

18/01705/OUT

Applicant Mr & Mrs Horner

Location Land Adjacent to 63 Moor Lane Gotham Nottinghamshire NG11 0LH

Proposal Outline application for proposed erection of one detached dwelling with new access.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to an area of land to the side of 63 Moor Lane, a single storey dwelling set back from the road and located to the south east of Gotham adjacent to the edge of the village. The site is well screened by boundary trees. There is a small culvert to the front of the site. This part of Moor Lane is privately maintained.
2. To the east of the site is a residential dwelling and a cattery and to the north and south of the site is open countryside. To the west of the site, also on Moor Lane and beyond No. 63, are more residential dwellings, predominantly semi-detached, located within the built up area of Gotham.
3. Gotham is currently washed over by the Green Belt, as such there is strict controls over development.

DETAILS OF THE PROPOSAL

4. This is an application seeking outline planning permission to establish the principle of one new dwelling on the site. All matters are reserved for future approval with the exception of access. These matters include layout, landscaping, scale and appearance.
5. The sketch design of the proposed dwelling, which is for indicative purposes only, shows a single storey dwelling forming a 'T' shape with a large rear garden and located on the same building line as the host property at 63 Moor Lane and of a similar size and scale. The boundary trees and hedges are to be retained.
6. The access proposed is to the front, off Moor Lane, crossing the culvert.
7. The application is accompanied by a Planning Statement and a Design & Access Statement.

SITE HISTORY

8. An application to erect bungalow (app no S21/345) was granted permission in 1970 (now 63 Moor Lane).
9. An application to erect garage (app no S/21/411) was granted permission in 1972.

10. An application for a Certificate of Lawful Use for the occupancy of the dwelling without complying with condition 2 of planning permission S/21/345, which retained the dwelling for occupation by a person working the surrounding land for agricultural purposes (app no 16/01261/CLUExD) was granted in 2016.

REPRESENTATIONS

Ward Councillor(s)

11. The Ward Councillor (Cllr Walker) has declared an interest in the application.

Town/Parish Council

12. No comments have been received from Gotham Parish Council.

Statutory and Other Consultees

13. Nottinghamshire County Council as Highway Authority raises no objection. They outline that the proposed access will be from a privately maintained section of Moor Lane that forms part of Gotham Footpath. The applicant will need to contact the landowner(s) to establish whether private access rights along the track will be offered to future occupiers. The applicant also has a responsibility to ensure their development does not affect the surfacing of the footpath without obtaining prior authorisation from the Rights of Way Team.
14. The Lead Local Flood Authority (LLFA) do not make any comments on the application as it falls outside of the guidance set by Government for those applications that do not require a response from the LLFA.

Local Residents and the General Public

15. No objections or representations from neighbouring properties have been received.

PLANNING POLICY

16. The decision on the planning application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The development plan for Rushcliffe consists of the five saved policies of the 1996 Local Plan, and Local Plan Part 1: Rushcliffe Core Strategy (Core Strategy). Other material considerations include the National Planning Policy Framework (NPPF) and the Non-Statutory Replacement Local Plan (NSRLP) where policies are consistent with the NPPF and the Core Strategy. Also of some relevance is the emerging Local Plan Part 2 and supporting studies, particularly the Green Belt Review.

Relevant National Planning Policies and Guidance

17. Paragraph 11 of the National Planning Policy Framework (NPPF) 2018 outlines that plans and decisions should apply a presumption in favour of sustainable development.

18. Paragraph 134 outlines that the 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.
19. Paragraph 143 states that inappropriate development is harmful to the Green Belt and should not be approved unless there are 'very special circumstances'.
20. Paragraph 144 requires 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.
21. Paragraph 145 states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include; limited infilling in villages.
22. There is no definition of 'limited infilling' in the NPPF. In planning terms in the planning portal glossary the generally accepted definition of 'limited infilling' is; 'the development of a small gap in an otherwise continuous built up frontage'.

Relevant Local Planning Policies and Guidance

23. Saved Policy ENV15: Green Belt of the Rushcliffe Borough Local Plan 1996 outlines that there is a Green Belt as shown on the proposals map.
24. Policy 3: Spatial Strategy of the Core Strategy 2014 states that 'The sustainable development of Rushcliffe will be achieved through a strategy that supports a policy of urban concentration with regeneration for the whole of Greater Nottingham to 2028. The settlement hierarchy for Rushcliffe to accommodate this sustainable development is defined on the Key Diagram and consists of:
 - a) the main built up area of Nottingham; and
 - b) Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington.

In other settlements (not shown on the Key Diagram), with the exception of Newton and the redevelopment of the former RAF Newton, development will be for local needs only.'

25. Policy 4: Nottingham-Derby Green Belt of the Core Strategy 2014 states that the Green Belt within Rushcliffe will be retained. Gotham is proposed to be inset from the Green Belt. One of the statutory purposes of the Green Belt is the need to maintain the openness and prevent coalescence between settlement; establishing a permanent boundary which allows for development in line with the settlement hierarchy.

26. Policy EN14: Protecting the Green Belt of the 2006 Rushcliffe Borough Non Statutory Replacement Local Plan (RBNSRLP) states planning permission will only be granted for limited residential infilling in existing settlements in the Green Belt.
27. Policy EN19: Impact on the Green Belt and Open Countryside of the 2006 RBNSRLP outlines where a proposal is in accordance with other policies it must be demonstrated that there will be no significant adverse impact on the open nature of the Green Belt or open countryside.
28. Policy HOU2: Development on Unallocated Sites of the 2006 RBNSRLP outlines that permission for unallocated development within settlements will be granted providing, amongst other things, the size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area or the settlement as a whole; the site is one which does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature; the development of the site would not extend the built-up area of the settlement; the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside.
29. The Green Belt review undertaken alongside the emerging Local Plan Part 2 proposes that Gotham should be 'inset' from the Green Belt. However, the current application site sits outside of the main built up part of the settlement and is proposed to remain within the Green Belt.
30. Gotham Parish Council is currently in the process of producing The Gotham Neighbourhood Plan, however, this does not have the status of formally submitted and has not been subject to full consultation, as such at this stage little weight should be attached to it.

APPRAISAL

31. Given the proposal is an outline application with matters reserved for subsequent approval, the main consideration is the principle of a residential property on the site and the impact on the Green Belt, particularly whether very special circumstances exist which outweigh any harm by reason of inappropriateness, the effects of the proposal on the openness and visual amenities of the Green Belt. Access is not reserved for subsequent approval and consideration must be given at this stage to whether the new access is acceptable on highway grounds.
32. The generally accepted definition of 'limited infilling' is 'the development of a small gap in an otherwise continuous built up frontage'. To the west of the site along Moor Lane is a continuous form of linear residential development of mainly semi-detached houses located on relatively small plots. However the application site and host dwelling are wider plots and also larger plots set back from the road. Beyond this to the east are four more residential dwellings scattered along Moor Lane before entering the open countryside. The plot widths of the properties to the west, beyond No. 63, are approximately 8 metres whereas the proposed plot width is approximately 32 metres. The gap between the host property and the proposed dwelling would be approximately 8 metres with a gap of approximately 30 metres to the

neighbouring dwelling to the east. In addition the location of the dwelling is proposed to be set back approximately 30 metres from the road. The plot is, therefore, large and the gaps between properties are well spread. The site therefore forms part of a substantial gap within an area of sporadic development. Whilst there is no specified definition of limited infilling this proposal would be contrary to the meaning of development in a small gap in otherwise built up frontage.

33. Gotham is proposed to be inset from the Green Belt as part of Part 2 of the new Local Plan, which has been published and soon to be subject of an examination. The boundary for the area to be inset, which forms the built up area of Gotham has been drawn so as to exclude the application site, together with the immediate neighbour to the west (No. 63) and properties to the east from the inset boundary. The site falls outside of this built up area as it is on the edge of the village and would still form an important part of the Green Belt. It would therefore remain within the Green Belt.
34. The development of the site, whilst reasonably well screened at the front by mature trees, would impact on the semi-rural nature of the site and on the views of the open countryside beyond and the openness of the Green Belt. The NPPF makes it clear that land should be kept permanently open as the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is harmful to the Green Belt by definition.
35. The approval for 63 Moor Lane in 1970 was subject to a condition limiting occupation of the dwelling to agricultural workers. This was because dwellings in the countryside and the Green Belt would not normally be acceptable unless there was a specific justification, e.g. they were to be occupied by agricultural workers. Clearly at that time, the site was considered to be within the countryside and not within the settlement.
36. The applicant has stated the development would count towards the self-build target for Rushcliffe as well as contributing to housing numbers for the area. It is not considered that this would outweigh the harm to the Green Belt and would not represent 'very special circumstances'. Just one dwelling would not make a significant contribution to the five year housing supply.
37. In terms of access, the proposal would introduce a new access onto a quiet lane which already has a number of existing vehicular accesses. There is also suitable turning space within the site. There is no objection to a new access in this location. The applicant will need to contact the owner of this privately maintained part of Moor Lane to establish whether private access rights along the track will be offered to future occupiers. This is not however, a matter which has any bearing on the consideration of the planning application and if access rights did not exist, these would need to be negotiated between the parties concerned. Any works to the culvert would need separate land drainage consent from Nottinghamshire County Council's Flood Risk Team.
38. Overall, it is considered that the proposal would not represent limited infilling in the settlement and would result in harm to the openness of the Green Belt as well as the intrinsic character and beauty of the countryside. It is considered that the proposal would constitute inappropriate and unjustified

development that would carry with it the harm to the Green Belt, which is not outweighed by any very special circumstances. This is in conflict with national and local planning policy.

39. The proposal was the subject of pre-application discussions and the applicant/agent was made aware of the policy objections and/or identified unacceptable impacts of the development. The applicant/agent chose to submit the application, notwithstanding the fundamental policy objection.

RECOMMENDATION

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

1. The proposal would result in an inappropriate form of development in the Green Belt, which is harmful by definition, and also to the openness and character of the Green Belt at this location. It is not considered that 'very special circumstances' exist or have been demonstrated to outweigh this harm. Therefore, the proposal is contrary to the policies contained in the National Planning Policy Framework which are applicable to development in the Green Belt and Policy ENV14 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states:

"Within the green belt as defined on the proposals map planning permission will only be granted for appropriate development for the following purposes:

- a) agriculture and forestry
- b) for other uses which preserve the openness of the green belt, including essential facilities for outdoor sport and recreation and for cemeteries;
- c) alteration and limited extension or replacement of existing dwellings;
- d) limited residential infilling in existing settlements within the green belt.

Planning permission will not be granted for inappropriate development, including the construction of new buildings other than those set out in the criteria, unless very special circumstances can be shown to outweigh the resulting harm to the green belt"