

20/00747/FUL

Applicant Mr Bradfield-Carrier

Location Holmefield Cottage London Lane Willoughby On The Wolds Nottinghamshire LE12 6SX

Proposal Demolition of existing agricultural building and construction of detached dwelling

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application site (530sq.m excluding the access drive) is located adjacent the southern edge of the built up area of Willoughby on The Wolds, directly to the south of a property known as West End. It is located directly to the east of Homefield Cottage. To the south and east is open countryside. To the north is the built up area of the village.
2. The site is currently accessed by a shared drive with the adjacent property (Homefield Cottage).
3. There is currently a large sheet metal barn to the northern boundary having a footprint of 18.7m x 9.23m with eaves of 3.4m and an overall ridge height of 4.8m. There is a lean-to with open elevations at the western side of the main barn (33 sq.m) with a footprint of 3.57m x 8.829m x 2.8m to the ridge and 1.65m to the eaves. The building is approximately 2.29m from the boundary with West End and 2.24m to the eastern boundary and a maximum of 19.5m to the southern boundary and post and rail fencing with fields beyond.
4. A public right of way (Willoughby on the WoldsFP10) runs through the access road serving the site.

DETAILS OF THE PROPOSAL

5. The application seeks planning permission for the demolition of the existing agricultural building and construction of a 4 bedroom dwelling and associated parking with access from London Lane.
6. Plans indicate that the existing single storey lean-to element of the barn does not form part of the application. It has been confirmed with the agent, during the course of the assessment of the application, that it would be their intention to apply to incorporate this area into the boundary of Homefield Cottage should permission for this current application be successful. This would require a separate change of use application.
7. The proposed detached dwelling would be located 4.173m from the rear (northern) boundary with West End. Plans show that a gap of 3.1m would be retained between the proposed dwelling and the western boundary and to the front of the property would be a parking and turning area that follows the existing demarked boundary.

8. The proposed dwelling would have a footprint of 116sq.m (15.3m x 7.64m) with eaves of 4.59m and a ridge height of 5.99m. It is proposed to be constructed in red facing brick with elements of timber cladding with a pantile roof that incorporates PV Panels on the south elevation and roof light on the north.
9. Whilst the dwelling is proposed to be located on a similar footprint as the agricultural building to be demolished, it would be located further away from the northern boundary and the ground level across the site, including the proposed building, is proposed to be lowered by 350mm compared to the existing levels. The ridge height of the proposed dwelling would be 0.83m higher than the existing building but the overall volume would be around 23% less than the current building.
10. A single highway street tree has been confirmed as having been removed.

SITE HISTORY

11. 17/01267/OUT - (Demolition of redundant farm building) Erection of 3 detached houses with garages and shared drive – withdrawn.
12. 18/00504/FUL - Demolition of redundant farm building and Creation of 4no. detached dwellings with garages and shared drive – withdrawn.
13. 18/02020/FUL - Demolition of existing farm building and construction of 4no new dwellings with garages and shared drive (revised scheme) - Refused for two reasons:
 1. The proposal, if approved, would result in the erection of four dwellings, garages and associated hardstanding, on land considered to be open countryside beyond the established settlement of Willoughby On The Wolds. The development would have a significant detrimental impact on the rural character and appearance of this open countryside site and could adversely affect the amenity of the adjacent public right of way. The proposal is therefore contrary to policies EN20, HOU2, HOU4 and COM11 of the Rushcliffe Borough Non Statutory Replacement Local Plan which seek to protect the countryside from inappropriate development. The proposal would also conflict with Core Strategy Policy 10 which seeks to enhance local identity by reinforcing valued local townscape and landscape characteristics, including important views and vistas.
 2. The proposal is for unallocated residential development on a greenfield site outside of the built up area of a settlement that is not identified within Policy 3 of the Rushcliffe Core Strategy as a sustainable location suitable for further housing growth, except to meet local housing needs. It is not considered that the proposal meets an identified local housing need and in any event it does not comprise a small scale infill site, as required in paragraph 3.3.17 of the Rushcliffe Core Strategy. Any benefits arising from the provision of housing would be outweighed by the harm to the natural, rural environment in this location. The proposal would therefore be contrary to the Council's sustainable development strategy set out in Policy 3. This is also contrary to Policy EN20 (protection of open countryside) of the Non Statutory Replacement

Local Plan 2006 and contrary to one of the core principles in the National Planning Policy Framework, which is that planning should recognise the intrinsic character and beauty of the countryside including designated landscapes and also the wider countryside.

14. The subsequent appeal (APP/P3040/W/19/3222298 for planning ref 18/02020/FUL) Demolition of existing farm building and construction of 4no new dwellings with garages and shared drive (revised scheme) was dismissed.
15. The Inspector considered that the main issues to be:
 - *whether the proposed residential development is in accordance with policies and national guidance with regard to location, and*
 - *the effect of the proposed development on the character and appearance of the rural area.*
16. The Inspector considered that the site, which included the farm building subject to this current planning application, to be greenfield being accessed form the driveway that is shared with Homefield Cottage “*the last property on this side of London Lane.*” In particular, he described the location of the site as; “*... a greenfield site¹, beyond the southern edge of the village of Willoughby on the Wolds (Willoughby) in countryside.*”
17. The Inspector noted that the application was for four 3 and 4 bedroom detached dwellings and garages with a new access being created off London Lane.
18. In dismissing the appeal they commented that “*Whilst four dwellings would, in my view, constitute small-scale development, the appeal site would not be ‘infill’ development, which is a requirement of Core Strategy Policy 3 and its paragraph 3.3.17. There is no definition in the policy as to what constitutes infill development. The Council has not stated any definition it uses, and the Framework does not provide a definition. Therefore, I have used the definition from the Planning Portal glossary as ‘development of a relatively small gap between existing buildings’. Whilst the site is adjacent to Holmefield Cottage and some new dwellings on one side, there are no buildings on the other side of the site, only open fields that extend to the roadside with Back Lane. Furthermore, despite the Village Hall and the other dwellings on the opposite side of London Lane and other permissions granted nearby for housing, the proposed development would not ‘square off’ the village, as the appellant suggests. Instead, the proposal would extend development beyond the existing built up part of the village further into the countryside towards Back Lane.*
19. *I find that the proposed development would be in a countryside location beyond the built up limits of the village, which is not identified as a key settlement for growth. The proposal would not represent small-scale infill development to meet local needs. Therefore, I conclude that allowing four dwellings in an unsuitable location would undermine the Council’s spatial strategy and settlement hierarchy, and not promote sustainable patterns of development.*
20. *The erection of four dwellings, effectively 2 storeys in height even with some shed style dormer windows, would extend the built form of the village into the*

adjacent fields and hence closer to Back Lane, making the development unduly prominent in the surrounding landscape.

21. *The proposed development in this countryside location beyond the edge of the of the village would harm the character and appearance of the rural area and adversely affect the setting and enjoyment of the adjacent PROW.”*

REPRESENTATIONS

Ward Councillor(s)

22. One Ward Councillor (Cllr Edyvean) comments that he supports the application as it is directly behind an existing building and adjacent to a number of newly built houses or plots where planning permission has been given. The Cllr. does not consider it to be outside of the existing village boundary.
23. Cllr. Edyvean also comments that he continues to have concerns that Severn Trent are still failing to fulfil their obligations and that the drainage and sewage system within the village are inadequate but acknowledges that his is not a planning issue. This is a development of an existing brownfield site and it should be allowed.
24. One Ward Councillor (Cllr Inglis) supports the application as a suitable and viable proposal. It is redeveloping an unsightly building with a well designed and complimentary dwelling to its surroundings. This can only enhance the locus.
25. The development is contained within an existing clear and defined fenced boundary with an existing access driveway so it must fit into the existing village ribbon. He also notes and supports Cllr Edyvean’s comment in relation to the current state of the sewage system and the issues it is causing in the village.

Town/Parish Council

26. No comments received.

Statutory and Other Consultees

27. Rushcliffe Borough Council’s Landscape Officer has raised no objection to the application. He advises that a condition would be required to ensure tree protection measures that accord with BS5837 is adhered to. The landscape plan is almost sufficient, although the size of trees to be planted would need to be known, then he thinks it would be acceptable.
28. Rushcliffe Borough Council’s Environmental Health Officer has raised no objections subject to conditions regarding contaminated land and construction noise and dust.
29. Rushcliffe Borough Council’s Refuse Officer has commented that:
- “1. *This proposed property sits a fair distance from the highway and as such would present some difficulties to move a refused wheeled container to the highway on collection days, if the surface of the drive was not constructed to a firm level material.*

2. *There may also be issues over where to place bins on collection days due to the new property access over the area which may belong to Holmefield Cottage. If this is not deemed a shared area to service properties, I can see this potential conflict would need be resolved at planning stage so bins can be presented closest to the highway.”*
30. Nottinghamshire Wildlife Trust has reviewed the supporting information with particular reference to photographs of the agricultural building. They commented; *“We note that no ecological information has been provided with the application, however the Design and Access Statement makes reference to a report associated with a previous application on the same site. The Preliminary Ecological Appraisal (Chase Ecology and Conservation Consultants, March 2018) associated with application ref 18/00504/FUL contains information pertaining to the building impacted by this current application. Whilst this information is considered out of date (being over 24 months old), the description of the building and assessment of very limited suitability for bats is considered still relevant. We consider it unlikely, given the type and construction of the building, that there would have been any significant change with respect to bats. With this being the case, and with no tree removal proposed, we are satisfied that no further ecology survey is required at this time.*
31. *The building does appear to hold some limited suitability for nesting birds, therefore we recommend a condition that any demolition works should be undertaken outside of the bird breeding (i.e. avoiding March to August inclusive) season unless a suitably qualified ecologist has surveyed for nesting birds immediately prior to works. If any active nests are found, demolition work should cease until all young have fledged.*
32. *All development should seek to provide net gain in biodiversity. We are pleased to see that native hedging species are proposed and that post and rail fence is planned on the whole, rather than close boarded fencing, maintaining permeability. Other biodiversity enhancements could include installation of bird nest boxes and bat boxes on the new building and/or retained trees.”*
33. Nottinghamshire County Council as Highways Authority originally commented that *“although the application utilises the existing access for the proposed dwelling, the applicant did not provide any evidence of the visibility splays at the access, which should have been a part of the submission due to intensification of the use of the access. However, from planning application ref. 18/02020/FUL a highway traffic survey ref. 10587/KS/001 made by Sanderson Associates dated 4th September 2018 can be used as an evidence of the visibility provisions as they both use the same access proposal. In the report it is stated that the visibility splays of 2.4m x 42m (northbound) and 2.4m x 37.59m (southbound) can be achieved according to the speed survey carried out outside the access. However, in order to provide the southbound visibility of 37.59m there is a requirement to remove a highway tree. The removal of a highway tree requires a written confirmation from the Highway Authority and should be sought by the applicant as part of the planning submission and no decision should be made before this issue is resolved. Alternatively, the applicant can provide a new traffic survey with updated records and the highway authority will provide updated comments.”*
34. The officer confirmed that the width of the existing access shown on the

submitted plans at 4.3m is adequate for the proposed use by 2 dwellings (i.e. existing and the proposed one). The application *“does not affect the Public Footpath and no changes to the footpath are proposed and that subject to the Service Director agreeing to the removal of the highway tree with any separate conditions relating to this, the highway authority would not wish to raise an objection subject to conditions.”*

35. Further comments were received as a result of information being provided by the agent in respect of the street tree. The Highways officer advised that *“The photos provided by the applicant prove that the “offending” tree has already been removed, which I was not aware of. Therefore, I am happy for you to use the conditions provided in our response as part of the approval notice, if you are minded to consent this application. As the tree has been removed already, there is no need for the applicant to go through the process of applying for the tree removal”*.
36. Nottinghamshire County Council Rights of Way Officer (VIA) has advised that *“Willoughby on the Wolds - Public footpath no 10 is within the vicinity of the application. This recent application does not appear to require any changes or diversions to the walked line of the footpath and therefore, as it will remain available to the public in its current condition, we have no objections. The applicant will be aware of our previous comments relating to 18/00504/FUL in respect to the anomaly that exists around the definitive line of footpath no 10, and this situation remains unaddressed.”*

Local Residents and the General Public

37. Four Representations have been received in support of the application:
- a. Does not appear to increase the footprint of the village, in so far as there are adjacent homes lying further back than the proposed dwelling. It appears to take into consideration the aesthetics in terms of trees and bushes etc.
 - b. It is relatively low cost compared with many houses in the village, which would give an entry home into the village for a young family.
 - c. The new building is on a brownfield site and does not encroach a greenfield area.
 - d. No trees need to be cut down.
 - e. Approach to the new property is already in existence.
 - f. Will add to the sustainability of our village as it is suitable for a low income family.
 - g. Should enhance the aesthetic value of the building being replaced.
 - h. This application makes very good use of an old agricultural building with existing access to London Lane.
 - i. The design of this property has been well thought out. It is very much in keeping with the rural nature of the site.

- j. There are no overlooking issues and there is no loss of privacy for neighbouring properties.

PLANNING POLICY

38. The application falls to be considered against the development plan for Rushcliffe (unless material considerations indicate otherwise) which now comprises of Local Plan Part 1: Rushcliffe Core Strategy (Core Strategy) and Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework 2019 (NPPF) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

39. Relevant sections of The National Planning Policy Framework are:

Chapter 2 - Achieving sustainable development
Chapter 5 - Delivering a sufficient supply of homes
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well-designed places
Chapter 15 - Conserving and enhancing the natural environment

40. Annex 2: Glossary: **Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes: land that is or was last occupied by agricultural or forestry buildings;** land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Relevant Local Planning Policies and Guidance

41. Relevant policies of the Rushcliffe Local Plan Part 1: Core Strategy are:

Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Climate Change
Policy 3 - Spatial Strategy
Policy 8 - Housing Size, Mix and Choice
Policy 10 - Design and Enhancing Local Identity
Policy 17 - Biodiversity

42. Relevant text and policies of Rushcliffe Local Plan Part 2: Land and Planning Policies are:

Paragraph 3.10 regarding infill
Paragraph 3.122 regarding settlement boundaries
Paragraph 6.11 regarding settlement edge
Policy 1 - Development Requirements
Policy 11 - Housing Development on Unallocated Sites within Settlements

Policy 13 - Self-Build and Custom Housing Provision

Policy 22 - Development within the Countryside

Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network

43. The 2009 Rushcliffe Residential Design Guide implies that infill development should respect the existing massing, building form and heights of buildings within their immediate locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern. The side spacing to neighbouring properties should also be maintained where a consistent and regular arrangement exists.

APPRAISAL

44. The Local Plan Part 1 and Part 2 identify areas which are considered suitable for growth and sites are allocated in these settlements. Willoughby is not considered to be a sustainable location that has been identified for growth. It is a small village with limited facilities. It has limited access to public transport. The closest settlement with such facilities is Keyworth, around 4.2 miles away, which has been identified for growth in both the LPP1 and LPP2. Therefore, occupants of the proposed dwelling would be reliant on the private car to access basic facilities.
45. Policy 3 'Spatial Strategy' of The Rushcliffe Local Plan Part 1: Core Strategy (the Plan) identifies a settlement hierarchy for Rushcliffe. Willoughby is not one of the settlements identified for housing growth. Policy 3 goes on to state that in such settlements new housing will be for small scale infill for local needs only.
46. Policy 8 'Housing Size, Mix and Choice' of the Plan states that where there is robust evidence of local need, such as an up to date Housing Needs Survey, rural exception sites or sites allocated purely for affordable housing will be permitted within or adjacent to rural settlements. No justification has been provided that the proposed dwelling is required on the basis of local needs.
47. The supporting Design and Access Statement submitted with the application suggests that the building to be demolished forms the physical boundary to the village and, therefore, its replacement with a dwelling would not result in development in the countryside. As it does not extend the built up limits, they consider that it must be classed as "infill" development in a sustainable and appropriate location and that it could be classed as "previously developed". This is a view that is not shared by officers as agricultural buildings are excluded for the definition of previously developed land in the NPPF (see paragraph 40 above) and the planning portal definition of infill is "*The development of a relatively small gap between existing buildings*" which this is not (as relied upon by the Planning Inspector at a previous appeal at this site – see paragraph 18 above).
48. The appeal decision in respect of the previously refused application is regarded as very recent (April 2019) and since this decision, the Local Plan Part 2 has been adopted which, provides further guidance/clarification as to the meaning of 'infill' development. Therefore, it is considered that the appeal decision and comments of the Inspector in respect of the location of the site within the

countryside, beyond the built up limits of the village, should be given significant weight in the determination of the current application.

49. The Design and Access statement also suggests that the house has been designed to be suitable for self building, however, no evidence has been submitted to demonstrate how this will be achieved and there is no mechanism in place to secure this.
50. On the basis of the above, consideration has to be given as to whether the dwelling would be provided on the basis of local need. In this regard it is not considered that the provision of a four bedroom detached house would assist the entry level housing market in this area. No evidence of local need has been provided. It is therefore not considered that the proposal would meet an identified local need and fails to satisfy Policy 3 or 8 of the Core Strategy and paragraph 77 of the NPPF which seek to support housing in rural locations that meet an identified local need.
51. The application site is located adjacent to the edge of the settlement and in open countryside. Notwithstanding the agricultural building which currently occupies the site, it is considered to be greenfield. The village is largely comprised of a pattern of ribbon development with views of the open countryside beyond. The site forms part of the transition between the built up area of the village and the countryside beyond. Agriculture is not defined as brownfield land and, therefore, the site is not considered to be previously developed land.
52. It is considered that, notwithstanding the replacement of an existing agricultural building with a single dwelling, the development would erode a well-defined boundary to the settlement. Whilst it is noted that the land level is proposed to be lowered, the rise in site levels from the road and, the open nature of the site together with the lack of any established screening to the south would result in a visible form of development to the detriment of the rural character of the area.
53. The proposal indicates a 1.8m close boarded fence to the rear boundary with West End with 1.2m high post and rail fencing and hedgerow to all other boundaries. The main garden to the property would be to the south of the property, emphasised by the large glazed openings serving the sitting room and kitchen/living/dining space on the floor plan. As a result, it would be reasonable to assume that most garden paraphernalia (washing line, patio furniture, parasols, childrens play equipment etc would be located in the larger southern area of garden that would only be screened from the adjacent field and PROW by a 1.2m post and rail fence and hedgerow.
54. As a consequence, not only would the proposal constitute an expansion of the built up area of the village and lead to the loss of a currently well-defined village boundary, but it would also detract from the recreational enjoyment of the public right of way that runs near to the site, across the adjacent open field, due to the visual impact on its setting.
55. Given the above, it is considered that the proposal would cause significant harm to the character and appearance of the local area and that it would, therefore, be contrary to local planning policy.

56. Paragraph 11 of the framework makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that, where the council cannot demonstrate a five year supply of deliverable housing sites, the relevant policy for the supply of housing should not be considered up to date. However, the Council is able to demonstrate a 5 year supply of deliverable housing sites (currently standing at approximately 8.5 years). The harm arising through the unsustainable location and the character of the countryside would outweigh the benefits of the scheme in delivering additional housing and as the Council can demonstrate a 5 year housing supply the development would not accord with the NPPF or the Development Plan and is recommended for refusal.
57. In terms of the impact of the proposal on residential amenity of the adjacent properties, it is considered that the proposal would not have unacceptable adverse impacts by way of overlooking or loss of light by virtue of its location and design.
58. With regard to ecology, the advice from the consultee expert is that presence of bats is unlikely due to the nature of the building. They are satisfied that no further ecology survey is required at this time (since one was provided on the previous planning application despite it now being considered out of date).
59. It is considered that the Council's duty to consider wildlife implications have been met and therefore the lack of survey is not a reason for refusal.
60. To conclude, the proposed development is considered to result in a development in a countryside location, beyond the built up limits of the village, which is not identified as a key settlement for growth. These were also the views of the Inspector in determining the appeal against the previous refusal of planning permission, which should be given significant weight in the determination of the current application. The proposal would not represent small-scale infill development or meet local needs, would be contrary to Policy 3 of the Core Strategy and would fail to accord with the provisions set out in Paragraphs 78 and 79 of the Framework with regard to rural housing, which seek to limit new housing to locations where it would enhance or maintain the vitality of rural communities, or where it would comply with given exceptions.
61. In order to avoid further abortive costs to the applicant, the application is recommended for refusal without further negotiation.

RECOMMENDATION

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

1. The proposal, if approved, would result in the erection of a dwelling, associated hardstanding, and garden paraphernalia on land considered to be open countryside beyond the built up limits of the established settlement of Willoughby on the Wolds. The development would have a detrimental impact on the rural character and appearance of this open countryside site and could adversely affect the amenity of the adjacent public right of way. The proposal would also conflict with Core Strategy Policy 10 which seeks to enhance local identity by reinforcing valued local townscape and landscape characteristics, including important views and vistas.

2. The proposal is for unallocated residential development on a greenfield site outside of the built up area of a settlement that is not identified within Policy 3 of the Rushcliffe Core Strategy as a sustainable location suitable for further housing growth, except to meet local housing needs. It is not considered that the proposal meets an identified local housing need and in any event it does not comprise a small scale infill site, as required in paragraph 3.3.17 of the Rushcliffe Core Strategy. Any benefits arising from the provision of housing would be outweighed by the harm to the natural, rural environment in this location. The proposal would therefore be contrary to the Council's sustainable development strategy set out in Policy 3 and 8 of Rushcliffe Borough Council Local Plan Part: Core Strategy and paragraphs 3.10, 3.122 and 6.11 of the Local Plan Part 2 regarding infill development, settlement boundaries and settlements edges. It is also considered to be contrary to the National Planning Policy Framework (paragraphs 77 and 170 b), which seeks to ensure that sustainable development is supported for local needs and that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.