

20/00367/FUL

Applicant Messrs Parnham, Watchorn and Ansty

Location Land North East Of Burford Sutton Lane Granby Nottinghamshire

Proposal Residential development 5no. dwellings

Ward Thoroton

THE SITE AND SURROUNDINGS

1. The application relates to a 0.37 hectare site which comprises the north western part of a large arable field in countryside adjacent to the north eastern edge of the built up part of Granby. The Sutton Lane boundary is formed by deciduous hedgerow/trees. There is a variety of inter-war and mid to late 20th century suburban houses and bungalows opposite the site and to the north and south west on Sutton Lane, and a cemetery to the north east further along and on the same side of the lane to the site.
2. The site is outside but adjacent the Conservation Area, which includes land to the north west and south west, and the boundaries with Sutton Lane and the property to the south west (Sunbeam Lodge) form the Conservation Area boundary. The grass verge fronting the site and a grassed area in front of dwellings on the opposite side of Sutton Lane, together with the cemetery further along Sutton Lane to the north east, are identified as positive open spaces in the Townscape Appraisal in the Conservation Area Appraisal and Management Plan. A view from the opposite side of the lane across the site to the east and south east is identified as a panoramic (wide) view.

DETAILS OF THE PROPOSAL

3. Full planning permission is sought for residential development of five detached dwellings, each with a vehicular access from Sutton Lane involving removal of sections of the boundary hedgerow. The design would be traditional with single storey eaves heights to the front elevations and dormers, with two storey height front projections to two dwellings. Each dwelling would have an attached single garage to the side, and a single storey rear projection. The materials would be brick, render and Larch cladding for the walls, with clay pantiles and rosemary roof tiles.
4. The Design & Access Statement submitted with the application states that it is the applicant's contention that the cemetery to the east of the site is existing development which, when taken in conjunction with the existing dwellings on the north side of Sutton Lane, defines the extent of the settlement and that the site therefore represents small scale infill development between the Cemetery and the dwellings on the same side of the road to the south west. The applicants also appear to consider that the gap to be maintained between the site and nearby cemetery would adequately retain the panoramic view across the site from the adjacent Conservation Area.

5. Reference is also made to an appeal decision relating to 6 dwellings at Screveton (ref. 16/01466/FUL) and permission for 5 dwellings at Thoroton (ref. 18/02283/FUL) and the applicants consider that, due to the similarities between those cases and this application, and facilities available in the three settlements, a consistent approach from the Borough Council would be to support this application.
6. An ecological assessment was also submitted which concludes that the site is of low ecological value and that the proposed development would not be likely to give rise to an adverse ecological impact.

SITE HISTORY

7. There is no relevant site history.

REPRESENTATIONS

Ward Councillor(s)

8. The Ward Councillor (Cllr Bailey) has declared an interest in the application.

Town/Parish Council

9. Granby Parish council object on grounds summarised as follows:
 - a. Inappropriate development within a Conservation Village – the site is greenbelt agricultural land with its perimeter forming part of the Conservation Area. The vista of the proposed site is identified in the 2009 Conservation Area Plan as a Panoramic View which would be lost. This would have a significant negative impact on a Heritage Asset as defined in the Rushcliffe Local Plan Part 1: Core Strategy. Although a partial view may remain, if permission is granted a precedent would be set that could result in further development of the land, and you cannot have half a panoramic view.
 - b. The site is not a small scale infill as set out in the Core Strategy. It would be housing built on greenbelt agricultural land.
 - c. The proposed development provides no economic or social benefits for the local community and, therefore, it does not meet requirements of the National Planning Policy Framework.
 - d. The development would impact on already congested roads within the village, made worse by the ever-increasing size of agricultural machinery. Although we do have a bus service to Bingham, this is reviewed annually for its viability. Essentially, all houses in Granby rely on private motor transport to access work and amenities.
 - e. The proposed development would make an insignificant contribution to Rushcliffe's overall housing target, and is unlikely to provide a long-term benefit to local businesses or services. Any local employment impact is likely to be short-lived.

- f. One of the priorities of Rushcliffe's Sustainable Community Strategy (2009-26) is to maintain the character of the borough. The proposed development would be detrimental to the local character and appearance of the landscape, would remove a view of open countryside, and would increase the potential for cars parked on the roadside.
- g. Although there are dwellings opposite the proposed site, the site affords wide open views to the surrounding countryside and ensures that the cemetery provides a quiet and contemplative environment. The development would spoil what is a positive contribution to the rural character of the surrounding area.
- h. The design of the one-and-a-half storey houses is not in keeping with the properties either facing or adjacent to the site as these are all bungalows. The development would produce a harmful urbanising impact on the currently open and rural character of the site and wider landscape.
- i. The applicant's statement that the cemetery is existing development is a tenuous argument as it is neither housing nor commercial, which is what development normally means.
- j. The application compares Granby to Harby. Granby has no local amenities other than a public house and population of around 260. Harby has a post office, shop, café, school and pub and a population of around 900. Therefore, there is no real comparison of the two villages.

Local Residents and the General Public

- 10. 12 written representations have been received (from 9 properties) raising objections and comments which are summarised as follows:
 - a. Granby is not designated as an area for growth and the site cannot be classed as infill.
 - b. Further extension of the built up area.
 - c. The Borough Council has a 5 year housing land supply.
 - d. Contrary to policies in the Core Strategy, Local Plan Part 2 and the National Planning Policy Framework.
 - e. The site is prime agricultural land.
 - f. Why allow development on green field land when there are numerous brown field sites available locally.
 - g. Inappropriate new buildings totally out of place and character with Granby, and no attempt to design or use materials to blend in with surrounding properties.
 - h. Loss of a panoramic view across the Vale of Belvoir.

- i. Destruction of hedgerow to accommodate driveways.
 - j. Sutton Lane is a busy route into the Vale of Belvoir and attracts horse riders and cyclists in great numbers, Farm vehicles are large and it is a bus route. The development and construction vehicles would exacerbate matters.
 - k. Will the development enhance/maintain the vitality of Granby? The only facilities Granby provides is the Public House and the bus service which is inconvenient to use as it takes a long time to travel to Nottingham and Bingham.
 - l. There are insufficient infrastructure services for existing properties and local schools and GPs are full already.
 - m. Slow internet which is not conducive to working at home.
 - n. All new residents will be dependent on their cars.
 - o. The properties are not going to be affordable homes which is the type of accommodation that is most needed.
 - p. No mention of how the proposal is to dispose of surface and waste water and the current sewage system is inadequate.
 - q. What will happen to wildlife habitats once this commences.
 - r. The Design & Access Statement refers to obsolete planning policies.
 - s. The tombstones in the cemetery cannot be classified as a structure.
 - t. The inspector's decision to allow a similar application in Screveton was specifically to help satisfy Rushcliffe Borough Council housing requirement and it is understood that this has now been met. The applications at Thoroton and Screveton were granted prior to the adoption of Local Plan Part 2 and at a time when Rushcliffe could not demonstrate a 5 year housing supply. Those approvals are therefore now irrelevant to this current application.
 - u. A more appropriate location is beyond the cemetery.
 - v. Concern that, if granted permission, the whole field will be developed.
11. 2 written representations have been received (including one from Newark on Trent) expressing support which are summarised as follows:
- a. The site appears to be a natural 'infill' and a logical extension to the village.
 - b. It provides a sensible solution to the need for sustainable, environmentally-friendly new houses, which recently only seem to have been delivered via garden-pinching and small infills within the

village boundary, and this development would go some way to alleviate this.

- c. Granby has an eclectic mix of housing designs that have evolved over the years and this application delivers design that will fit well within the existing village. The choice of materials and scale have been clearly thought through and would complement existing properties on Sutton Lane.
- d. Attracted to the provision of ground floor bedrooms this being a positive selling point.

PLANNING POLICY

12. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).
13. Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Relevant National Planning Policies and Guidance

14. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.
15. Of relevance to the current proposal are Paragraph 11 (Presumption in favour of sustainable development), Chapter 12 (Achieving well-designed places), Chapter 15 (Conserving and enhancing the natural environment) and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

Relevant Local Planning Policies and Guidance

16. Of relevance to the proposal are Policy 1 (Presumption in favour of sustainable development), policy 3 (Spatial Strategy), policy 10 (Design and enhancing local identity) policy 11 (Historic Environment) and policy 14 (Managing travel demand) of the Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy).
17. Policy 1 (Development Requirements), policy 22 (Development within the countryside), policy 28 (Conserving and enhancing heritage assets) and policy 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (Local Plan Part 2). The Local Plan Part 2 also provides clarification on the definition of 'small scale infill development' are also of relevance.
18. The Rushcliffe Residential Design Guide (RRDG) and the Granby Conservation Area Appraisal and Management Plan are also relevant.

19. The recent (11 February 2020) appeal decision on an outline application for 4 dwellings at Sutton Cum Granby is a material consideration (ref. 19/00330/OUT).
20. When considering proposals within the Conservation Area, Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the local planning authority to pay special attention to the desirability to preserve or enhance the appearance and character of Conservation Areas.

APPRAISAL

21. Policy 3 of the Core Strategy outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentration by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. In other settlements, such as Granby, development will meet local needs only which will be delivered through small scale infill development or on exception sites.
22. The Local Plan Part 2 also provides clarification on the definition of 'small scale infill development' stating that '*small scale infilling is considered to be the development of small gaps within the existing built fabric of the village, or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area*'.
23. The environmental objective of the NPPF refers to 'protecting and enhancing our natural, built and historic environment'. Chapter 15 (Conserving and enhancing the natural environment) states (at paragraph 170b)) that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others) recognising the intrinsic character and beauty of the countryside. Policy 22 (Development in the countryside) of Local Plan Part 2 states that the countryside will be protected for the sake of its intrinsic character and beauty.
24. It is considered that the application site is clearly outside the built up part of the settlement in countryside (although not within the Green Belt as suggested in the comments submitted by the Parish Council), and that the nearby cemetery, which comprises a grassed area and grave stones does not define the extent of the 'built up' part of the settlement. It is also considered that the construction of five dwellings with associated hard surfaced driveways/parking areas, together with vehicular accesses over the grass verge, involving the removal of sections of the boundary hedgerow, would have a significant adverse impact on the rural character of the site and surroundings, and the setting and rural approach to the village.
25. In view of the above it is considered that the proposed development would not represent the type of small scale infill envisaged by the Core Strategy and clarified by Local Plan Part 2.
26. Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be

given to the asset's conservation. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 201 states that loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

27. Policy 11 (Historic Environment) of the Core Strategy states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
28. Policy 28 (Conserving and enhancing heritage assets) of Local Plan Part 2 states that proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh the harm arising from the proposals.
29. The site is not within the Conservation Area and, therefore, the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, although it is acknowledged that the proposal would necessitate the provision of driveways across the grass verge fronting the site along Sutton Lane which is identified as a positive open space in the Townscape Appraisal. However, it is necessary to consider the impact of the proposal on the setting of the Conservation Area. In addition, the view from the opposite side of the lane across the site to the east and south east is identified as a panoramic (wide) view. The Conservation Area Appraisal and Management Plan states *'from the outskirts of the village, views of the countryside beyond the Conservation Area are particularly pleasing thanks to Granby's elevated position. From Sutton Lane the view eastwards towards Belvoir Castle is a noteworthy highlight'*.
30. It is considered that the removal of five sections of the Sutton Lane hedgerow and formation of hard surfaced vehicular access over the grass verge would have an adverse impact on the rural character of the part of the Conservation Area adjacent to the site. A gap of around 45 m in length would remain between the site and nearby cemetery which, it is acknowledged, would retain part of the view of the Vale of Belvoir towards Belvoir Castle. However, the site frontage is almost 90m and, even though there would be gaps between the proposed dwellings, the development would result in the loss of a substantial part of the view from along the lane.
31. It is considered that the contribution this site makes to the rural character of the area, grass verge and the panoramic view across the site represent elements which make a positive contribution to the significance of the Conservation Area, and it is, therefore, considered that the development would have an adverse impact on the setting of the Conservation Area, amounting to less than substantial harm. It is not considered that this harm is outweighed by any public benefits. Whilst the site is not within the

Conservation Area it would necessitate the provision of driveways across the grass verge across the front of the site, which is land within the Conservation Area and it could be argued that the harm this work would cause would, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, give rise to a statutory presumption against granting planning permission.

32. Policy 14 (Managing travel demand) of the Core Strategy states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments.
33. There are very limited services/facilities in Granby and nearby villages, and a limited bus service, and the nearest shops are in Bingham, Cropwell Bishop and Bottesford. It is, therefore, considered that it is not a suitable location for five new build dwellings when it is very likely that future occupants would be heavily, if not solely reliant on the private car to access day-to-day services/facilities.
34. Chapter 12 (Achieving well-designed places) of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, establish or maintain a strong sense of place, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
35. Policy 10 (Design and enhancing local identity) of the Core Strategy states that all new development should be designed to make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive and healthy environment, reinforce valued local characteristics, be adaptable to meet demands and the effects of climate change, and reflect the need to reduce the dominance of motor vehicles. Development must also be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.
36. Policy 1 (Development Requirements) of Local Plan Part 2 states permission for new development will be granted provided that (amongst others) the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area, it would not lead to an over intensive form of development, or be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy, and there would be no significant adverse effect on any historic sites and their settings.
37. The historic core of Granby comprises a mixture of 17th, 18th and 19th century small detached and semi-detached cottages, farmhouses with ranges of outbuildings (many of which have been converted for residential use) and large houses with extensive grounds constructed from orange/red brick, clay pantiles and slate. However, the area around the site along Sutton Lane

comprises a variety of inter-war and mid to late 20th century suburban houses and bungalows, some of which have been extended/altered including contemporary extensions/alterations at Sunbeam Lodge, adjacent to the site.

38. If the principle of residential development on the site was acceptable, in view of the variety of properties in the village in terms of period, design/style and materials, it is considered that the traditional 'cottage' design and materials would be appropriate. It is also considered that there would be no significant adverse impact on the amenities of adjacent and nearby properties, and that future occupants would have a high standard of amenity.
39. Policy 38 (Non-designated biodiversity assets and the wider ecological network) of Local Plan Part 2 requires, where appropriate, to seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
40. The Ecological assessment submitted with the application concludes that the site is of low ecological value and that the proposed development would not be likely to give rise to an adverse ecological impact. The survey was carried out relatively recently (December 2019) and, as part of an arable field, the site is disturbed on an annual basis. It appears likely that the conservation status of any protected species would be maintained.
41. The appeal decision at Screveton and decision on the application at Thoroton referenced by the applicants were made prior to adoption of Local Plan Part 2 at a time when the Borough Council could not demonstrate a 5 year housing land supply.
42. In the Screveton appeal decision, the inspector accepted that the site was within countryside and that the development would not be infill, and that the site is not accessible to a range of services other than by use of the private car. At that time the Council could only demonstrate it had a 3.4 year housing land supply which the inspector considered was a 'significant under supply'. The inspector concluded that the adverse impacts of the development would not significantly and demonstrably outweigh the social and economic benefits of the development which would help address most of the local housing need in the area for open market housing, at a time when there was a 'notable shortfall' in the housing land supply in the Borough.
43. In the Thoroton case, it was also accepted that the development would not be infill, and that future occupants would rely on private vehicle to access day-to-day services. It was also considered that some weight should be afforded to the above appeal decision. In addition, the site at Thoroton is bounded to the north by an adopted highway, which forms a clear defensible boundary which could be relied upon to limit any further development.
44. Of far greater relevance to the current application is the very recent appeal decision (decided in February 2020) on application ref. 19/00330/OUT at Sutton cum Granby. Permission was refused on grounds that, i) the site is outside the built up part of the settlement in countryside and that the development would not constitute infill; ii) the site is in an isolated location in relation to services and facilities and it is likely that future occupants would be reliant on the use of private car for day to day needs; and iii) the development

would have a significant adverse impact on the rural character of the site and surroundings. The inspector noted that the Borough Council can now demonstrate a 6 year housing land supply, and dismissed the appeal agreeing with the Borough Council on all three reasons for refusal.

45. Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date (including where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
46. Following adoption of Local Plan Part 2, the Borough Council can now demonstrate a housing land supply in excess of five years. Consequently, the so called 'tilted balance' referred to in paragraph 11 of the NPPF, where the adverse impacts of a development are balanced against the benefits, does not apply in this instance.
47. The application was subject to pre-application discussions when the applicant was informed that it is unlikely that the development could be supported. In order to ensure a timely decision, it was not considered necessary to negotiate further with the applicant.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be refused for the following reason(s)

1. Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy (Core Strategy) sets out the spatial strategy for housing delivery in the Borough which seeks to ensure that sustainable development will be achieved through a strategy which promotes urban concentrations by directing the majority of development towards the built up areas of Nottingham and Key Settlements within the borough. In other settlements the Core Strategy, at para 3.3.17, envisages that development should be for local needs only through small scale infill development or on exception sites. Paragraph 3.9 of the Rushcliffe Local Plan Part 2: Land Planning Policies lists a number of smaller settlements which are capable of accommodating a limited number of dwellings. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful impact on the pattern or character of the area. The application site is outside the built up part of the settlement of Granby in countryside and the proposed development would not, therefore, constitute small scale infill development, and would be contrary to policy 3 of the Core Strategy and paragraph 3.10 of the Local Plan Part 2. Furthermore, 5 dwellings on the site would harmfully undermine the spatial strategy for the Borough, with a risk of distorting the spatial strategy with respect to the distribution of housing across the Borough over the plan period, which would be inconsistent with the fundamental objectives of sustainable development.

2. There are very few services/facilities in Granby and nearby villages, and a very limited bus service. It is, therefore, considered that the site is not a suitable location for 5 new dwellings when it is very likely that future occupants would be heavily if not solely reliant on private car to access day-to-day services. The development would, therefore, contrary to policies 1 (Presumption in favour of sustainable development) and 14 (Managing travel demand) of the Rushcliffe Local Plan Part 1: Core Strategy.
3. Five dwellings together with hard surfaced driveways/parking areas and vehicular accesses over the grass verge involving the removal of sections of the boundary hedgerow would have a significant adverse impact on the rural character of the site and surroundings, and the rural setting and approach to the village. The proposal would, therefore, be contrary to the environmental objective and paragraph 170 b) of the National Planning Policy Framework, policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 22 (Development within the countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
4. The proposed development would involve the formation of five vehicular accesses over a grass verge which is identified as a positive open space in the Granby Conservation Area Townscape Appraisal, and the substantial loss of a panoramic view. The loss of these elements which contribute to the significance of the Conservation Area and the setting of the village by virtue of its rural character and open nature would be contrary to paragraph 201 of the National Planning Policy Framework. In the opinion of the Borough Council the loss of these elements would represent less than substantial harm to the character and appearance of the Conservation Area. Consequently, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a statutory presumption against granting planning permission. The proposed development would also be contrary the objectives of Policy 11 (Historic environment) of the Rushcliffe Local Plan Part 1: Core Strategy, and policy 9 (Historic Environment) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.