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Proof of Evidence: Landscape and Visual Matters

In respect of off Low Moor Road, Sutton in Ashfield
On behalf of Hallam Land Management

Date: 17/12/2024 | Pegasus Ref: EMS.2254

LPA Ref: V/2022/0629

PINS Ref: APP/W3005/W/24/3350529

Author: JWA





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1. INTRODUCTION

Qualifications and Experience

- 1.1. My name is James Atkin. I hold the position of Senior Director (Landscape) in the Lichfield Office of the Pegasus Group. I am also Deputy Head of the Environment service across the wider business. The Company undertakes all aspects of town planning, urban and landscape design and environmental planning. I have a Bachelor of Science Degree in Landscape Design and Plant Science and a Diploma in Landscape Management, both from the University of Sheffield. I am also a Chartered Member of the Landscape Institute (2005).
- 1.2. I have over 24 years professional experience specialising in the application of landscape and visual assessment. I have authored landscape and visual impact appraisals and assessments, based on best practice guidance, both in the UK and in the international context. My experience as an expert witness now extends to over 30 appeals, including preparing and presenting evidence for written representations, hearings and public inquiries; this relates to sites across the UK and a range of sectors.
- 1.3. Prior to joining the Pegasus Group I have worked in multidisciplinary consultancies, including Wardell Armstrong LLP and Atkins, advising on landscape and visual matters across a range of sectors including power, highways, rail, housing, waste, land reclamation and restoration, mineral extraction, commercial developments and renewable energy.
- 1.4. Since joining Pegasus Group I have completed and audited numerous detailed landscape and visual impact assessments for development proposals, including residential development, mixed-use schemes, care home and retirement communities, solar installations, commercial development, infrastructure and motorway service areas.
- 1.5. As an inherent part of this work, I apply an iterative process of landscape and visual appraisal and assessment to inform master-planning principles to ensure landscape and visual constraints and opportunities are recognised and form an appropriate scheme of mitigation applied.
- 1.6. The approach and methodology adopted for the process of landscape and visual impact assessment, including that prepared for the planning application for this site, has been tested and accepted by numerous local planning authorities and Planning Inspector's at appeal.

Terms of Reference

- 1.7. This Proof of Evidence is written on behalf of Hallam Land Management (the appellant) and addresses landscape and visual matters in respect of land at Newark Road, Sutton in Ashfield (the appeal site).
- 1.8. It relates to a decision by Ashfield District Council (ADC) to indicate it would have refused permission for an outline planning application for residential development (LPA reference V/2022/O629). The description of development includes for:
- "Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping"***
- 1.9. I have been involved with this site since 2017, advising from the outset on the constraints and opportunities related to landscape and visual matters, and the consequent strategy for landscape and visual mitigation which has been incorporated into the Illustrative Masterplan.
- 1.10. This included initial appraisal work for representation to the early stages of the local plan process (at a time when part of the appeal site was an emerging allocation in the draft local plan process).
- 1.11. The outline application was subsequently submitted with a landscape and visual impact assessment (LVIA) addressing the proposed development, prepared by 'Pegasus Group' (referred to hereafter as 'the submitted LVIA') (**CD-1.38**).
- 1.12. I oversaw the preparation of the submitted LVIA, and have contributed directly to it, including undertaking the site survey and field work photography, baseline analysis and subsequent impact assessment. Other members of my team have since contributed to interim updates, including updated site photography, however I have revisited the appeal site and all relevant viewpoint locations prior to the exchange of this evidence.
- 1.13. As part the outline application the submitted LVIA also included an Illustrative Landscape Masterplan (ILMP) (**CD-1.38**, Figure 8). Following minor amendments to the Illustrative Masterplan which have been submitted both during the determination period (i.e. amended access location) and as part of this appeal (minor alternations to the layout), and without prejudice to the acceptability of the original layout, the ILMP has been updated to reflect these changes (refer to **Appendix JWA-01**).

- 1.14. To further demonstrate the relationship between the proposed development, existing residential edge of the settlement and the surrounding landscape context, a series of Illustrative Landscape Cross Sections have also been prepared (refer to **Appendix JWA-02**), based on the updated ILMP.
- 1.15. In any event, it is recognised that the detail of the application is to be determined through reserved matters applications (RMA).
- 1.16. Subsequently, an appeal has been submitted in respect of Ashfield District Council's non-determination of the outline application (reference V/2022/0629). Pegasus Group have subsequently been commissioned to consider the reasons for refusal set out in the Council's subsequent Statement of Case (**CD-9.3**).

Evidence Structure

- 1.17. This Proof of Evidence is structured as follows, including this introduction (section 1):
- At section 2, I give a brief description of the appeal site and its context;
 - At section 3, I set out the planning background to the appeal and consider the issues raised by the reason for refusal in respect of landscape and visual matters;
 - At section 4, in respect of the reasons for refusal I set out an analysis of the various issues, including a response to the issues raised in the reason for refusal;
 - At section 5, I briefly consider relevant policies in the context of landscape and visual matters; and
 - At section 6, I provide a summary and conclusions.
- 1.18. Principles and good practice for undertaking, and/or applying the principles of, LVIA are set out in the Landscape Institute (LI) and the Institute of Environmental Management (IEMA) Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013) (GLVIA3)¹. The concepts and procedures set out in this guidance have been adopted where appropriate.

¹ Landscape Institute and Institute of Environmental Management and Assessment (April 2013), Guidelines for Landscape and Visual Impact Assessment 3rd Edition

- 1.19. In August 2024, the Landscape Institute published new technical guidance in relation to LVIA, the 'Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment (GLVIA3)' (LI TGN 2024-01). This TGN supersedes previous clarifications and guidance in respect of the GLVIA3 and has been taken into account where relevant.
- 1.20. My professional judgements, which are presented in this proof of evidence for the forthcoming inquiry (LPA reference V/2022/0629) have been prepared in full accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.

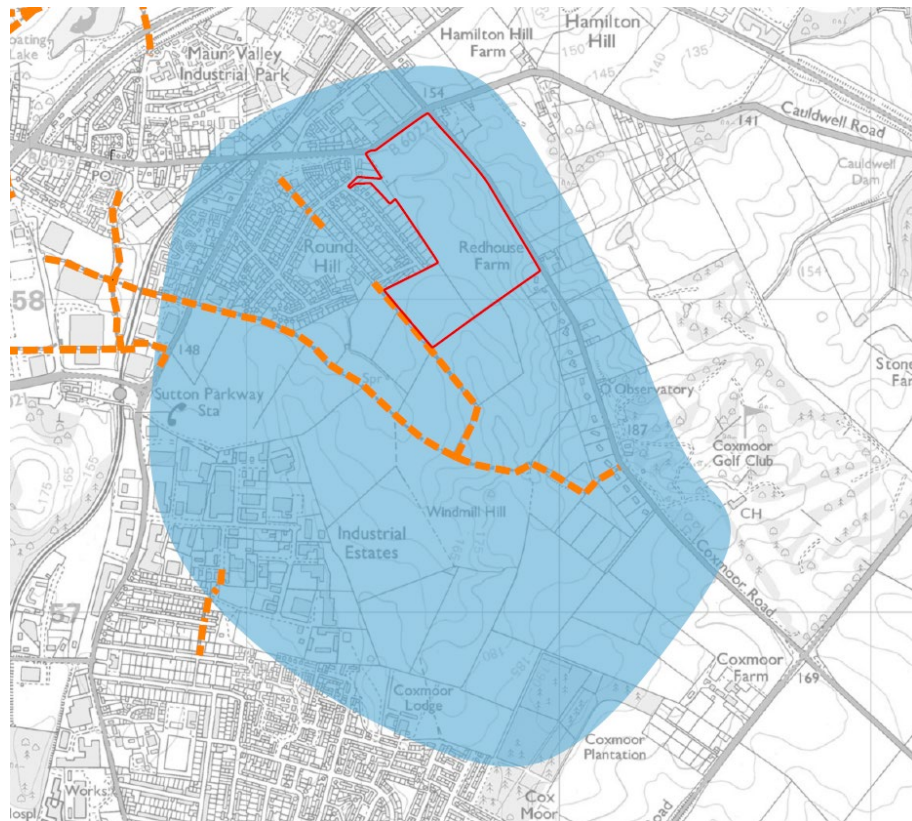
2. THE APPEAL SITE

Overview

- 2.1. A detailed description of the appeal site is included in the baseline section of the submitted LVIA which accompanied the outline application (**CD-1.38**, Section 4), including reference to the physical components of the landscape, landscape character baseline and visual baseline, and in respect of both the site and its surrounding landscape context.
- 2.2. A 'zone of theoretical visibility' diagram has been prepared for the proposed development, indicating the potential visibility from the landscape surrounding the appeal site, and accounting for some screening by existing built form and green infrastructure. I include this (along with the routes of the local public right of way network and submitted LVIA viewpoint locations), as an appendix to my evidence (refer to **Appendix JWA-03**).
- 2.3. Representative photographs were also included in the submitted LVIA, and those illustrate the various characteristics present in the landscape, as well as acting as representative views of the various visual receptors.
- 2.4. Given the passage of time, these viewpoints have been updated to reflect the current baseline position (refer to **JWA-04, Updated Viewpoint Photographs**).
- 2.5. I have included several photographs embedded within the main text of my evidence. These are included for illustrative purposes only, and as such do not adhere to the relevant technical standards for photography in LVIA but are included simply for reference.
- 2.6. This section of my evidence does not seek to duplicate the baseline information presented in the submitted LVIA in entirety, but instead selects the most pertinent sections where this helps to inform an understanding of the appeal site and the local landscape context, as well as the matters under consideration. This is included to provide an appropriate background to the additional analysis which is presented in later sections of this evidence.
- 2.7. At various points through the submitted LVIA, and through this evidence, reference is made to 'the site in its local landscape context'. This is an area which I define based initially on the zone of theoretical visibility (i.e. from where the appeal site is visible and can be perceived or experienced), but that also accounts for some additional context of the surrounding landscape (refer to **Plate JWA-01**, below, and **Appendix JWA-05**).

- 2.8. It should be noted that the ZTV demonstrates where the proposed development is theoretically visible from, or not. The 'local landscape context' is an area which I define as being relevant to, or influential on, landscape character at a local level, irrespective as to whether the appeal site or proposed development are visible.

Plate JWA-01: Indicative 'Local Landscape Context'



- 2.9. Outside of this area is the wider landscape context (including the wider extent of the Sherwood Regional Character Area and the 'Lindhurst Wooded Farmlands' 'Sherwood Policy Zone' (SPZ 11), as defined by published guidance). The boundaries of the local landscape context are not fixed, as there will be some transition between the local and wider areas, however it gives a useful indication as to the extent of the landscape being considered as the local landscape context.
- 2.10. The derivation of these areas is useful to inform the nature and extent of likely impacts and effects, particularly where landscape and visual effects are considered 'localised' in that they do not extend across a wide area and/or do not extensively affect visual receptors.

- 2.11. It is common ground that, for the purposes of paragraph 187 of the NPPF (paragraph 180 as signed), the appeal site is not a 'valued landscape', nor does it benefit from any national or local landscape designations. It is also common ground that the appeal site is not 'unique' for any landscape purposes (**CD-9.1**, SoCG Para 8.27).
- 2.12. The following sections set out a brief description of the appeal site and the context of the appeal site. The submitted LVIA (**CD-1.38**) included a series of supporting baseline figures which illustrate various elements and features that are referenced below. For ease of reference, I have included an extract of these supporting figures in the appendices to my evidence (refer to **Appendix JWA-06**, including site location and related planning designations, topography and landscape character).

Site Description

- 2.13. The appeal site is located on the south-eastern edge of Sutton-in-Ashfield and extends to some 21.4 hectares (ha).
- 2.14. The appeal site comprises two arable field enclosures; a medium scale enclosure situated between Newark Road, Coxmoor Road and the Round Hill Estate (referred to hereafter as the eastern parcel); and, connected to this, a smaller scale enclosure situated immediately to the south of the Round Hill housing estate (referred to hereafter as the western parcel). The Round Hill Estate includes Searby Road and Harby Avenue, amongst other streets, and is characterised by a mix of one and two storey late twentieth century dwellings. The north-western part of the appeal site (just south of Newark Road) is a former quarry that has since been used for landfill and subsequently restored to agriculture.

Plate JWA-02: Residential character of Searby Road on the Round Hill Estate



- 2.15. Both the eastern and western field parcels are located immediately adjacent to the existing settlement edge of Sutton-in-Ashfield and are influenced by the existing residential and nearby commercial and industrial land uses which characterise this edge of the town.

Plate JWA-03: Residential edge backing on to the appeal site



- 2.16. The topography of the appeal site is varied, and reflects the pattern of the undulating landform and frequent low hills that are present in the wider landscape context.
- 2.17. At a site level, landform rises from ca. +150m above ordnance datum (AOD) on the north-western parts of the appeal site, and between ca. +153m and +156m AOD in the south-western parts of the appeal site (adjacent to the settlement edge). These rise up to levels of ca. +161m and +178m AOD on the southern edge of the appeal site.
- 2.18. Notwithstanding some localised undulations on the appeal site, the topography of the site and the local landscape context form an overall profile which presents west and north-facing slopes which are oriented back toward and across the existing settlement, rather than being more outward facing to the wider countryside.

Plate JWA-04: Rising topography in the south of the appeal site faces back to the existing settlement edge and contains the site



- 2.19. No formal public rights of way (PROW) cross the appeal site itself, however a public footpath runs parallel to the south-western boundary (of the western parcel).
- 2.20. In respect of green infrastructure, the north-eastern and south-eastern boundaries of the appeal site are defined by mature hedgerow vegetation of varying quality; to the north a mature hedgerow separates the site from the Coxmoor Road; to the south the hedgerow is a

well-managed, native field boundary hedgerow. The western boundary is formed by the public footpath and associated hedgerows which extend from Searby Road and provide access to the landscape to the south. Along the rear boundaries of the existing dwellings, vegetation is mixed, with some limited vegetation and boundaries represented more by fencing, but with others more heavily vegetated.

Site Context

- 2.21. In respect of the local landscape context to the appeal site. The overarching characteristic of the topography in this part of the landscape is the formation of a broad 'bowl' feature within which the appeal site is situated.
- 2.22. These slopes rise to the south-west (at the industrial estates of Kirkby-in-Ashfield), to the south-east (at Windmill Hill and Coxmoor Plantation), and to the north-east (aligned with Coxmoor Road). Together with the settlement edge to the north-west, these effectively create strong physical containment to the appeal site. In the wider landscape, topography varies with a series of undulating slopes across the wider extent of the sandstone forests and heaths.
- 2.23. In terms of watercourses/hydrology, the wider landscape context includes a network of ditches and small watercourses. The most notable of these being the Cauldwell Brook c. 1.7km to the north-east of the appeal site. There are also several small field ponds across the wider study area.
- 2.24. Land use across the local landscape context outside of the urban areas is predominantly arable and this is consistent with the landscape of the wider context of the settlement. Consequently, whilst the appeal site is consistent with this, it is not a particularly unique or an essential part of the wider agricultural mosaic.
- 2.25. In the local landscape context, there are some localised variations in land use including the amenity landscape of Coxmoor Golf Club (c. 530m to the west) and some smaller scale enclosures of pasture and equestrian paddocks. Land use within the urban edge includes commercial and industrial units, some informal areas of open space and residential estates; many of which are prominent from the adjacent landscape areas.
- 2.26. Green infrastructure across the local landscape context is characterised by the pattern of agricultural hedgerows with some limited hedgerow trees; these define a medium to large

scale field pattern. Hedgerows are mainly continuous but intensively managed with some gaps. The smaller scale, historic field patterns appear to have been eroded through agricultural intensification. Coxmoor Plantation is located ca. 1km to the south of the appeal site and forms a substantial woodland block that sits at a relative high point in the landscape and, where present in views, forms a wooded horizon. Several plantations and mixed woodland blocks lie further to the east, including Stonehills Plantation and Cauldwell Wood.

- 2.27. To the north of Coxmoor Road, c. 700m to the south of the appeal site, Coxmoor Golf Club forms a larger area landscape influenced by the amenity management practices of this land use and with narrow, linear tree belts dividing the area internally. To the west of the appeal site, the urban area includes a mix of street trees, garden planting and occasional areas of open space and parkland.
- 2.28. Public access across the local landscape context to the appeal site is limited to the two public footpaths that provide a link between the settlement edge of Sutton-in-Ashfield and Coxmoor Road; one route leaves Searby Road and passes along the south-western boundary of the appeal site for some of its length, the second leaving Low Moor Road, further south. These routes converge at a point to the north of Windmill Hill with the single route then continuing to connect to Coxmoor Road.
- 2.29. Notwithstanding the surrounding agricultural context to the appeal site to the south-west, south and south-east, the local landscape context to the appeal site is site is equally influenced by its location, directly adjacent to the existing residential and industrial edges of the settlement at Searby Road (to the west) and Newark Road (to the north) respectively. Several large commercial and warehouse buildings are a prominent feature in views from higher ground. Some post-war ribbon development is situated along Coxmoor Road; these tend to be more substantial properties set within generous curtilages, and often include cover from garden vegetation.

Plate JWA-05: Existing settlement character influenced by mixed residential and commercial uses



2.30. Further analysis is included in later sections of this evidence, as necessary.

3. BACKGROUND TO THE APPEAL

- 3.1. The background to the appeal proposal and planning application is set out in the main planning evidence of Mr Gary Lees (consultant to Pegasus Group) on behalf of the appellant.
- 3.2. This section provides a brief overview of the background relevant to landscape and visual matters.

Planning Application

- 3.3. The planning history of the appeal site and proposed development is set out in the planning evidence of Mr Lees.
- 3.4. The most recent planning application (reference V/2022/O629) was submitted in August 2022 as an 'Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping'.
- 3.5. The layout for the proposed development was set out on the Illustrative Masterplan (**CD-1.9**). During the course of the application, changes were made in respect of the proposed access and reflected on an updated Illustrative Masterplan (**CD-1.10**). The submitted LVIA considers the access more generically, accounting for some vegetation loss but with an aim of retention where possible as part of the mitigation strategy. Notwithstanding this, the access and loss of hedgerow along Newark Road is considered as part of my evidence,

Submitted LVIA

- 3.6. The application was submitted with a landscape and visual impact assessment (LVIA) addressing the proposed development, prepared by 'Pegasus Group' (**CD-1.38**) (the submitted LVIA, June 2022).
- 3.1. In terms of landscape character baseline, the submitted LVIA considered the wider context of the area defined as National Character Area (NCA) Profile 49 Sherwood. The submitted LVIA concluded that landscape effects on the NCA are not likely to be significant (a matter agreed as common ground) (**CD-9.1**, SoCG, Para 8.28).

- 3.2. In respect of landscape effects, the submitted LVIA addressed physical landscape impacts at a site level, which are limited to the loss of the agricultural land parcel to proposals for built form and public open space, and some limited loss of vegetation (noting that the roadside hedgerow removed for the access can be reinstated through detailed consideration at RMA).
- 3.3. The appeal site is located in an area defined as Sherwood Regional Character Area and the 'Lindhurst Wooded Farmlands' 'Sherwood Policy Zone' (SPZ 11). It is common ground that this represents an appropriate scale of landscape character against which to consider the significance of effect on landscape character (**CD-9.1**, SoCG, Para 8.29) (refer also to **Appendix JWA-06**, LVIA Figure 3, Landscape Character).
- 3.4. The submitted LVIA determined the sensitivity of the 'SPZ11 – Lindhurst Wooded Farmlands' to be medium (on the basis of its landscape value and landscape susceptibility, **CD-1.38**, LVIA, Tables 4 and 5). The significance of effect on the 'SPZ11 – Lindhurst Wooded Farmlands' was judged in the submitted LVIA to be 'minor adverse' (balancing sensitivity against a low magnitude of impact, **CD-1.38**, LVIA, Para's 6.29 to 6.31).
- 3.5. The submitted LVIA also considered landscape effects in relation to the 'site in its local landscape context' (an area which I have since defined, refer to **Appendix JWA-05**); considered at this more local scale the sensitivity was judged to be 'low to medium' (on the basis of its landscape value and landscape susceptibility, **CD-1.38**, LVIA, Tables 4 and 5). For the site in its local landscape context the significance of effect was judged to 'minor to moderate adverse' (balancing its sensitivity against a low to medium magnitude, **CD-1.38**, LVIA, Para's 6.32 to 6.40).
- 3.6. Neither of these conclusions are considered to be 'significant' overall and something that largely reflects the inevitable impact of placing housing on an undeveloped greenfield site, anywhere.
- 3.7. In respect of the submitted LVIA, the judgements set out in the submitted LVIA were not contested during the determination period, nor were they contested in the officer's report to committee (**CD-3.1**, pdf pages 23 and 24). Furthermore, the minutes of the committee meeting in July 2024 do not raise landscape matters as an issue at that point when the application was deferred (**CD-3.3**).

- 3.8. For visual effects, the submitted LVIA addressed a selection of viewpoints, including consideration of residential and recreational receptors (essentially footpaths) that are considered to be 'high' sensitivity. Of the representative receptors considered in the submitted LVIA, four were identified as a 'moderate to major adverse' effect (including Viewpoints 1, 6, 7 and 9) and two a 'moderate adverse' effect (including Viewpoints 5 and 8) at completion (Year 1) (refer to **Appendix JWA-03** for the location of these particular viewpoints). Each of these reduce to 'moderate adverse', or 'minor to moderate' adverse at Year 15, respectively, once mitigation is established (**CD-1.38**, para's 8.8-8.9) (demonstrating the effectiveness of the inherent mitigation). I consider visual receptors in more detail in later sections of my evidence,
- 3.9. The submitted LVIA concluded that visual effects were not considered to be significant overall given the overall visibility of the site, the number of locations where the significance of effects were judged to be lower, and the overall context of the prominent urban edge. As with landscape effects, this level of impact and effect reflect an inevitable consequence of green field development, particularly where receptors are situated directly adjacent to a site, as is the case for all sites that are next to the edges of urban areas.
- 3.10. The submitted LVIA concluded that, the appeal site has capacity to hold a residentially led masterplan, noting landscape and visual constraints to this, but that these can be addressed through an appropriately considered masterplan that responds to such issues (**CD-1.38**, para 8.10). The Illustrative Masterplan subject of the planning application (**CD-1.10**) consequently incorporates a landscape mitigation strategy which will avoid, reduce or remedy adverse impacts overall.
- 3.11. Overall, the conclusions of the submitted LVIA judged the appeal proposals to (**CD-1.38**, para's 8.15-8.16):

"...result in some limited impact at a localised level. The scale and form of proposed development is likely to result in impacts which are limited to the site area and its immediate context only. Such proposals are seen in the context of the existing settlement edge.

A range of landscape and visual receptors have been tested and impacts have been identified for both landscape character and for visual receptors. This includes an iterative process whereby potential impacts have informed the landscape strategy for

the site and mitigation has become ingrained in the proposed development. The residual impacts identified as part of this process highlight that the greater degree of impact relates to the site and to a very localised immediately adjacent to the site; the effect on potential receptor groups in the wider landscape context is generally very limited. Furthermore, the proposals for green infrastructure and landscaping will deliver some enhancements in terms of the physical landscape resources."

- 3.12. On review of the appeal proposals (including the alternative illustrative masterplan) and the previous submitted LVIA, I see nothing that causes me to revisit the case on landscape and visual matters, and that the appeal site remains a good opportunity for the type of development proposed, as considered in the submitted LVIA.

Alternative proposals

- 3.13. Since the application was submitted, further work has been undertaken in respect of ground conditions and drainage. Given the ability to avoid SUDs drainage basins in the former landfill area of the appeal site, minor changes to the SUDs proposals have been suggested as an alternative, resulting in some limited change to the illustrative layout in the northern parts of the site (toward Newark Road).
- 3.14. In summary, the changes to the layout, presented as an 'alternative' layout given the outline nature of the planning application, include:
- i. Replacement of SUDs proposals in the northern part of the appeal site with informal open space and additional landscaping;
 - ii. New SUDs towards the western boundary ; and
 - iii. Some minor amendments to residential parcels in relation to layout.
- 3.15. Neither of these amendments fundamentally alter the overall landscape and visual strategy for mitigation, which is an inherent part of the proposed development and that as informed by landscape and visual constraints. This includes the overall development envelope (broadly) and the various landscape buffers and treatments across the appeal site, which I will refer to in later sections of my evidence.
- 3.16. The alternative illustrative proposal, along with additional illustrative design material (updated Illustrative Landscape Masterplan and Illustrative Landscape Cross Sections), is

submitted to this appeal (Illustrative Masterplan as **CD-1.10**, and **Appendices JWA-01** and **JWA-02**).

- 3.17. In respect of the ILMP, as it is not a plan for determination, such revisions do not engage the Wheatcroft principles. Rather, the revised Illustrative Masterplan shows a different (acceptable) way in which the site could be laid out (with the final layout to be resolved at the RMA stage). It avoids the need for a SUDS basin in the area of the former landfill.

Officers Report to Committee

- 3.18. The application was submitted to planning committee in July 2024. The officers report to committee (**CD-3.1**) summarised various public consultation responses related to landscape and visual matters (including reference to loss of countryside and 'encroachment' on adjacent bungalows in relation to residential amenity); statutory consultation responses are also summarised however there does not appear to be any specific reference to landscape and visual matters.

- 3.19. In the officer's analysis, reference is made to the 'Impact on the Character and Form of the Area' whereby the officer considers policy and states that:

"Having had regard to the above policies there are two issues in respect of the current proposal, namely: -

i) The impact of the proposal on the character of the area through loss of countryside; and

j) Whether the proposed development would reflect the character of the surrounding area through the incorporation of good design principles.

The application site comprises 21.4 hectares of open countryside set to arable production on the edge of the town of Sutton in Ashfield and surrounded by well-established, native, but sometimes gappy hedges augmented, particularly on Newark Road, by trees. The overall character of the site and its surroundings is pleasantly rural especially as one travels south along Coxmoor Road. This character would be substantially diminished by the proposal with consequent loss of countryside which weighs against the proposal, although to some extent the impacts over the longer term

and seen from the wider area would be mitigated by the creation of substantial planting strips along the boundaries with Newark Road and Coxmoor Road.”

3.20. Considering trees and hedgerows specifically, the officer notes that:

“The Council’s Tree Officer has no objections to the proposal subject to a condition for the implementation of the tree protection plan during construction.

However, it still is the case that the whole hedge along the site’s boundary with Newark Road along with 108m of hedge along the site’ boundary with Coxmoor Road nearest to the junction would be removed. This would have a significant impact on the character of the area in the short to medium term. However, it is recognised that the extensive tree planting over time would not only ameliorate this impact but provide betterment in the longer term.”

3.21. Notwithstanding the expected landscape impacts arising from greenfield development, and the proposed removal of hedgerow along Newark Road, the officer recognises that the overall impact can be mitigated in the longer term by the provision of the ‘substantial landscape planting’ and ‘betterment’ in the longer term.

3.22. I return to this matter in later sections of my evidence.

3.23. Having undertaken the planning balance (including consideration of the weight attached to the adverse impacts related to loss of countryside) the officer recommended the application for approval, subject to conditions and terms of a Section 106 agreement.

3.24. Notwithstanding the recommendation for approval, the committee sought to defer the decision to a later date. As noted previously, no landscape concerns were raised by the members at this point (**CD-3.3**).

3.25. The officer’s update report to committee for the July 2024 date also does not raise any specific matter in respect of landscape or visual issues.

3.26. At the subsequent committee, in October 2024, the decision was taken to set out reasons for refusal and defend the appeal that the appellant had launched at that stage against non-determination. This was based on a position that was no different to that previously, however members had, in the meantime, added a landscape concern, despite having expressed no

concern on this topic previously and with no update from officers or consultees that indicated a landscape concern.

3.27. These matters are considered further in the following sections.

Putative Reason for Refusal

3.28. Following the submission of the appeal for non-determination of the application by Ashfield District Council (ADC), on 23rd October 2024, the Council's Planning Committee considered that, had the appeal not been made, they would have been minded to refuse the planning application for 5 reasons.

3.29. Of these Reason 3 is most relevant to landscape and visual matters, stating that:

"The proposed development would have an adverse impact on the character and appearance of the open countryside. The development is therefore contrary to Policy ST1 of the Ashfield Local Plan Review 2002 and objectives of the National Planning Policy Framework (2023)."

3.30. Although not expressly referenced in the reason for refusal, the Council's statement of case (CD-9.3) also includes reference to Policy EV2 of the ADC Local Plan Review, stating that (CD-9.3, para 6.5):

"EV2 states that "in the countryside permission will only be given for appropriate development. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness." The appeal scheme does not fall into any of the categories of development identified within Policy EV2 as appropriate in the countryside. Furthermore, it would have an adverse impact on the rural character of this area of countryside and fail to preserve its openness."

3.31. The statement of case goes on to elaborate slightly on the suggested reasons for refusal, and in relation to landscape and visual matters sets out a slightly expanded text, which states that:

“The proposed development will result in the introduction of new built form into an area of currently undeveloped agricultural land on the edge of the village [sic] of Sutton in Ashfield. The Council will present evidence to demonstrate that the proposal would result in encroachment into, and an irreversible loss of, open countryside and will have an unacceptable adverse impact upon that character.”

3.32. The issues are addressed in the following sections of my evidence.

Scope of Evidence

- 3.33. RFR3 relates to the character and appearance of the area, and initially simply cites the 'adverse impact' of the proposed development on the character and appearance of the open countryside as being the relevant issue for this reason for refusal.
- 3.34. This oversimplistic reference to the 'adverse impact' does not recognise any form of graduation of impact, nor whether mitigation might be successful in the avoidance or reduction of these.
- 3.35. All development will have some degree of residual impact on the character and appearance of the open countryside, and to apply this binary judgement as the sole determinant for a RFR, would preclude any development on greenfield sites coming forward.
- 3.36. The expanded RFR set out in the Council's Statement of Case (**CD-9.3**, Para 6.15) adds some qualification in respect of identifying the issue of introducing 'new built form' into the 'undeveloped agricultural land' and a suggestion that this would lead to encroachment and loss of countryside. However, this really adds very little to any understanding of the substance for the RFR, other than a default position against greenfield development.
- 3.37. There is some qualification, whereby the Council suggest matters of 'encroachment into' and 'irreversible loss of' open countryside, noting these will have unacceptable adverse impact, but again, these also relate directly to greenfield development in general, rather than any specific issues in respect of the appeal site and its landscape context.
- 3.38. Whether included as an allocated site as part of the local plan process, (which at present in this area includes the suggested allocation of sites that are also currently Green Belt) or where there is an identified need for development, greenfield development will have some level of residual landscape and visual effect, expectedly at a site level, but then to a greater

or lesser degree in respect of a site 'in its local landscape context'. Consequently, it is necessary to need to understand the graduation of any such effects, along with the ability to mitigate such effects (i.e. avoid or minimise).

3.39. To address this, my evidence will consider the following issues:

- i. the local landscape context and how any 'adverse impacts' are not extensive in relation to this;
- ii. the landscape sensitivity and capacity of the appeal site, given the nature of the existing landscape and visual baseline;
- iii. the nature of landscape impacts and effects at a site level, and on specific components in the landscape;
- iv. the context of any visual impacts, including reference to the existing character and appearance of the settlement edge and its existing interface with the wider countryside; and
- v. the overarching strategy for mitigation in respect of landscape and visual matters, and how this is positive in respect of the avoidance and reduction of potential impacts and effects.

3.40. Whether such landscape and visual impacts are ultimately unacceptable requires an attribution of weight to them, and this needs to be considered as part of the tilted planning balance (as noted by the officer's report to committee) (**CD-3.1**).

3.41. This is a matter addressed by the evidence of Mr Lees, who also considers whether there is a need for greenfield land to come forward, which is of particular relevance, given the inevitability of adverse landscape and visual impacts to the any greenfield site and its immediate surroundings.

3.42. The submitted LVIA (**CD-1.38**) is considered to be comprehensive and robust. It complies with relevant technical guidance for preparing LVIA (including GLVIA3 at that point in time).

3.43. The majority of answers (and/or justification) to the Council's RFR are contained within the submitted LVIA, including within the methodology. It is not, therefore, the methodology which is in issue. Rather, the Council's Statement of Case (**CD-9.3**) appears to suggest that they

will identify whether the proposed development will result in unacceptable adverse impact upon the character and appearance. I do not intend to repeat the content of the submitted LVIA in detail, but will refer to the key findings and expand on the judgements where necessary.

- 3.44. The RFR in respect of landscape and visual matters refers only to Policy ST1 of the Ashfield Local Plan Review 2002 and objectives of the National Planning Policy Framework (2023), no reference to Policy EV2 is included in the RFR. These policies are considered from a landscape and visual perspective, in later sections of my evidence.
- 3.45. The following sections set out further analysis of relevant points raised in the RFR.

4. LANDSCAPE AND VISUAL ANALYSIS

Overview

- 4.1. To address the main issues in respect of the reason for refusal (as identified previously), I set out additional analysis of landscape and visual matters in the following sections.
- 4.2. Overall, as my analysis sets out in the following sections, I consider that the appeal site represents a good location for residential development, in principle (in landscape and visual terms), and the proposed development represents (again in principle) a high quality design solution which would be appropriate to the character and appearance of the area and the detail of which can be controlled through the RMA process (whether as shown in the submitted or alternative illustrative masterplans).
- 4.3. Further analysis is set out in the following sections.

Local Landscape Context

- 4.4. I consider the appeal site to be physically and visually well contained, sitting within a pocket of landscape that is influenced both by the existing settlement edge of the town of Sutton in Ashfield as well as the wider landscape to the south-east.
- 4.5. In respect of the extent of potential impacts, there is a differentiation between the published landscape guidance of the 'SPZ11 – Lindhurst Wooded Farmlands' and the appeal site in itself. The former is a far broader scale area of defined landscape character, extending beyond the immediate settlement context of Sutton in Ashfield and across the landscape to the south and east (refer to **Appendix JWA-06**, Figure 3 Landscape Character); the latter comprises the two field parcels, which sit contiguous with the settlement edge and fit within the pattern of the suburban fringe and highways infrastructure.
- 4.6. Between these different ends of the spectrum in terms of scale, is the 'appeal site in its local landscape context' this is a more discreet 'pocket' of landscape, in a bowl of topography, and which contains and presents the appeal site toward the settlement area, and not out to a wider reaching area of countryside.
- 4.7. I have defined the 'site in its local landscape context' in earlier sections of my evidence (and with reference to **Plate JWA-01**, and **Appendix JWA-05**).

- 4.8. The site in its local landscape context is an area which I define based initially on the zone of theoretical visibility (i.e. from where the appeal site is visible and can be perceived or experienced), but that also accounts for some additional context of the surrounding landscape. Those factors influence the character and appearance of the area, and also the perception or experience of that character by people within the landscape.
- 4.9. Consequently, both the elements of the settlement edge are relevant and influential, as are the more rural characteristics of the landscape outside of the settlement.

Topography and land use

- 4.10. In terms of the rural attributes, these include the rising landform and localised hills which extend beyond the appeal site and then rise to the south and south-east. These provide an agricultural context to the settlement as a whole, and not just the appeal site.
- 4.11. It is reasonable to assume that it is this wider context (i.e. both appeal site and the more extensive area of landscape) which ADC refer to when commenting on a 'pleasantly rural character' (case officer, report to committee) and 'open countryside' (Statement of Case/Reason for Refusal), rather than unduly focussing on the appeal site in itself, which would of course consider the appeal site and any potential impacts out of context, and in an artificial way.
- 4.12. The landscape context, outside of the urban areas, is unified by the land use (predominantly arable) and the enclosure of the land by the series of continuous, well-formed hedgerows, albeit there has been some intensification over time. The topography of the area limits the extent of this agricultural land as part of the 'local landscape context', restricting it to the area up to Windmill Hill and slightly beyond up to the point of Coxmoor Plantation (refer to **Appendix JWA-07**).
- 4.13. Beyond this, the wider landscape context forms part of the broader area of the 'SPZ11 - Lindhurst Wooded Farmlands', an area which extends across the wider landscape to the south and south-east of Mansfield, Sutton in Ashfield and Kirkby in Ashfield as a whole.
- 4.14. As noted, topographically the appeal site sits within localised bowl, on the lower slopes and at a point that is consistent with the settlement edge.

- 4.15. Consequently, the appeal site represents a relatively ordinary parcel of arable land, located directly adjacent to the settlement edge of this part of Sutton in Ashfield, and inherently influenced by the suburban fringe of the settlement. Topography is a key factor, screening parts of the appeal site from numerous locations but with the rising land to the south performing two functions in respect of both separating the appeal site (and its local landscape context) from the wider landscape and countryside to the south and east, but also meaning that the area faces toward the settlement, and not out to the wider countryside. Consequently, the appeal site forms just a small part of the local landscape context, with remaining areas of arable land continuing to contribute to the landscape context to Sutton in Ashfield overall.

Settlement edge and suburban influences

- 4.16. The appeal site is physically contained by the steeper rising landform to the east, up to the route of Coxmoor Road where the highway corridor and associated vegetation provides physical and visual enclosure to the eastern field enclosure of the appeal site (refer to **Plate JWA-04** and **Appendix JWA-03**, Viewpoint 6). The route is a B road and provides a connection between the A611 to the south-east and the A38 (Kings Mill Road East) to the north-west, the latter passing through the urban area.
- 4.17. Coxmoor Road is lined by continuous mature hedgerows and whilst there are occasional breaks or filtered, glimpsed views to the east and west from the route, these are transient and more generally heavily screened (refer to **Plate JWA-07**). On the northern extent of the route, the road approaches the crossroads junction with Newark Road (the B6022) which, at this point is strongly influenced by suburban features, including the highways infrastructure and commercial areas both in the near distance and middle ground. The appeal site is situated to the south-west of this junction but at this point, and generally along Coxmoor Road given the limited visibility) does not function as part of the wider landscape in terms of how the local landscape context is perceived.
- 4.18. Newark Road on the northern edge of the appeal site is distinctly suburban in character, and the transition into the urban edge is readily apparent. Factors such as the highways infrastructure, lighting columns and adjacent commercial buildings, all denote the proximity to, and influence of, the suburban edge.

- 4.19. Consequently, whilst the boundary of the appeal site along Newark Road comprises the mature hedgerow, this forms a component of the suburban street scape, rather than anything more inherently rural. Again, the screening provided by the vegetation also prevents any meaningful intervisibility with the wider agricultural context to the south and south-east of the settlement, and the appeal site's function as part of an agricultural context is not readily perceived (refer to **Plate JWA-10**). There is a short break which provides the current site access, but this affords only a very short, glimpsed view into the agricultural context of the appeal site. Furthermore, the site frontage with Newark Road itself, is only approximately 240m, and consequently any filtered views which are available, are equally transient and limited.
- 4.20. Along Newark Road, west of the appeal site, the settlement is distinctly suburban and characterised by the surrounding residential suburbs. These extend south from Newark Road, and from the adjacent land use to the west of the eastern parcel and north of the western parcel of the appeal site.
- 4.21. The residential areas in general are visible across the appeal site and from the local landscape context, where views allow. Consequently, the residential area forms an effective 'backdrop' to the appeal site in many views and the introduction of residential built form into any such view, whilst a change from the agricultural land use on site, would not be uncharacteristic.
- 4.22. Whilst not directly adjacent to the appeal site, an additional influence of the local landscape context are the commercial and industrial estates situated off Low Moor Road to the west of the appeal site, and the more extensive commercial area off Byron Avenue (to the south-west of the appeal site). As per the residential edges directly adjacent to the appeal site, these commercial and industrial buildings are visible across the local landscape context and form a backdrop to the agricultural context in views, where these are available.
- 4.23. It is clear that whilst the majority of the appeal site is in agricultural land use, the appeal site is influenced by both residential and commercial land uses in the local landscape context, as well as the surrounding agricultural context which forms the other parts of the local landscape context. Well considered and high quality residential development on the appeal site will clearly give rise to impacts at a site level, but would not be uncharacteristic, nor give rise to unacceptable impacts and effects given this context.