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## Appeal Decision

Site visit made on 4 August 2026

**by D Harris-Watkins BA(Hons) PgD MRICS**

an Inspector appointed by the Secretary of State

**Decision date: 17 August 2026**

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**Appeal Ref: 6010301**

**Land To The East Of, Hockerton Road, Upton NG23 5TG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Isobel Key against the decision of Newark & Sherwood District Council.
  - The application Ref is 26/00382/PIP.
  - The development proposed is residential development of a minimum of 1 dwelling and a maximum of 5 dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have utilised the description of development as taken from the appeal form and decision notice, as this more clearly describes the proposal than that on the application form. I have however omitted reference to the type of application as this does not describe operational development.
3. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second 'technical details consent' stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application (TDC) if permission in principle is granted. I have determined the appeal accordingly.
5. In determining this appeal, as the site is located within Upton Conservation Area (the CA) I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The duty under s72(1) of the Act applies to the exercise of any functions under the Planning Acts which includes permission in principle.
6. The application was determined at the Council's Planning Committee and was refused contrary to the planning officers' recommendation. The Planning Committee as decision makers are not bound to accept the recommendation of their planning officers, nor am I. The Council's formal decision was to refuse the

application, and I have determined the appeal on the basis of the evidence before me.

## **Main Issue**

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, the amount of development and whether it would preserve or enhance the character or appearance of the CA.

## **Reasons**

### *Spatial Strategy*

8. The Council's spatial strategy is based upon the settlement hierarchy in Spatial Policy 1 of the Amended Core Strategy 2019<sup>1</sup>. This focuses new development on locations with the most accessible services and facilities. The Sub-Regional Centre of Newark Urban Area is at the top of the hierarchy followed by Service Centres and then Principal Villages. Upton falls within Other Villages which is the lowest tier of the hierarchy.
9. Upton has a limited number of services including a church, public house, and adjacent cricket pavilion which is also a children's nursery. There is also a bus service to nearby Southwell, which has a greater range of services and facilities within it. Nevertheless, Hockerton Road does not benefit from a footway meaning that pedestrians need to share the carriageway with vehicles. The lane is narrow with a gradient leading into the village and limited street lighting, meaning it would not provide suitable access for all and at all times of year and day.
10. The site is located between a bungalow and the cricket pavilion on the edge of Upton. The cricket pavilion is detached from the village with agricultural fields in-between and the appeal site is an undeveloped parcel of land. As such, though the site does share a boundary with an existing dwelling, in the context of Spatial Policy 3 of the LP and Policy DM8 of the Allocations & Development Management Development Plan Document 2013 (the DPD) the site is located within the open countryside, where development is strictly controlled in accordance with those policies. None of the types of development within Policy DM8 of the DPD which could be acceptable within the open countryside apply to the current proposal. Consequently, the proposal would not be in a suitable location for residential development.
11. The number of dwellings would fit comfortably within the site, and due to its rural setting, a relatively low density would be appropriate. As such I do not find any harm in relation to the amount of development proposed in isolation from the matters of location and proposed land use.
12. For the reasons above, the appeal site would not be a suitable location for residential development having regard to its location and the proposed land use. The proposal would conflict with the aims of Policy DM8 of the DPD, which seek to protect the open countryside and control the type of development within it.

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<sup>1</sup> Plan Review: Review of the Newark & Sherwood Local Development Framework Core Strategy & Allocations: Amended Core Strategy 2019

### *Conservation Area*

13. The CA comprises the majority of Upton and the immediate surrounding fields. Upton is a linear settlement focused primarily around Main Street. The surrounding fields are predominantly rectangular with broadly parallel boundaries moving away from the rear of the properties facing towards Main Street. The conservation area appraisal<sup>2</sup> highlights that Upton is one of the best examples in the district of a village surrounded by well-preserved enclosures which predate the main period of Parliamentary enclosure in the late 18<sup>th</sup> and 19<sup>th</sup> centuries. There are also a considerable number of listed and unlisted buildings of historical and architectural merit within it. The significance of the CA derives from the historic settlement pattern of the village and the historic layout of the surrounding field network and is of historical and architectural value.
14. The appeal site is part of an agricultural field located to the north of Upton on the approach to the settlement. The field including its layout and boundaries form part of the pre-enclosure field network from which the CA derives its significance from. As an undeveloped parcel of land bordered by hedgerows it also contributes towards the verdant character of the approach to Upton and contributes positively towards the character and appearance of the CA.
15. The proposal is for 1 to 5 dwellings. As the proposal is for permission in principle, there are a limited number of details before me restricting the assessment that can be made at this stage. Further details confirming the appearance, layout and number of dwellings would be submitted at the TDC stage. What information I do have before me now however are the location of the appeal site, and the principle that residential development would be located on what is currently an agricultural field.
16. The proposed development would result in the subdivision and fragmentation of the wider agricultural field. This would erode the legibility of the historic field pattern, which forms part of the significance of the CA. Furthermore, the introduction of residential development in this location would also create a peninsula of residential development into the countryside, which would be in contrast with the lineal form of the village.
17. The principle of residential development on the appeal site would introduce built form and the domestication of the approach to the village. As a result, the proposal would alter the undeveloped character of the appeal site. This would diminish the verdant character that currently defines the approach to the settlement.
18. Based on the location of the appeal site and the proposed use, I am satisfied that in the wording of the National Planning Policy Framework (the Framework) the proposal would have less than substantial harm to the designated heritage asset. The harm would be in the mid-range of that category of harm, but nonetheless of considerable importance and weight. In accordance with the Framework, when less than substantial harm is found to the significance of a designated heritage asset it must be weighed against the public benefits of the scheme, with great weight given to the assets' conservation.
19. The proposal would contribute towards housing supply, where there is currently a shortfall, and would result in long and short term economic and social benefits,

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<sup>2</sup> Upton: An Appraisal of the Character and Appearance of the Conservation Area 1999

through the construction process and through the future occupiers' use of services and facilities within the area. However, even taken together these public benefits would not outweigh the great weight to be attached to the conservation of the designated heritage asset. Consequently, the proposal fails to accord with the historic environment protection policies of the Framework in respect of the designated heritage asset.

20. For the reasons above, the proposal would not preserve or enhance the character or appearance of the CA and would be harmful to it. The proposal would therefore conflict with the aims of policies DM9 of the DPD, and Core Policy 14 of the Amended Core Strategy 2019, which seek to protect the historic environment.

### **Other Matters**

21. There is local support for the dwellings to be developed as either bungalows, affordable housing or as housing for first time buyers, however I have not been provided with any method of securing the proposal as such. Therefore, this carries little weight, and this does not outweigh the harm identified.
22. As the appeal is for permission in principle matters such as an improved footpath, cannot be secured at this stage. No harm has been identified in relation to the increase in vehicles movements associated with the development. On the basis of the information before me I have no reason to disagree, however the absence of harm is a neutral factor in the determination of the appeal.
23. Even if a large agricultural barn is to be built opposite the site, this is a materially different development. I have determined the appeal on its own merits.
24. I have taken into account the appeal<sup>3</sup> raised by the appellant, however I have limited details of this to assess whether it is directly comparable to the appeal before me now. I do note however its site context is materially different in that it is not located within a conservation area. Therefore, it does not alter my findings, and I have determined the appeal on its own merits and site-specific context.

### **Planning Balance**

25. The conflict I have identified with policies DM8 and DM9 of the DPD, and Core Policy 14 of the Amended Core Strategy 2019, results in a conflict with the development plan read as a whole.
26. There is no dispute between the parties that the Council cannot demonstrate a five-year housing land supply. Consequently, Framework paragraph 11d) is engaged. The Council have stated that the currently supply is 3.84 years, which is a notable shortfall of 1.16 years.
27. With reference to Paragraph 11 d)i) of the Framework, an exception to the presumption in favour of sustainable development is provided where policies in the Framework that protect assets of particular importance provide a strong reason for refusing the development proposed. Footnote 7 states that this includes designated heritage assets. I have found that the proposal would harm the character and appearance of the CA, providing a strong reason for refusal. The presumption in favour of sustainable development therefore does not apply.

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<sup>3</sup> APP/H1840/W/23/3315676

## **Conclusion**

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For these reasons the appeal should be dismissed.

*D Harris-Watkins*

INSPECTOR