

18/02716/OUT

Applicant Simon And Jane Horner

Location 63 Moor Lane Gotham Nottinghamshire NG11 0LH

Proposal Development of one detached dwelling with new access (Outline application with all matters reserved except for access) (resubmission)

Ward Gotham

THE SITE AND SURROUNDINGS

1. The site 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 on 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 detached dwelling forming a 'T' shape 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 of the site, off Moor Lane, crossing the culvert.
7. The application was accompanied by a Planning Statement and a Design & Access Statement.
8. The main difference from the previous application is the site area covered by the red line has been reduced. The area to the front of the proposed location of the dwelling is no longer within the red line boundary with the only part to the front included in the red line is the proposed access.

SITE HISTORY

9. An application to erect bungalow (app no S21/345) was granted permission in 1970 (now 63 Moor Lane).
10. An application to erect garage (app no S/21/411) was granted permission in 1972.
11. An application for a Certificate of Lawful Use for the occupancy of the dwelling (63 Moor Lane) 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.
12. An outline application for proposed erection of one detached dwelling with new access (app no 18/01705/OUT) was refused for the following reason:

"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."

REPRESENTATIONS

Ward Councillor(s)

13. The Ward Councillor (Cllr Walker) has declared an interest in the application as the application site borders his property on The Rushes.

Town/Parish Council

14. Gotham Parish Council object to the application as it would be inappropriate development in the Green Belt.

Statutory and Other Consultees

15. Nottinghamshire County Council as Highway Authority raise no objection. They outline that the proposed access will be from a privately maintained section of Moor Lane that forms part of Gotham Footpath number 7. 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.
16. Environmental Health raise no objection subject to a condition that 'During any ground works, demolition or construction there shall be no burning of waste on the site'. They also recommend an informative that all demolition and construction work including deliveries be restricted to the following times- Monday to Friday- 0700-1900 hours, Saturday- 0800-1700 hours, Sundays/Bank holidays- no working activity.

Local Residents and the General Public

17. A representation has been received from a local resident objecting to the proposal on grounds that the land is within the Green Belt and the law states you cannot build on it.
18. Two representations have been received in supporting the proposal on the grounds they can't see any reason why it should be refused and it would be a great addition to the village.

PLANNING POLICY

19. 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

20. Paragraph 11 of the National Planning Policy Framework (NPPF) 2018 outlines that plans and decisions should apply a presumption in favour of sustainable development.
21. 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.
22. Paragraph 143 states that inappropriate development is harmful to the Green Belt and should not be approved unless there are 'very special circumstances'.
23. Paragraph 144 ensures 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.
24. 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.
25. 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

26. 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.
27. 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.'
28. Policy 4: Nottingham-Derby Green Belt of the Core Strategy 2014 states that the Green Belt within Rushcliffe will be retained. Gotham shall 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.
29. 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.

30. 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.
31. Policy HOU2: Development on Unallocated Sites of the 2006 RBNSRLP outlines that permission will not be granted for 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.
32. 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.
33. The Gotham Neighbourhood Plan has been published, however, at this stage little weight should be attached to the plan as it has not been subject to full consultation/examination and there are a number of stages outstanding before the plan can be formally adopted.

APPRAISAL

34. Given the proposal is an outline application, with all matters (except access) 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 the harm by reason of inappropriateness, the effects of the proposal on the openness and visual amenities of the Green Belt, any changes from the previous refusal which could make the proposal acceptable and whether the new access is acceptable on highway grounds.
35. 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 that 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 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 7.5 metres. In addition, the location of the dwelling is proposed to be set back approximately 30 metres from the road. The area immediately adjacent to Moor Lane (with the exception of a narrow strip to provide access to the site) is no longer included within the application site, however, it is still marked as 'Proposed Garden (front)' and there is, therefore, a clear indication that this area of land will form the front garden of the proposed dwelling. The plot is still large and the gaps between properties are well spread. The site forms part of a substantial gap within an area of sporadic development. Whilst there

is no specified definition of limited infilling, it is considered that this proposal would be contrary to the meaning of development in a small gap in otherwise built up frontage. It is not considered that the reduced red line boundary is a significant improvement or change in circumstances, when compared with the previous application, and the proposal still does not represent limited infilling.

36. Gotham is proposed to be inset from the Green Belt in the review of the Green Belt undertaken alongside the preparation of Part 2 of the new Local Plan currently under 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.
37. The applicant has stated that the Gotham Neighbourhood Plan has had extensive consultation with villagers and the plan was submitted to the Boroughs planning policy team in June 2018. At present no Examiner has been appointed to consider the plan and there are a number of stages in the process to be completed, including a referendum, before the plan can be adopted. Therefore, at this stage the plan would carry little weight.
38. The proposal, 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.
39. The planning permission 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.
40. 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. Recent appeal cases (nationally) have confirmed that dwellings delivered on a self-build basis do not amount to 'very special circumstances'. Furthermore, whilst dwellings delivered on previously unidentified sites would make a contribution to the housing numbers for the Borough, in this instance, the proposal involves a single dwelling and it is not considered that the contribution the proposal would make is significant or would outweigh the harm to the Green Belt. Therefore, it is not considered that there are any very special circumstances associated with this proposal.
41. In terms of access, the proposal would introduce a new access onto a quiet lane which already has existing vehicular accesses. The site could also accommodate suitable turning space. There is no objection to a new access in this location. The applicant would 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. Any works to the culvert will need separate land drainage consent from Nottinghamshire County Council's Flood Risk Team.

42. The applicant has mentioned other similar applications for housing granted permission. These include Home Farm, 15 Church Street, Bunny (app no 18/01489/FUL), the site lies in the centre of the village of Bunny in a built up area next to the school so it was considered to represent limited infilling. The application for 16 Loughborough Road, Bunny (17/03038/FUL) has also been cited, in this instance the Draft Green Belt Review considers this part of Bunny as the secondary core of Bunny village that doesn't contribute to the openness of the Green Belt. This area is due to be removed or inset from the Green Belt through the review.
43. Overall the proposal would not represent limited infilling and would result in harm to the openness of the Green Belt as well as the intrinsic character and beauty of the countryside. Little has changed in the application from the previous refusal. 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, and granting permission would set a precedent for similar development in the Green Belt. The proposal is in conflict with national and local planning policy.
44. The proposal was the subject of pre-application discussions (prior to the submission of the previous application) and the applicant/agent was made aware of the policy objections and/or identified unacceptable impacts of the development. There have been no significant changes to the proposal or policy considerations following refusal of the previous application and there remains a fundamental policy objection. Therefore, consideration of the application has not been delayed by negotiations which could not overcome the 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:

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