

APPEAL STATEMENT OF CASE

IN RESPECT OF A PLANNING REFUSAL AGAINST:

Outline application for up to 4 detached dwellings. All matters reserved except access.

MADE ON BEHALF OF: Hilltop Ltd

SITE: Land West of Doddington Lane, Stubton, NG23 5BX

Prepared by

**Nick Grace BA(Hons) DipTP MRTPI
Partner at Grace Machin Planning & Property
Wellington House
15 Wellington Circus
Nottingham
NG1 5AL**

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1. Introduction

- 1.1. *Nick Grace BA(Hons), DipTP, MRTPI* is a full member of the Royal Town Planning Institute with circa 30 years post qualification experience. Having initially worked in Surrey for Tandridge District Council, then Drivers Jonas in London (West End), followed by a short period specializing in Telecoms Planning at Marconi, Nick was Savills' Head of Planning in Nottingham / the East Midlands for 10 years. In 2012 he jointly set up *GraceMachin Planning & Property*, based in Nottingham, principally covering the East Midlands.
- 1.2. We are instructed on behalf of *Hilltop Ltd*, who are the legal owners of the land the subject of this Appeal, known as Land West of Doddington Lane, Stubton, in respect of South Kesteven District Council's (the "**Council's**") decision to refuse planning permission. As legal owners of the appeal site, the Appellants therefore have standing to Appeal against the Council's refusal.
- 1.3. The planning application submitted was for: '*Outline Application for up to 4 detached dwellings. All matters reserved except access*', pursuant to reference number **S25/1033**.
- 1.4. It was recommended for **approval** by MRTPI Council Officers. However, the Councils' Planning Committee refused the planning application with the decision notice issued on the 26th of September 2025 for a single reason (the "**Decision Notice**"). See below:

*1 The application proposals would result in the **total loss (my emphasis)** of an area of ridge and furrow, which is defined as a non-designated heritage asset and is recognised as a key character of the rural landscape character identified in the made Stubton Neighbourhood Plan. As a result, the application proposals would result in **substantial harm (my emphasis)** to the significance of a non-designated heritage asset and the public benefits of the scheme, including **the provision of housing, which is identified as a significant benefit (my emphasis)**, would not outweigh the identified harm, due to the limited weight attributed to the provision of 4 dwellings. As such, the application proposals are contrary to Policy EN6 of the adopted South Kesteven Local Plan 2011-2036 (Adopted January 2020), Policy NE2 of the Stubton Neighbourhood Plan and Section 16 of the National Planning Policy Framework.*

The development proposed would conflict with the development plan when taken as a whole, and material considerations are insufficient to indicate that the decision should be otherwise than in accordance with it, including the presumption in favour of sustainable development contained in the Framework.

- 1.5. This statement which supports the **Heritage Impact Assessment** produced by *Locus Consulting* – (See **Appendix 1**) - sets out the Appellant's case in respect of the Appeal against the Council's Decision Notice.

2. Description of The Site

- 2.1. The application site comprises of a parcel of land to the western side of Doddington Lane on the South side of Stubton. The parcel of land is located directly south of the last dwelling on the western side of Doddington Lane, Lindum House, in the main built-up part of the settlement. Lindum House is a two-storey dwelling set back within the plot.
- 2.2. To the east of the site are further dwellings, with the last dwelling on the eastern side being 'The Birches'. The site is therefore not isolated and abuts residential development on two sides. It is located well within the Village sign to the South of the site on Doddington Lane.
- 2.3. Land ownership extends further south but there are no further plans for development beyond the informal development limit established by 'The Birches' to the East side of Doddington Lane.

3. Description of the Proposal & Representations Received from Stubton Residents

- 3.1. The application is seeking outline planning permission for the erection of up to 4 detached dwellings, with all matters except for access reserved.
- 3.2. Whilst layout would be a reserved matter, an indicative layout plan was provided. This is purposefully rectangular in shape, hosting 4 dwellings. The dwellings are indicated as being positioned in plots reflective of local housing density and are indicated as single storey L shaped dwellings.
- 3.3. It is very important to note that 9 representations were received from the local community. **7 in support** and **2 neutral. No objections.** These are summarised in the planning committee report.
- 3.4. However, we would like to highlight and stress the following comments:
 1. *The size and location of the dwellings would fit into the village fabric as per the indicative plans*
 2. *The rural character of the village is not compromised*
 3. *Benefits of the proposed development outweigh any negative impact*
 4. *The site is well-located, being the village-side of the gates and matching development on the opposite side of Doddington Lane*
- 3.5 Note: No public comments were made identifying the site as having any heritage sensitivity.

4. Five Year Housing Supply

4.1 The Council acknowledged in March 2025 that it cannot demonstrate a five-year supply of deliverable housing sites. It only has a supply of 4.07 years. Accordingly, paragraph 11. d) of the Framework is engaged.

4.2 Planning permission should be granted unless any adverse impacts of doing so would SIGNIFICANTLY AND DEMONSTRABLY outweigh the benefits.

4.3 The development would facilitate the creation of four new dwellings on a site supporting the government's objective of significantly boosting the supply of homes in an area with an acknowledged lack of forward supply.

4.4 Given the shortfall in housing supply, which is not insignificant, four dwellings should attract substantial weight & benefit. Investment in new housing currently is critical to the economic and social issues the wider District, Region and Country are facing currently.

4.5 The dwellings would be located adjacent to the boundary of Stubton. Given the proximity to existing dwellings, the site would not be an unsustainable location for a residential land use.

4.6 The short-term and long-term economic benefits from the proposal, including facilitating ongoing support for local services and facilities in Stubton and neighbouring Villages such as Claypole, also weigh positively for the proposal.

4.7 The application has not been refused on any highway grounds or any other grounds – simply due to a **total** loss of 'ridge and furrow'.

4.8 Principle of Development

4.9 As set out in the Committee Report:

*In this case, the proposal relates to a site of roughly 0.71 hectares, which is located immediately to the south of the existing main built up part of the settlement. The majority of the agricultural land within the district is Graded 3, with the land surrounding Stubton also identified as being of similar value. It is not possible to distinguish between Grade 3A and 3B without the submission of detailed soil samples. However, given the proximity to the built-up settlement it is likely that the land would be Grade 3B. **As such, the proposal would not result in the loss of BMV agricultural land.***

*The application site is situated to the west of Doddington Lane at the southern edge of the existing built-up area of Stubton, which is identified as a Smaller Village in Policy SP2. The existing built development on Doddington Lane extends north of the application site on the western side, however the eastern side of Doddington Lane does have built form that extends slightly further south with a further 4 dwellings past the building line of the final property on the western side. **The application proposal is therefore considered to be extension the existing built form of Stubton on the western side of Doddington Lane beyond its existing limitations and, therefore, Policy SP4 (Development on the edge of settlements) is the relevant policy to establish the principle of development on this site.***

Policy SP4 states that proposals for development on the edge of a settlement, which is in accordance with all other relevant Local Plan policies, will be supported provided that essential criteria are met. This requires the proposal to:- (a) Demonstrate clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum. (b) Be well designed and appropriate in size, scale, layout and character to the setting and area. (c) Be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan. (d) Not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area. (e) In the case of housing development, meet a proven local need for housing and seeks to address a specific targeted need for local market housing; and (f) Enable the delivery of essential infrastructure to support growth proposals.

3.13 Application community consultation was carried out in June 2025 in partnership with the Parish Council and from the local community comments made (verbally and in writing), it has clearly been evidenced that there is substantial support from the local community for the proposal.

3.14 However, even if this pointed is not agreed with by third parties there is no question that the LPA is not meeting the identified required housing land supply for the district.

3.15 As a result, Policy SP4 is deemed to be out of date, and the titled balance is applicable. The presence of the tilted balance weighs in favour of housing developments currently. Particularly at a time when the housing minister – Steve Reed – has very recently set out:

Housing Secretary, Steve Reed said:

“I want us to build, baby, build, so we can put the key to a decent home into the hands of every single family that needs it.

“We are doubling down on our plans to unleash one of the biggest eras of building in our country’s history and we are backing the builders all the way.

“Through major planning reform and investment, we will break down the barriers to development and build the 1.5 million homes this country needs as part of our Plan for Change.”

Source: [Housing Secretary issues 'call to arms' to 'build, baby, build' - GOV.UK](#)

5. Impact on Heritage Assets

5.1 Our Statement of Case is supported by a very robust Heritage Impact Assessment (HIA). This piece of work is clearly integral to why this application should be approved as per the Officers' recommendation as it robustly addresses the single reason for refusal. The HIA should be read in full and given the same weight at this overarching Statement of Case.

5.2 However, we highlight from the HIA the following extracts:

3.1.19 As such, the ridge and furrow earthworks have a very low level of local archaeological interest.

3.1.23 Due to their partial and residual nature, the earthworks on the Site have a very low level of local architectural interest. Due to their truncation, their form does not convey the classic curvilinear 'S' or 'C' shape, nor do they together form a feature or visual composition in the landscape or remarkable aesthetic appeal.

3.1.27 The ridge and furrow earthworks on the Site are illustrative of the nature of open-field farming to the south of the village of Stubton. Their position in the landscape provides an indication of where one of the 3 or 4 open fields lay in relation to the village core. They are however, truncated and partial remains of a once vast field system. The earthworks fail to afford much insight into how the wider area of land to the south of the village was subdivided or farmed in the medieval period. As such, they can be said to have a low level of local historical

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interest, surviving more as a legacy of a past land use than a clear indicator of agricultural practices.

3.1.30 In the case of the Site, the surviving ridge and furrow earthworks are a small, truncated and residual piece of a once extensive open-field landscape. They do not have any remarkable or immediate association with a contemporary settlement remains in the village, owing in part to the extensive re-organisation of the village in the late 18th century and subsequent residential development over the course of the 20th and 21st centuries.

3.1.31 Given their truncated form as a residual feature of a furlong and former open field, the ridge and furrow earthworks are not of sufficient interest to be identified as a designated heritage asset as per Footnote 75 of the NPPF. As such, and accepting their low level of local significance, that earthworks fall into the second category of non-designated heritage assets of archaeological interest as defined by Paragraph 041 Reference ID: 18a-041-20190723 of the PPG. As set out by the Guidance, this is a much larger category of lesser heritage significance, although still subject to the conservation objective.

4.1.6 The assertion that the proposed development would bring about the '*total loss*' of an area or ridge and furrow is clearly inaccurate in relation to the non-designated heritage asset which is a landscape feature comprising a large linear field of some 2.2 Ha. The Site occupies approximately 0.7 Ha and therefore the maximum loss of the upstanding earthworks would be c.30%, and in principle this may be reduced by the retention of the features (e.g. into garden space). The change in orientation between earthworks in the centre and south of the Site would be retained, with the legibility of the earthworks reduced, but not lost, as asserted by the RFR.

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4.1.7 The RFR states that the proposed development would bring about 'substantial harm' to the non-designated heritage asset. In this specific respect, the Inspector is respectfully drawn to the specific wording of Paragraphs 212 through 216 of the NPPF which are unequivocal in that the test for substantial harm applies to designated heritage assets only, and that harm to non-designated heritage assets is a matter considered according to Paragraph 216.

4.1.10 The miss-application of NPPF policy extends further into the balancing exercise, with the RFR concluding that the '*significant benefits*' of the housing provision '*would not outweigh the identified harm*'. Whilst the requirement to outweigh is apparent within those NPPF policies associated with designated heritage assets (Paragraphs 214 and 215) the same test does not apply under Paragraph 216 of the NPPF which instead requires the decision-maker to take account of the effect of an application and form a '*balanced judgement... having regard to the scale of any harm or loss and the significance of the heritage asset*'.

POSITION

4.1.11 Review of the RFR strongly suggests that the balancing exercise set out in Paragraph 216 of the NPPF for non-designated heritage assets has been overlooked in favour of the stricter policies that apply exclusively to designated heritage assets.

5.3 Overall, the site offers an opportunity to deliver much needed new housing in SKDC at a level entirely appropriate to Stubton and its neighbouring Village (Claypole) which provides a range of services and amenities – Community Park, Village Hall, Store, Public House, Coffee Shop, Butcher, etc.

5.4 **The Council cannot demonstrate a 5-year housing supply due to the revised NPPF. It currently has an undersupply of housing, comprising 4.07 years of housing land supply.** Paragraph 61 of the NPPF confirms that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. This development would specifically contribute towards the Government's objective.

5.5 Given the circumstances of this case, any adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

5.6 **When judged overall, this is a case where the presumption in favour of sustainable development is a matter that is sufficiently weighty, as a material planning consideration, to outweigh any identified conflict with the development plan.**

5.7 The application proposals would NOT result in the total loss of an area of ridge and furrow, and it was unreasonable of the LPA Committee Members to propose this as a basis of refusal at a planning committee. The site is NOT a designated heritage asset.

5.8 We respectfully request that the Planning Inspectorate grants planning permission subject to appropriate conditions and supports the need to '*Get Britain Building*'.

APPENDIX 1 – Heritage Impact Assessment by Locus Consulting

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