

23/00752/FUL

Applicant

Mr and Mrs Elenor

Location

Farleigh Cottage Clifton Lane Ruddington
Nottinghamshire NG11 6AA

Proposal

Extension and external alterations to ancillary annexe building

Ward

Ruddington

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

THE SITE AND SURROUNDINGS

1. The application relates to 1 1/2 storey building located within the grounds of Farleigh, which is a large imposing two-storey dwelling. The site is accessed off Clifton Lane, Ruddington via an unadopted road serving Farleigh and two other residential properties located to the south of the site known as Honnington and Fairham House.
2. The building itself appears to be the original coach house serving Farleigh and was converted to a Granny Annex in the 1990's. It currently comprises of the following accommodation; a kitchen/ living area, bathroom, a conservatory and porch to the ground floor and 2 bedrooms and balcony area to the first floor.
3. The annex building has a separated private amenity space that is segregated from the gardens associated with Farleigh via 1.8 metre close bordered fencing.

DETAILS OF THE PROPOSAL

4. The current application seeks planning permission for the erection of a single storey side extension to the granny annex. The ground floor would result in the following accommodation; living area, conservatory, kitchen, two bathrooms and a bedroom to ground floor and two bedrooms at first floor level. The proposal also includes fenestration changes to the annex including the insertion of two windows to the front elevation and insertion of bifold doors to the western side elevation.

SITE HISTORY

5. 89/00814/K2P - Convert coach house to form ancillary accommodation; construct 2 double garages (REFUSED).
6. 91/00242/K2P - Construct double garage (GRANTED).
7. 92/00687/K2P - Convert garage to form granny annex. Granted subject to the following condition; ' The accommodation to be formed as a result of this

development shall not be occupied as a separate dwelling unit independently from Farleigh'. The reason for this condition was 'The site is in the Nottinghamshire Green Belt where permission for a new unrestricted dwelling would not usually be forthcoming, and is also served by a substandard vehicular access'.

8. 96/00018/VAR - Application to remove condition 2 imposed on 92/00687/K2P to permit unrestricted occupation of granny flat. Refused on the following grounds;
 1. The site is within the Nottinghamshire Green Belt in a location where permission for new unrestricted dwellings would not usually be forthcoming. To permit unrestricted occupation of the granny flat would create a precedent following which it would be difficult to resist applications for the construction of new dwellings in the immediate locality
 2. The proposed development would result in an intensification of use of an unmade access road with limited forward visibility for the eastbound traffic as its junction with Clifton Road, and substandard visibility to the northwest. The proposal would thus create traffic difficulties and dangers to the adjoining highway.
9. 16/00200/FUL - Single storey side and rear extensions; dormers to roof. Refused for the following reason; The existing domestic outbuilding is currently subordinate to Farleigh, both in terms of its size, scale and design and its use. The proposed extensions would be of such a scale that they would be disproportionate over and above the size of the original building, which would no longer appear subservient in character or appearance to Farleigh. Furthermore the increased accommodation would be capable of being occupied entirely independently from Farleigh, which would result in a potential intensification of use and activity on the site.
10. The proposal is therefore inappropriate development in the Green Belt, which would detract from the open character of this Green Belt location, contrary to the guidance contained within paragraphs 79- 89 of the National Planning Policy Framework, and policies GP2 (Design and Amenity Criteria) and EN19 (Impact on the Green Belt and Open Countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

SITE CONSTRAINTS

11. The site is located within the Green Belt.

REPRESENTATIONS

Ward Member

12. One Ward Councillor (Cllr J. Walker) supports the proposal. A summary of the comments is set out below (the full response is available to view on the Council's website [here](#)):
 - Considers that special circumstances exist for the family wanting to make adaptations

- Considers that the proposal would not harm or encroach to the extent that it would damage the Greenbelt and lead to urban sprawl
- The Greenbelt policies seem to disproportionately favour house developers when considering 'very special circumstances'.

Parish Meeting and Adjacent Parish Councils/Meetings

13. No representations have been received.

Statutory and Other Consultees

14. No representations have been received.

Local Residents and the General Public

15. No representations have been received.

PLANNING POLICY

16. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.

17. The full text of the Council's policies are available on the Council's website [here](#).

Relevant National Planning Policies and Guidance

18. 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.

19. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Chapter 2 - Achieving Sustainable Development
- Chapter 12 - Achieving Well Designed Places
- Chapter 13 -Protecting Green Belt land.

A copy of the National Planning Policy Framework 2021 can be found [here](#).
A copy of the Planning Practice Guidance can be found [here](#).

Relevant Local Planning Policies and Guidance

20. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are of particular relevance:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 4 – Nottingham-Derby Greenbelt
- Policy 10 - Design and Enhancing Local Identity.

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#).

21. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:

- Policy 1 - Development Requirements
- Policy 21 – Green Belt.

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#).

APPRAISAL

22. 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.

23. The main material planning considerations in the determination of this planning application are:

- Whether the proposed development constitutes 'inappropriate' development within the Green Belt
- The impact of the proposed development on the openness of the Green Belt
- Whether there are any 'very special circumstances' to outweigh any other harm to the Green Belt
- Other potential harm arising from the proposed development
- Other matters.

Whether the proposed development constitutes 'inappropriate' development within the Green Belt

24. Consideration has to be had to whether the proposal is acceptable in relation to development in the Green Belt. If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

25. Policy 21 of the Local Plan Part 2 states that applications will be determined in accordance with the NPPF. Exceptions to inappropriate forms of development are set out under paragraph 145 of the NPPF and this includes 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.

26. There is no definition of 'disproportionate' in either national or local policy, and each case must be assessed on its own merits. Case law suggests that footprint, height, scale, volume and design should all be taken into consideration in the consideration of such applications, and that each case should be assessed on its own merits.
27. The guidance specifically refers to 'original building', therefore any previous extensions (post 1948) must be included in the assessment of 'disproportionate'. The building was granted planning permission in 1992 for the conversion to an annex.
28. The Council does not prescribe what % increase would be considered proportionate but as a guide up to 50% has been accepted depending on the overall scale and massing of the development. When the volume calculations are considered solely based on additions to the original building, the proposed extension and the previous conservatory extension would result in a 45% increase to the building. Whilst the volume added to the building would be below 50%, this is not the sole determining factor for whether the proposed additions would be 'disproportionate'. The proposed addition to the annex would add a significant amount of footprint to the building and would seek to increase the building to a three-bedroom building, with two bathrooms, a living room, sun room and kitchen at ground floor level. Officers consider that the proposed extension would be of a scale and massing that would make the annex appear as a separate unit to Farleigh, which would no longer be an ancillary building.
29. When taking all of the above into account it is considered that the works would result in a significant and disproportionate increase over and above the size of the original building. The proposal would therefore constitute an inappropriate and thus be a harmful form of development in the Green Belt contrary to the exception set out in paragraph 149c) of the NPPF. Consequently, officers consider that the development does not comply with Policy 21 of the LPP2.

The impact of the proposed development on the openness of the Green Belt

30. The impact on the openness of the Green Belt is implicitly taken into account in the exception in the NPPF paragraph 149c). However, having established that the proposal is inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land.
31. The NPPF identifies (para 137) the essential characteristics of the Green Belt as being its openness and permanence. The word 'openness' is generally held to mean an absence of built development and the concept of openness has both spatial and visual aspects to it. Consideration therefore has to be had on whether it would have a greater impact on the openness of the Green Belt.
32. Paragraph 138 states that the Greenbelt serves 5 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.

33. The proposed extension is located on the south-western side elevation of the annex building, which is the closest elevation to the host dwelling known as Farleigh Cottage. It is considered that the proposed extension is contained within the existing development on the site and, as such, would have limited impact upon the openness of the greenbelt in visual terms.
34. However, the consideration of the effect on openness is not solely a matter of visual impact. Officers recognise that the site is significantly set back from Clifton Lane. However, in spatial terms, the proposed development would be read as a separate dwelling to Farleigh and, as such, officers consider that this fail to preserve the openness of the Greenbelt. This adds to the harm caused as a result of being inappropriate development.
35. Notwithstanding the extent of the visual impact, the proposal would still result in further development in the countryside in excess of that which already exists. It is also considered that if the committee were minded to grant the current application, this may set a precedent for further development within this Greenbelt location which would further harm the permanence and openness of the Green Belt. It would, therefore, be contrary to the non-encroachment purpose of including this land in the Green Belt. This constitutes additional harm to be weighed against the proposal.

Whether there are any 'very special circumstances' to outweigh any other harm to the Green Belt

36. Paragraph 148 states 'Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.
37. The applicant has argued that the development is needed to provide accommodation for an elderly relative (one parental couple) to benefit from associated inter-generational care and support. The annex has previously been granted permission for use as a annex, which currently consists of 2 bedrooms, conservatory, living room, kitchen and bathroom. It does not appear that further alternatives, such as a lift to these bedrooms, has been explored along with possible reconfiguration of the existing internal layout.
38. Officers consider that it has not been demonstrated why the existing building could not be adapted to cater for the accommodation needs. No robust evidence has been provided to demonstrate that the development proposed is the only approach to achieving the benefits they seek. No evidence has been provided as to why the existing dwelling or the existing annex accommodation cannot be adapted to meet the needs of the applicant's relatives. Therefore, officers considered that it has not been demonstrated that suitable alternative accommodation is not available on the site which could achieve the same ends without causing harm to the Green Belt.
39. Moreover, officers do not consider that the preference for the elderly relatives to live within the grounds of Farleigh is the only option available to the

applicant. Whilst officers understand the preference to live in close proximity to immediate family, there is nothing to suggest this is necessary in order for an appropriate level of care to be provided. There is also no evidence provided which demonstrates that there are no facilities or opportunities elsewhere in the local vicinity that would allow similar levels of care while still allowing regular contact with immediate family. In addition, little information has been provided which indicates where care is currently being provided, why this is not satisfactory or why it could not continue.

40. Personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances no longer apply. This seems a particularly important factor in the context of the Green Belt and the objective of keeping land permanently open. While the applicant has indicated the development has been designed specifically for the family member(s), there appears to be nothing that would prevent it from being used as a separate dwelling if or when personal circumstances change. Even if controlled as an annexe, the personal circumstances used to justify the development are likely to change over time. However, the harm to the Green Belt would be permanent.
41. The Planning Practice Guidance (PPG) states that the use of a condition to grant planning permission solely on the grounds of an individual's personal circumstance will scarcely ever be justified in the case of permission for a permanent building. It would not therefore be appropriate to grant a temporary or personal permission, given the permanence of the development. While officers sympathise with the applicant's situation, there is insufficient evidence to suggest that the development is the only reasonable option available.
42. As such, taking all relevant matters into account, officers have given only limited weight to the personal circumstances identified by the applicant and officers, therefore, do not consider this to represent 'very special circumstances' that would outweigh the harm caused to the Greenbelt by the proposal.

Other potential harm arising from the proposed development

Impact on the character of the area

43. Core Strategy policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under policy 1 of the Local Plan Part 2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
44. Chapter 12 of the NPPF (2021) concerns achieving well-designed places. Specifically it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place.

45. Whilst the proposed extension would not be visible from the public highway or public vantage points, officers consider that due to the proposed resulting accommodation of the annex and the capability of it being used as a separate unit to Farleigh, the proposed development would cause harm to the rural and open character of the greenbelt and, as such, would cause harm to the character of the area.
46. The harm arising to the Green Belt by virtue of the inappropriateness of the development is not clearly outweighed, as such, the proposed outbuilding is considered inappropriate development and thus be a harmful form of development in the Green Belt. Consequently, the development does not comply with Policy 21 of the LPP2.

Impact on neighbouring amenity

47. The proposed extension would not be within close proximity to neighbouring properties. The building is located approx. 46 metres from the north-western boundary, shared with Brook Cottage and it is positioned 11.4 metres from the south-eastern boundary which is bounded by a shared access driveway. Officers consider that the proposed extension would not cause undue impacts to neighbouring amenity in terms of overlooking, overshadowing.
48. In light of the above it is considered that the proposed building would be in conformity with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policies 1 (Development Requirements). However, this does not outweigh the harm to the Green Belt identified above.

Impact on highways/ parking

49. The proposed development would result in 3 bedroomed accommodation that has the capacity to be lived in separately. The Nottinghamshire County Council Highways Design Guide 4.1 Residential Parking states that 2-3 bedroomed residential properties require 2 parking spaces per dwelling.
50. It appears from the Design and Access Statement submitted with the application states that the current parking arrangement for the dwelling (and annex) is located off-road and adjacent to the annex. It is considered that the existing parking arrangement is not suitable for the increased accommodation proposed as it would not meet the NCC Highways Design Guide.
51. Officers consider that the increase in parking from a 3 bedroomed property would add further harm to the openness of the greenbelt. This constitutes additional harm to be weighed against the proposal.

Other matters

52. The comments from Cllr Walker in terms of the Greenbelt policies disproportionality favouring housebuilders are noted. However, every application for very special circumstances has to be considered on the merit of the application. As mentioned previously, it is very rare for personal circumstances to be considered 'very special circumstances' to outweigh the

harm to the Greenbelt. As such, officers have given this very little weight in the planning balance.

Conclusion

53. The proposal would result in inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight. Officers have also given substantial weight to the adverse impact on the openness of the Green Belt and the resulting encroachment into the countryside.
54. However, officers consider that the personal circumstances of the applicant above do not clearly outweigh the substantial weight to be given to the totality of the harm to the Green Belt and other harm arising from the development. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, there would be conflict with Local Plan Part 2: Land and Planning Policies, Policy 21 and paragraph 149 of the Framework which seek to resist development in such circumstances. For these reasons officers recommend that the application is refused.
55. Given the significant policy concerns identified by officers and in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal. The recommendation to committee has been made in a timely fashion.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused subject to the following reason(s)

1. **The proposed extensions would be of such a scale that they would be disproportionate to the original building, which would no longer appear subservient in character or appearance to Farleigh. Furthermore, given its location the proposed resulting building would impact on and cause harm to the openness of the Green Belt, that being one of its essential characteristics.**

The proposal would result in an inappropriate and therefore harmful form of development in the Green Belt. It would not meet any of the exceptions set out in paras 149 or 150 of the National Planning policy.

It has not been demonstrated that 'very special circumstances' exist that would be sufficient to outweigh the harm to the Green Belt. The development would therefore be contrary to paragraphs 147, 148 and 149 c) of the National Planning Policy Framework and Policy 21 of the Local Plan Part 2.