

**When telephoning, please ask for:** Democratic Services  
**Direct dial** 0115 914 8511  
**Email** democraticservices@rushcliffe.gov.uk

**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 31 January 2024

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 8 February 2024 at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Gemma Dennis  
Monitoring Officer

## AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on (Pages 1 - 4)
4. Planning Applications (Pages 5 - 24)  
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 25 - 32)  
The report of the Director – Development and Economic Growth

Rushcliffe Borough  
Council Customer  
Service Centre

Fountain Court  
Gordon Road  
West Bridgford  
Nottingham  
NG2 5LN

**Email:**  
customerservices  
@rushcliffe.gov.uk

**Telephone:**  
0115 981 9911

[www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

**Opening hours:**  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG



## Membership

Chair: Councillor R Butler

Vice-Chair: Councillor T Wells

Councillors: A Brown, S Calvert, J Chaplain, A Edyvean, E Georgiou, S Mallender, H Parekh, C Thomas and R Walker

### **Meeting Room Guidance**

**Fire Alarm Evacuation:** in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

**Toilets:** are located to the rear of the building near the lift and stairs to the first floor.

**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones:** When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

### **Recording at Meetings**

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt



## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 14 DECEMBER 2023**

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West  
Bridgford

and live streamed on Rushcliffe Borough Council's YouTube channel

### **PRESENT:**

Councillors R Butler (Chair), T Wells (Vice-Chair), A Brown, S Calvert, J Chaplain, A Edyvean, E Georgiou, S Mallender, H Parekh, C Thomas and R Walker

### **OFFICERS IN ATTENDANCE:**

E Dodd	Planning Manager - Development
T Pettit	Senior Design and Landscape Officer
J Bate	Planning Team Manager – Monitoring and Implementation
A Walker	Solicitor
E Richardson	Democratic Services Officer

### **24 Apologies**

Due to unforeseen circumstances, Councillor H Parekh and Councillor E Georgiou sent their apologies for the start of the meeting and joined during discussion of the first application.

### **25 Declarations of Interest**

There were no declarations of interest.

### **26 Minutes of the Meeting held on 9 November 2023**

The minutes of the meeting held on 9 November 2023 were approved as a true record and were signed by the Chairman.

### **27 Planning Applications**

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been circulated previously.

**23/01227/TPO - T1 - Cedar Tree (Cedrus) – Fell - Street Record, Yew Tree Close, Radcliffe on Trent, Nottinghamshire**

### **Updates**

Additional representations were received after the agenda was published and these were circulated to the committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Councillor R Upton (Ward Councillor) addressed the Committee.

## **Comments**

Members of the Committee noted the value to wildlife from felled tree stumps and asked that an Advisory Note be added for the tree stump to be kept as standing dead wood. Members of the Committee also noted plans for a replacement tree and asked that a Condition be added for a Preservation Order to be requested when the application to plant the replacement tree is made.

Councillor R Walker moved to accept the recommendation and approve the application with the additional condition and advisory note and this was seconded by Councillor Wells. Councillor H Parekh and Councillor E Georgiou did not vote as they had not been present at the start of discussions for this item. The vote was carried.

## **DECISION**

### **CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The works must be completed no later than the expiration of two years beginning with the date of this consent.

[To ensure that the work is completed before the tree(s) has significantly altered in size, appearance and condition].

*A replacement tree of a species, details of which have been submitted to and approved in writing by the Borough Council shall be planted in place of the tree Cedar to be felled in the first planting season after the felling of that tree. The position and species of the replacement tree shall be approved in writing by the Borough Council and then planted in accordance with such approval. Within 28 days of planting the Borough Council shall be informed that the tree has been planted.*

*Any replacement tree which, within a period of 5 years from the completion of the planting, dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with another of a similar size and species, unless the Borough Council gives written consent to any variation.*

[The planning committee consider that the replacement tree shall be protected by way of a Tree Preservation Order as soon as practicable after planting in the interests of amenity and to comply with policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

## **NOTES TO APPLICANT**

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact

Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at [info@nottswt.co.uk](mailto:info@nottswt.co.uk). If bats are present you should contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

*The stump of the felled Cedar tree shall be allowed to remain in place as standing deadwood*

**23/00119/TORDER - To the Radcliffe on Trent No.3 Tree Preservation Order 2023 - 2 School Bungalow, Glebe Lane, Radcliffe on Trent, NG12 2FR**

## **DECISION**

**THE RADCLIFFE ON TRENT NO.3 TREE PRESERVATION ORDER 2023 BE CONFIRMED WITHOUT MODIFICATION**

**23/00158/TORDER - To Barnstone No.1 Tree Preservation Order 2023 - St Mary's Church, Barnstone**

## **Updates**

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mrs S Dawn (Objector) addressed the Committee.

## **Comments**

Members of the Committee said that there was value in finding a balance between the amenity to the public through the appearance, health, and appropriateness of setting of the trees and the amenity and impact on the owners of the property. Members of the Committee noted that not all trees on the site had been included in the preservation order and that the owners were willing to negotiate and suggested that Officers discuss with the owners which trees to include in the Order. The Committee also noted that the tree preservation order did not preclude the owners from applying to remove any of the specified trees through a planning application in the future.

Councillor Thomas moved to accept the recommendation and this was seconded by Councillor S Mallender and the vote was carried.

## **DECISION**

**THE BARNSTONE NO.1 TREE PRESERVATION ORDER 2023 BE CONFIRMED WITHOUT MODIFICATION**

**23/00159/TORDER - To Edwalton.1 Tree Preservation Order 2023 - 80 Firs Road, Edwalton**

## **Updates**

Additional representations were received after the agenda was published and these were circulated to the committee before the meeting.

## **DECISION**

### **THE EDWALTON NO.1 TREE PRESERVATION ORDER 2023 BE CONFIRMED WITHOUT MODIFICATION**

#### **28 Planning Appeals**

The Committee noted the Planning Appeals Decision report which had been circulated with the agenda.

The meeting closed at 7.25 pm.

CHAIR



**Planning Committee**

**Thursday, 8 February 2024**

**Planning Applications**

## **Report of the Director – Development and Economic Growth**

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g., public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Director – Development and Economic Growth, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:  
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

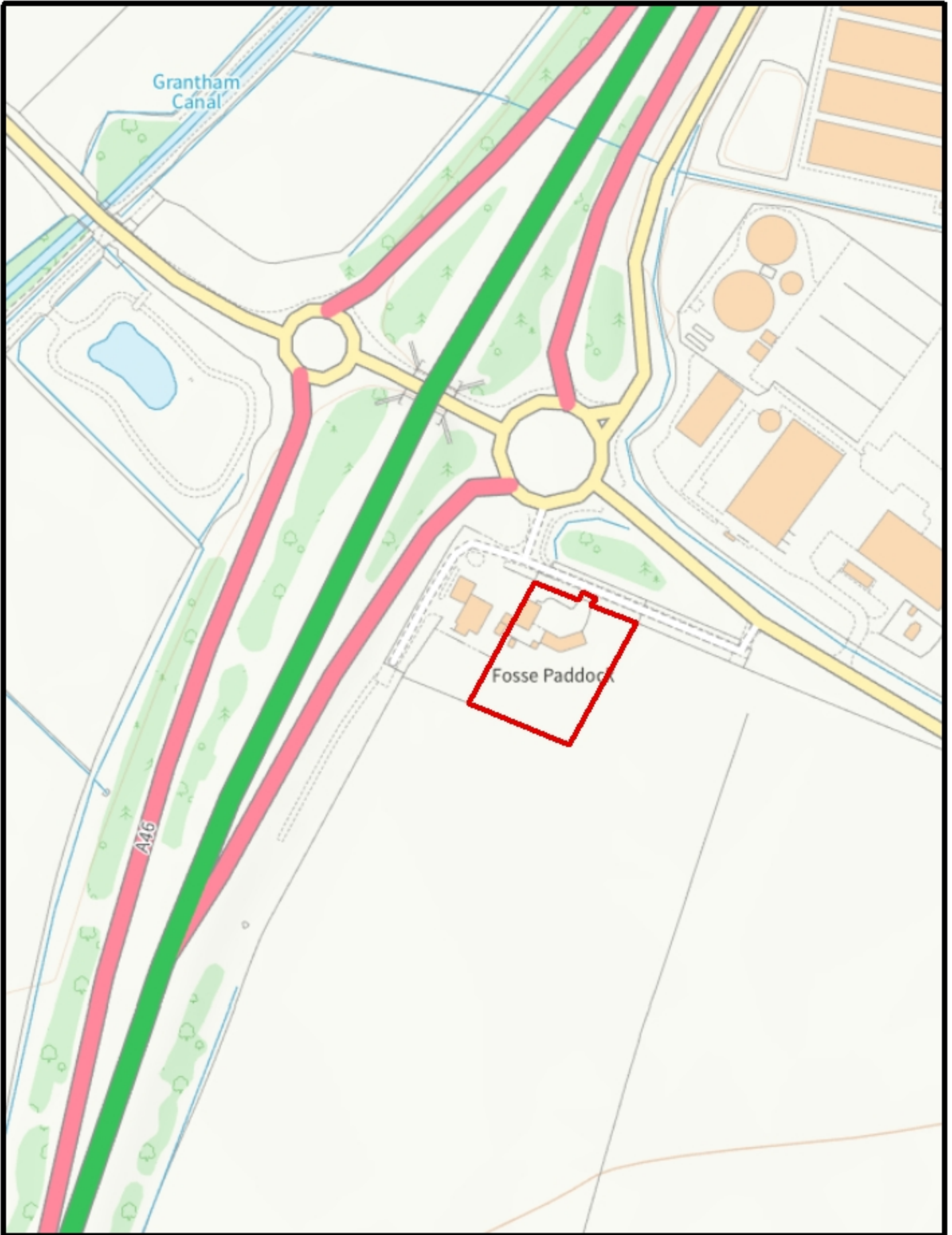
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

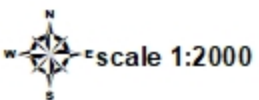
<b>Application</b>	<b>Address</b>	<b>Page</b>
23/01926/FUL	Fosse Paddock, Nottingham Road, Cropwell Bishop, Nottinghamshire, NG12 2JU	7 - 16
	Single storey extension to existing holiday accommodation to create single, accessible holiday let	
<b>Ward</b>	Cropwell	
<b>Recommendation</b>	Refuse Planning Permission	

<b>Application</b>	<b>Address</b>	<b>Page</b>
23/02191/FUL	Rushcliffe Oaks, Main Road, Stragglethorpe, Nottinghamshire, NG12 2PY	17 - 24
	Retention of shipping container for the storage of essential ground maintenance equipment and materials. (Retrospective).	
<b>Ward</b>	Cotgrave	
<b>Recommendation</b>	Grant Planning Permission	





**Application Number: 23/01926/FUL**  
**Fosse Paddock , Nottingham Road,**  
**Cropwell Bishop, NG12 2JU**



This page is intentionally left blank

**23/01926/FUL**

**Applicant** Miss Rebecca Draper

**Location** Fosse Paddock Nottingham Road Cropwell Bishop Nottinghamshire  
NG12 2JU

**Proposal** Single storey extension to existing holiday accommodation to create single, accessible holiday let

**Ward** Cropwell

Full details of the proposal can be found [here](#)

## **THE SITE AND SURROUNDINGS**

1. The application site comprises a detached bungalow in a countryside location within a large plot. There is a separate detached building to the side/front used as holiday lets, with a hard surfaced driveway/parking area to the front of the buildings. The site is bounded by established hedgerows to the north and west, with post and rail fences to the south and east.
2. The site is located in the designated Green Belt, in a rural location around 1 mile to the west of the built-up part of Cropwell Bishop, and close to the junction of the A46 with Nottingham Road. There is a petrol filling/service station adjacent to the west, and large modern agricultural buildings with an agricultural worker's dwelling, and an anaerobic digestion plant on the opposite side (north) of Nottingham Road, and a separate poultry farm beyond.

## **DETAILS OF THE PROPOSAL**

3. Planning permission is sought for the construction of a single storey extension to the north side of the existing holiday let building to create an accessible holiday let, with accommodation comprising a living/dining room/kitchen and en-suite bedroom. The external materials would be bricks & timber cladding, and concrete roof tiles to match the existing. Solar panels would be incorporated into the south facing roof slopes.
4. The Planning, Design and Access Statement states that the proposed accommodation would be able to cater for disabled occupiers and their carers by creating a safe, accessible and inclusive environment. The applicant has paddocks where Shetland ponies graze that are available for disabled children/adults to brush, feed and care for. There is various evidence amongst professional papers which support the provision of tourist accommodation for disabled individuals, which allows for and enables social contact and interaction with animals and others, helping to address issues of loneliness and isolation that can occur, and improve health and well-being.
5. The applicant considers that tourism/leisure, rural growth/diversification and economic benefits, and the provision of overnight accommodation for

disabled people and their carers would represent very special circumstances to justify inappropriate development and outweigh harm to the Green Belt.

## **SITE HISTORY**

6. Permission was granted in 2016 for the change of use of a day nursery to 4 residential units for use as holiday lets and external alterations including an extension (ref. 16/01275/FUL).
7. Permission was refused in 2016 for the erection of a 4-bay oak framed domestic garage with ancillary accommodation above (ref. 16/01276/FUL).

## **REPRESENTATIONS**

Copies of all representations can be found [here](#); however, summaries of all comments received are set out below.

### **Ward Councillor(s)**

8. The Ward Councillor - Cllr Birch does not object.
9. Adjacent Ward Councillor Chewings does not object.
10. Adjacent Ward Councillor Ellis does not object.

### **Town/Parish Council**

11. Cropwell Bishop Parish Council - No response has been received.
12. Cotgrave Town Council (adjacent Parish) do not object.

### **Statutory and Other Consultees**

13. Nottinghamshire County Council as Highway Authority refer to their Standing Advice.

### **Local Residents and the General Public**

14. No written representations have been received.

## **PLANNING POLICY**

15. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2). Other material considerations include Government guidance in the National Planning Policy Framework (2023) (NPPF) and Planning Practice Guidance (PPG).

### **Relevant National Planning Policies and Guidance**

16. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three

dimensions to sustainable development, economic, social, and environmental.

17. The following sections of the NPPF are relevant to this application.

- Chapter 2 – ‘Achieving Sustainable Development’
- Section 12 - ‘Achieving well designed and beautiful places’
- Section 13 - ‘Protecting Green Belt land’

Full details of the NPPF can be found [here](#).

### **Relevant Local Planning Policies and Guidance**

18. The following policies in LPP1 are relevant.

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 4 - Nottingham-Derby Green Belt
- Policy 10 - Design and Enhancing Local Identity
- Policy 13 - Culture Tourism and Sport

19. The following policies in LPP2 are relevant.

- Policy 1 - Development Requirements
- Policy 21 - Green Belt
- Policy 31 - Sustainable Tourism and Leisure

20. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and the Residential Design Guide can be found in the Local Plan documents on the Council’s website at: [Planning Policy - Rushcliffe Borough Council](#)

### **APPRAISAL**

21. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

22. The main issues in the consideration of the application are; the principle of development; Green Belt, design/impact upon the character and appearance of the streetscene, and impacts upon residential amenity.

### **Principle of Development**

23. The building proposed to be extended represents an existing provision of 4 holiday lets on a site associated with an established residential dwelling known as Fosse Paddock. Policy 13 of the LPP1 and 31 of the LPP2 seek to support the retention and expansion of existing tourist accommodation where it accords with the principles of sustainable development and is not detrimental to the surrounding area. Part 2 of policy 31 of the LPP2 identifies

that there may be instances where facilities require a countryside location, but that within the countryside there is a preference for tourism related development to re-use land and buildings.

24. Whilst the site lies in an inherently unsustainable location outside of any defined settlement boundary, as the site represents an existing and established overnight accommodation provision as holiday lets, it is considered that on balance the principle of enhancing and increasing the provision be supported by policy.

### **Green Belt**

25. Section 13 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

26. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

27. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

28. It states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

29. In general, proportionate additions would be no greater than a 50% increase in volume to the original building, taking into account the volume of the building as constructed and the volume of any extensions to it. However, the overall scale and massing are also important considerations when considering whether extensions are proportionate to the original building and there may be instances where an addition of less than 50% in volume is not acceptable due to its scale, massing and bulk.

30. As such, the proposed extensions in addition to any previous extensions must be less than 50% of the volume of the original dwelling, whilst also not appearing as disproportionate by reason of its appearance. This figure of 50% is not necessarily a definitive cut off point but represents an established process based upon an internal procedure note and numerous appeal decisions from the Planning Inspectorate across the Borough, and allows consistency on decision-making.

31. The building to be extended was originally erected as garaging to the bungalow when built originally as part of permission 80/06031/HIST. The use of this structure was then changed to a 'kindergarten' under permission 88/01149/D1P, with an extension to this measuring some 8m by 3m approved under permission 89/01097/D1P. Further extensions were refused under application 96/01120/FUL due to concerns relating to impact on the green belt. The use of the building as 4 holiday lets, along with a further extension was permitted in 2016 under permission reference 16/01275/FUL.
32. In this case, the building was extended when it was converted from a day nursery to holiday lets as well as prior to this when it was originally converted from a garage/store to a Kindergarten. As such the building as seen on site today has already been extended by 45.4% (volume). Together with the previous extension, the proposed extension would result in an increase of around 114.5% (volume) which, it is considered, would clearly represent a disproportionate addition to the original building.
33. In short, the calculations are as follows:
- Original Volume c.348.8 cubic meters.
  - Existing Volume c.507.2 cubic meters 45.4% increase to original.
  - Proposed Volume c.748.2 cubic meters.114.5% increase to original.
34. As such, the proposed development must be considered to represent inappropriate development within the Green Belt which would be by nature harmful to the Green Belt and as set out in paragraph 152 of the NPPF, should not be approved except in very special circumstances.

### **Design and Amenity**

35. The design and materials would be similar to the existing building, utilising a slight step to the front elevation and set down to the roof, along with a change in materials from brick to cladding to identify a degree of subservience to the existing structure. It is considered that the proposed development would be sympathetic to the character of the site and surroundings. In view of the adjacent and nearby uses, it is not considered that the extension and associated intensification of use would raise any significant amenity issues.

### **Highways**

36. Vehicular access to the site is from the original Nottingham Road (prior to dualling of the A46 and realignment of this section of Nottingham Road) and only the application site and adjacent petrol filling/service station are served by this original section of highway. Only traffic in connection with the application site uses this short section of road to the east of the petrol fulling/service station, and visibility at the access is good. There is also an adequate hard surfaced/parking area within the site to accommodate any limited additional parking in connection with the proposed development. In view of the above and having referred to the Standing Advice referred to above by the Highway Authority, it is considered that the proposed development would not result in any significant adverse impact on highway safety.

## Very Special Circumstances and Conclusions

37. Paragraph 153 of the NPPF advises that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations." This national policy advice is reinforced within policy 21 of the LPP2, which states that applications for development within the Green Belt should be determined in line with the NPPF.
38. As outlined in paragraph 5 above, the applicant considers that the support of tourism/leisure and rural growth, with its associated economic benefits, and the provision of overnight accommodation suitable for a range of end users including those with disabilities and their carers would represent very special circumstances to justify inappropriate development and outweigh the totality of harm. No specific information demonstrating a general demand for such accessible accommodation in this location, noting the sites separation from any surrounding facilities, has been presented. These matters have been considered very carefully and can be attributed weight in the decision making process. These matters would be considered to provide some modest economic and social benefits through the provision of such accommodation supporting the rural economy, and the provision of a more specialist accommodation offering.
39. The benefits of the scheme must be weighed against harm to the Green Belt and also any other 'harms' arising. In terms of Green Belt harm, the extension would represent inappropriate development, by definition harmful to the green belt, with the scheme resulting in a degree of impact on the openness of the Green Belt given the encroachment of built form within the countryside contrary to the 5 purposes of the green belt. The changes would be permanent, and whilst well screened the changes would be perceptible. No other harms have been identified.
40. In summary, the proposed development is inappropriate development and is therefore harmful by definition. Substantial weight is attached to that harm. Against the totality of the harm, the above factors have been identified which weigh in support of the scheme. It is however not considered that these factors would together represent Very Special Circumstances that would clearly outweigh the harm to the Green Belt, and any other harms arising.
41. It is, therefore, considered that the proposed development would represent inappropriate development in the Green Belt and that there are no very special circumstance to justify the development or to outweigh harm to the Green Belt.
42. The application was not subject to pre-application discussions. The applicant was informed during processing of the application that the proposal could not be supported in its current form and was given the opportunity to amend the proposal. However, the applicant wishes for the application to determined as originally submitted.



## **RECOMMENDATION**

It is RECOMMENDED that planning permission be refused for the following reason:

1. The proposed extensions would result in disproportionate additions over and above the size of the original building and therefore, it would not accord with the exemption set out under Paragraph 154 Part C of the National Planning Policy Framework. As such, the proposal would be contrary to Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and the National Planning Policy Framework Section 13 (Protecting Green Belt Land), particularly paragraphs 152 through to 154.

A decision to refuse planning permission would accord with paragraph 152 which states 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

This page is intentionally left blank



page 17

- Notes:
- Ownership Boundary
  - Site Boundary including Access Road



Property Services  
 Rushcliffe Borough Council  
 Rushcliffe Arena  
 Rugby Road  
 West Bridgford  
 Nottingham  
 NG2 7YG  
 Tel. 0115 981 9911  
 Fax. 0115 914 8452

Project  
 Rushcliffe Oaks,  
 Main Road, Stragglethorpe,  
 Nottingham. NG12 2PY

Application number  
 23/02191/FUL

Date NOV 2023	Project officer	
Scale 1:1250 @ A3	Drawn BT	Checked
Reference G/1214	Rev.	

Rushcliffe Borough Council, Borough Development, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.  
 This map is reproduced based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office  
 (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Rushcliffe Borough Council 100019419

This page is intentionally left blank

**23/02191/FUL**

**Applicant** Beth Thomas

**Location** Rushcliffe Oaks Main Road Stragglethorpe Nottinghamshire NG12 2PY

**Proposal** Retention of shipping container for the storage of essential ground maintenance equipment and materials. (Retrospective).

**Ward** Cotgrave

## THE SITE AND SURROUNDINGS

Details of the application can be found [here](#)

1. The application relates to Rushcliffe Oaks Crematorium, located within Green Belt open countryside approximately a mile to the north of Cotgrave. There is an adjacent solar farm to the south and a golf course on the opposite side of Main Road to the west. A footpath/ cycle track follows the former mineral line running along the rear (east) of the site. There is also a public right of way to the south.

## DETAILS OF THE PROPOSAL

2. The application seeks retrospective planning permission for the retention of a 6.1 metre long ISO standard shipping container to the rear of the crematorium building, for the purposes of grounds maintenance equipment and materials storage. The north end gable is to be clad in Accoya timber to match the service yard enclosure.

## SITE HISTORY

3. 18/02821/FUL- Development of crematorium and memorial gardens with associated access, parking and landscaping. Appeal allowed.

## REPRESENTATIONS

### Ward Councillor(s)

4. Three Ward Councillors (Cllr Ellis, Chewings and Butler) do not object.

### Town/Parish Council

5. No consultation responses received.

### Statutory and Other Consultees

### The Nottinghamshire County Council



6. The Highway Authority - no objection.

### **The Rushcliffe Borough Council**

7. The Borough Council's Environmental Health Officer has no objection or comments to make.

### **Local Residents and the General Public**

8. No consultation responses received.

Full comments can be found [here](#)

### **PLANNING POLICY**

9. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (December 2023), and the National Planning Practice Guidance (the Guidance).

### **Relevant National Planning Policies and Guidance**

10. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
11. The relevant sections of the NPPF are:
  - Paragraph 11c)
  - Chapter 8 Promoting Healthy and Safe Communities
  - Chapter 12 Achieving Well- Designed and Beautiful Places
  - Chapter 13 Protecting Green Belt Land

Full details of the NPPF can be found [here](#).

### **Relevant Local Planning Policies and Guidance**

12. The relevant sections of the LPP1 are:
  - Policy 1 Presumption in Favour of Sustainable Development
  - Policy 4 Nottingham-Derby Green Belt
  - Policy 10 Design and Enhancing Local Identity
  - Policy 12 Local Services and Healthy Lifestyles
13. The relevant sections of the LPP2 are:
  - Policy 1 Development Requirements
  - Policy 21 Green Belt
  - Policy 30 Protection of Community Facilities
14. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and the Residential Design Guide can be found in the Local Plan documents on the Council's website at: [Planning Policy - Rushcliffe Borough Council](#)

## **APPRAISAL**

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
16. The main issues in the consideration of the application are; the principle of development; Green Belt, design/impact upon the character and appearance of the area, and impacts upon residential amenity.

### **Principle of Development**

17. The application seeks retrospective planning permission for the retention of a shipping container sited to the rear of the crematorium building. The container is required for the storage of equipment in relation to the grounds maintenance of the site which includes extensive landscaped memorial gardens.
18. The proposed storage container seeks to support an existing and established community facility in the form of the crematorium and its associated grounds, in accordance with the provisions of policy 12 of the LPP1, and policy 30 of the LPP2 which seek in general to protect and enhance existing viable community facilities.

### **Impact on the Character of the Area**

19. The container would be sited beyond the rear of the service yard which is enclosed by a close-boarded timber fence that exceeds the height of the container. This adjacent fence screens views of the container from the public highway. The container is however visible in views from the public footpath following the southern boundary of the Crematorium site. The container is also visible from the footpath/ cycle track following the former mineral line to the east of the site. However, views are limited to glimpses through gaps in the tree/ hedgerow cover along the eastern edge of the site.
20. The container is painted a dark grey reducing its visual prominence. Timber cladding is proposed to the northern end to soften its appearance from the landscaped grounds to the north. An embankment runs along the south of the site, wrapping around the south east corner thereby limiting the prominence of the container from the public right of way to the south. Views of the container from the former mineral line would be limited when the adjacent hedge/ tree cover is in leaf. Given the distance between the container and the former mineral line, it is not considered that it appears unduly prominent to footpath users even when the boundary planting is not in leaf. As such, having considered the siting of the container from various vantage points, it is not considered that its retention on a temporary basis (5 years as proposed) would result in discernible harm to the rural landscape or the character of the area.

## **Impact on Residential Amenity**

21. The proposed container would not be located in proximity to any residential properties and would only operate as part of the ground maintenance regime for the crematorium site. As such the retention of the structure would not be considered to give rise to any concerns relating to residential amenity.

## **Green Belt**

22. The site falls within the Green Belt. Paragraph 154 of the NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development. Exceptions to inappropriate development are listed under paragraph 154 of the NPPF. Certain other forms of development listed under paragraph 155 of the NPPF are also not inappropriate provided the openness of the Green Belt is preserved and there is not a conflict with the purposes of including land within it. The siting of a storage container does not fall within any of these exceptions. As such, the proposed development must be considered to represent inappropriate development within the Green Belt which would be by nature harmful to the Green Belt and as set out in paragraph 152 of the NPPF, should not be approved except in very special circumstances.

## **Very Special Circumstances and Conclusions**

23. Paragraph 153 of the NPPF advises that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations." This national policy advice is reinforced within policy 21 of the LPP2, which states that applications for development within the Green Belt should be determined in line with the NPPF.
24. In considering whether there are any very special circumstances to justify the development, it is considered that the development provides a number of benefits. The container is required for the storage of grounds maintenance equipment to support the crematorium which provides an important local service. The appeal decision for 18/02821/FUL sets out the quantitative and qualitative need for a crematorium and the retention of the container would help support its function by supporting the landscaping and maintenance of the site. The landscaping of the site serves an important role both in terms of enhancing the visual amenity of the surrounding area and also by providing a high quality and respectful environment for users of the site. The retention of the container would therefore provide community benefits through the maintenance of the landscaped crematorium gardens.
25. The container is required in order to provide the safe storage of maintenance equipment on site. It is not considered that the outdoor storage of equipment within the service yard would be practical for security and operational reasons. The retention of the container would negate the need to transport equipment to and from the Council Bingham depot each day, therefore providing economic benefits in terms of time and fuel saved whilst also providing environmental benefits through avoiding the millage associated with this.



26. The retention of the container would help support the use of the site which provides an economic role in terms of employment provision through its role in supporting the grounds maintenance of the site, supporting a full-time dedicated position.
27. The container is sited on an existing hard-surfaced drive and it is not considered that its retention would present an encroachment of the countryside. It is considered that the development accords with the five purposes of Green Belt listed under paragraph 143 of the NPPF.
28. The benefits of the scheme must be weighed against harm to the Green Belt and also any other 'harms' arising. In terms of Green Belt harm, the retention of the container would result in a degree of impact on the openness of the Green Belt. It could however by its nature be readily removed from site when no longer required without the need for extensive remediation works. It is proposed that the container would be sited on a temporary five year basis, to be secured by way of a condition should planning permission be granted. The ability to remediate and temporary nature of the container would therefore limit its harm to the openness of the Green Belt. Due to its siting to the rear of the compound enclosure, the retention of the container would have limited visual impact.
29. In considering any other 'harms' arising, it is considered that the retention of the container on a temporary basis would be acceptable in terms of its landscape impact. There are no residential properties in the vicinity that would be impacted by the retention of the container. It is not considered that the retention of the container would give rise to wider material harm.
30. In summary, the proposed development is inappropriate development and is therefore harmful by definition. Substantial weight is attached to that harm. Against the totality of the harm, the above factors have been identified which weigh in support of the scheme. This includes the economic benefits of supporting a full-time grounds maintenance role, the benefits of maintaining the landscaped gardens to provide a high-quality environment as part of the function of the crematorium, and the economic and environmental benefits of securely storing maintenance equipment on site. It is considered that these factors would together represent Very Special Circumstances that would clearly outweigh the harm to the Green Belt, and any other harms arising.
31. It is considered that the development accords with the general national and local planning policies considered above and accordingly it is recommended that the application is approved.
32. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

## RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions:

1. This permission shall expire in five years from the date of this permission, after which, unless a further planning permission has been granted, the storage container shall be removed from the site and the site be restored to its former condition within 28 days of this date.

[To avoid a permanent form of development in the Green Belt, to protect the visual amenities of the area, to enable the Borough Council to review the situation and to comply with Policy 1 (Development Requirements) and Policy 21 (Green Belt) of the Local Plan Part 2: Land and Planning Policies].

2. Accoya cladding shall be applied to the north elevation of the container as denoted on drawing G/1214/01 received on 11 December within three months of this permission. Thereafter the container shall be maintained in accordance with the materials/ finish as approved.

[To ensure a satisfactory appearance of development and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

### Note-

The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

**APPEALS DECISIONS BETWEEN 1 December to 31 December 2023**

These are appeal decisions made between the 1 December 2023 to 31 December 2023 for noting.

Planning Ref: and link to Appeal decision notice	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/Decision Date
21/03205/REM	Chestnut Farm, Chestnut Lane, Barton In Fabis	Application for matters reserved under application ref 19/00412/OUT for approval of access, appearance, landscaping and layout and scale for demolition of existing buildings and construction of a residential scheme for 3 dwellings	Allowed	Overtuned at Committee	APP/P3040/W/23/3319093	08/12/2023
21/03205/REM	Chestnut Farm, Chestnut Lane, Barton In Fabis	Application for matters reserved under application ref 19/00412/OUT for approval of access, appearance, landscaping and layout and scale for demolition of existing buildings and construction of a residential scheme for 3 dwellings	Costs Allowed	Overtuned at Committee	APP/P3040/W/23/3319093	08/12/2023

**APPEALS DECISIONS BETWEEN 1 December to 31 December 2023**

These are appeal decisions made between the 1 December 2023 to 31 December 2023 for noting.

22/01635/TPO	13 Church Street, Cropwell Bishop	Tree: T1 (Canadian Maple) - Fell	Dismissed	DEL	APP/TPO/P3040/9352	06/12/2023
--------------	--------------------------------------	-------------------------------------	-----------	-----	--------------------	------------

**APPEALS DECISIONS BETWEEN 1 January 2024 to 31 January 2024**

These are appeal decisions made between the 1 January 2024 to 31 January 2024 are for noting.

<b>Planning Ref: and link to Appeal decision notice</b>	<b>Address</b>	<b>Proposal or Breach</b>	<b>Appeal Decision</b>	<b>Decision Type</b>	<b>Planning Inspectorate Reference</b>	<b>Comments/Decision Date</b>
22/01536/FUL	Land to the south west of Manor House, Main Road, Shelton, NG23 5JQ	conversion of existing stable block to form two-bedroom bungalow	Dismissed	Delegated	APP/P3040/W/23/3322493	18/01/2024
22/01752/FUL	Foxholes Barn, Car Lane, Car Colston, NG13 8QU	Change of use of existing paddock area to form an extension to the domestic curtilage including erection of hardstanding	Allowed	Delegated	APP/P3040/W/23/3324521	18/01/2024
22/01832/FUL	Land East Of Nottingham Road, Nottingham Road, Gotham	An energy storage facility, together with associated equipment, infrastructure and ancillary works.	Dismissed	Delegated	APP/P3040/W/23/3324608	22/01/2024

This page is intentionally left blank

**21/03205/REM**

**APP/P3040/W/23/3319093**

**Applicant** Mr & Mrs J Kent

**Location** Chestnut Farm, Chestnut Lane, Barton In Fabis

**Proposal** Application for matters reserved under application ref 19/00412/OUT for approval of access, appearance, landscaping and layout and scale for demolition of existing buildings and construction of a residential scheme for 3 dwellings

**Ward** Gotham

### **Appeal and Cost Claim Summary**

1. Following the approval in July 2019 of an outline planning application with all matters reserved for the demolition of existing buildings and construction of a residential scheme of up to 5 dwellings at the above site (ref 19/00412/OUT) a subsequent Reserved Matters application was presented to Planning Committee and was refused by the Borough Council contrary to officer recommendation on the 8<sup>th</sup> September 2022 on the following grounds.

*The scale of the dwellings, elevated ground floor levels, raised window heights and raised rear terraces of the proposal would result in a harmful and unacceptable impact on the amenities of neighbouring properties. As such, the proposal would be contrary to criterion 4 of Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies.*

*The massing scale and proportion of the proposal would be inconsistent within its location in the village. As such the proposal would be contrary to the provisions of Policy 10(2b; 2f) (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and at odds with Paragraph 134 of the National Planning Policy Framework which advocates the refusal of proposals which do not reflect local design policies.*

2. An appeal and a Costs Award claim were subsequently lodged with the Planning Inspectorate. The Inspectors considerations and decisions are summarised below:-

3. The appeal has been allowed. The Inspector concluded that:-

### **Character and appearance**

4. The dwellings would be within the established settlement and would be in keeping with building lines on the eastern side of Chestnut Lane nor out of character with linear/courtyard or backland development patterns in the village.
5. An agricultural courtyard layout has not been imposed by the Outline Planning Permission.
6. The layout, intensity, and density of the appeal proposal is not considered to be harmful to or out of keeping with the character and appearance of the area.
7. Floor levels and heights comply with those considered at outline stage and dwellings would not appear significantly larger than other sizeable buildings in the immediate area.
8. The dwellings would be set in generous plots and the development would not appear cramped.
9. The form, general material types, architectural detailing are of a traditional design in keeping with local character and the design is of high standard and appropriate to its context meeting the requirements of The Rushcliffe Residential Design Guide
10. The proposal would not harm the significance of the non-designated heritage assets at the Forge and Chestnut Farm with the effect being neutral.
11. The Inspector concluded that the proposal would not be harmful to the character and appearance of the area, or the setting and significance of NDHAs. It would not conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) the (LPP1) and would also not conflict with the aims of paragraphs 126, 134 and 203 of the Framework insofar as these expect development be of a high-quality design that reflects local design policies and takes into account the setting of NDHAs

### **Living Conditions**

12. The neighbouring dwelling at the Forge is set in an extensive plot with barn to the rear with separation distance of 44m from nearest new dwelling.
13. There is hedgerow to northern boundary which will be retained – if it were to be removed there remains sufficient separation distance and any views from



windows and terraces would be oblique leaving sufficiently private useful and functional outdoor space to provide satisfactory living conditions.

14. There is a sufficient relationship and separation distance between the new dwellings and no. 8 Chestnut Lane for there not to be harmful impact on its amenity.
15. There would be no harmful impact to the amenity of occupiers of on any other dwellings.
16. The Inspector concluded that for the reasons set out the proposal would not result in harm to the occupiers of the Forge or no. 8 Chestnut Lane in terms of outlook, privacy, daylight and overshadowing and would be in accordance with the aims of Policy 10 of the LPP1 or Policy 1 or Policy 11 of the LPP2 in respect of living conditions and with the guidance contained within the Rushcliffe Residential Design Guide.

### **Other Matters**

17. The development meets an exception to inappropriate development set out in the NPPF.
18. The footprint of the development is smaller than the indicative outline scheme and makes up a comparatively limited proportion of the application site with only 3 dwellings of limited scale and massing.
19. The principle of highway and access matters were addressed at outline stage – accesses are safe and there are sufficient parking spaces provided.
20. There is no evidence of oversupply of housing in the Borough and the development would provide required dwellings to contribute to the local mix of housing.
21. Effects on biodiversity, flooding and contamination were considered at outline stage and were subject to condition on the outline planning permission.
22. Effects on biodiversity, flooding and contamination were considered at outline stage and were subject to condition on the outline planning permission.

### **CONCLUSION**

23. For the reasons detailed in the appeal decision the Inspector concludes that the proposal would not be harmful to the setting or significance of any non-designated heritage assets, the character and appearance of the area or the living conditions for neighbouring occupiers and is compliance with the

development plan and the Framework taken as a whole. The appeal is therefore allowed. A schedule of conditions has been attached to the appeal decision.

## **COST DECISION**

24. Award of Costs allowed on the following grounds:-

25. The appellants are of the view the Council has behaved unreasonably because there was no reasonable planning basis for the committee to overturn the officer recommendation and refuse the proposals for the reasons it did. They are of the view the Council has made vague generalised or inaccurate assertions, failed to follow established caselaw, refused to approve reserved matters upon matters that should have been raised at the outline stage, or that could have been addressed by conditions upon a reserved matters consent.

26. The first reason for refusal did not state which living conditions, or the occupiers of which properties, it alleges would be harmed. Therefore, the reason for refusal is not clear or intelligible - such a refusal requires clear and justifiable reasons.

27. The Council's appeal submission provides rather limited further explanation and more importantly, reasoned justification for the conclusion reached. Though the reserved matters scheme differs from the indicative outline this does not of itself justify refusing permission. the scale, height, floor levels and window heights of the dwellings are all compliant with the outline permission. The effects of the terraces and side windows could be mitigated by the officer's suggested planning conditions.

28. The second reason for refusal in terms of character and appearance also lacks sufficient reasoning. The Council also fails to adequately substantiate why the massing, proportion and scale of the development would be inconsistent with the site, the surrounding area and the village given how varied they are, and given the scheme is consistent with the conditions of the outline permission.

29. For these reasons and that the scheme is found to be acceptable the Inspector concludes that the Council has made vague, generalised, and inaccurate assertions about the effects of the proposal, and refused a scheme that should have been permitted having regard to the development plan, national policy and other material considerations. It also refused the scheme based upon matters that could have been addressed by conditions attached to a reserved matters consent. Therefore, the Council has behaved unreasonably and resulted in the appellants incurring unnecessary and wasted expense and the full award of costs is justified.

30. The appellants are now to submit to the Council details of these costs with a view to reaching agreement as to the amount.