated by agriculture, ensure that the region has a traditional rural character, which is reflected in the pattern of settlement and enclosure.

6. These characteristics are apparent in the area around the site. The surrounding area is a gently undulating rural farming landscape although two power stations and associated overhead lines also have a presence. Scattered groups of farm buildings and small settlements are present within the landscape, many of which are served by narrow roads. Low Holland Lane has a rural character with its narrow width, absence of road markings, roadside vegetation, vernacular roadside dwellings and agricultural fields.
7. The submitted evidence highlights that most of the land to the rear of Low Holland Farmhouse belongs to the adjacent property. The proposal would result in a much larger garden for the host property than that which currently exists. However, this in itself is not harmful to the character and appearance of the area given that the other properties in the hamlet appear to be on generous plots and the extended garden would not be significantly out of scale with those of the neighbouring properties in terms of its size.
8. The proposal would result in a small part of the field being taken out of agricultural use and put to a residential purpose. However, the vast majority of the agricultural field would remain. Much of the current garden of the host property is to its eastern side. When viewed from the lane and Public Right of Way (PRoW) to the east therefore, the extended garden would not result in a material change to the nature of the views towards the host property and the hamlet. It would not therefore appear incongruous at the edge of the hamlet. The proposal would not amount to a significant intrusion into the adjacent countryside and would not erode the rural character of the hamlet or its landscape setting to an unacceptable degree.
9. At present the line of development is relatively consistent on both sides of Low Holland Lane at the eastern end of the hamlet. The proposal would extend a residential use further to the east. I appreciate the Council's concern that this may set a precedent to develop the hamlet further in this direction. However, the development plan policies and the National Planning Policy Framework (the Framework) provide a context in which proposals for an extension of the hamlet could be resisted. For this reason, and given the particular nature and location of the proposed development, I am satisfied that the appeal scheme would not set a precedent to develop the hamlet further to the east.
10. Based on the submitted plans and my site visit observations, the rear boundary of the proposed garden extension would be consistent with that of the majority of other properties in the hamlet. Therefore, while the solar panels would be located to the rear of the site, they would not extend beyond the well-established line of gardens that is delineated by fencing and/or planting, and so would not disrupt the pattern of development.
11. Although of a relatively small scale, the solar panels would represent a rather industrial form of development that would contrast somewhat with the traditional rural character of the area. However, the impact on the landscape

would be localised given the limited scale of the proposal and the key landscape characteristics would still be readily discernible.

12. Views of the solar panels from the surrounding area would be relatively limited. There would be glimpsed views from Low Holland Lane to the east through nearby gaps in the relatively tall and thick hedgerow. Views would also be possible from stretches of the PRow to the east. However, there is an expansive feel to the landscape from these vantage points, and the solar panels would be only a small element in the view. The solar panels would not therefore be particularly intrusive. From the limited vantage points where they might be noticeable from the PRow to the west, the solar panels would not be prominent as views would be at some distance and mainly against the backdrop of existing vegetation. Moreover, the appellant would be willing to undertake additional landscaping within the site which would further screen the solar panels from the surrounding area.
13. It may be possible to see the solar panels from neighbouring properties. However, such views would be filtered through the trees and other vegetation within the gardens.
14. The Framework states that renewable energy projects should be approved if its impacts are (or can be made) acceptable. The scale and location of the proposed solar panels, together with the existing landscaping and additional boundary treatments that could be secured by condition, means that this would be the case here.
15. Overall, therefore, I conclude that the proposed development would not unacceptably harm the character and appearance of the area. It would therefore accord with the requirements of Policy DM4 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD, 2011 and the guidance in the Successful Places: Place Making Principles Supplementary Planning Document. Amongst other matters, these require development to respect its wider surroundings in relation to historic development patterns or building/plot sizes and forms and landscape character, and to support local distinctiveness. It would also accord with the design principles in the Sturton Ward Neighbourhood Plan Review 2021 – 2037 (the NP) and the Framework.

### **Other Matters**

16. The Manor House, which lies at the other side of the hamlet, is a Grade II listed building, as are its culverts, gates and gate piers, boundary wall, fence and stable range. Given the nature and scale of the proposed development and its location in relation to the listed buildings, their setting would be preserved, and their significance as designated heritage assets would not be harmed.

### **Conditions**

17. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
18. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.

19. In the interests of the character and appearance of the area it is necessary to require details of the boundary treatments. This condition is required prior to commencement of development to ensure that the relevant details are acceptable and compliance with their requirements at a later time could result in unacceptable harm.
20. It is necessary to require the retention of the northern roadside hedge and replacement planting in the interests of the character and appearance of the area and in line with Policy 5 of the NP. For the same reason, it is necessary to remove rights for works permitted to take place without the need for express planning permission on a selective basis, referring to the class of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) concerned with buildings and structures.

**Conclusion**

21. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

*F Wilkinson*

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: Location Plan; Site Plan; Proposed Block Plan; Solar Panel Elevations - TLC/21/150/sp01.
- 3) Before development commences, full details and specifications of all new boundary treatments (including any alterations to existing boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. The information submitted shall include full details of all materials, designs and finishes. The development shall not be carried out other than in accordance with the approved details.
- 4) The hedge on the northern roadside elevation shall be retained for the lifetime of the development. Any hedging plants removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no buildings etc incidental to the enjoyment of a dwellinghouse which would otherwise be permitted by Class E of Part 1 of Schedule 2 to that Order shall be carried out other than those expressly authorised by this permission.