



Rushcliffe
Borough Council

Planning Committee

12 November 2020

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	Holly Farm Bassingfield Lane Bassingfield Nottinghamshire NG12 2LG		
APPLICATION REFERENCE	19/02462/FUL		
APPEAL REFERENCE	APP/P3040/W/20/3254333		
PROPOSAL	Full planning application for the demolition of Holly Farm and associated buildings and the erection of 7no. dwellings.		
APPEAL DECISION	Dismissed	DATE	20 October 2020

PLANNING OFFICERS OBSERVATIONS

The site comprises a vacant farmhouse and a group of red brick and pantile traditional farm outbuildings/barns with hard surfaced areas to the north and a grassed field to the west, located on the north side of Bassingfield Lane at the junction with Nathans Lane.

Bassingfield is a hamlet comprising late 18th/early 19th century and 20th century dwellings and farm buildings in level Green Belt countryside.

Permission was refused for reasons summarised as follows:

1. The proposed development would constitute inappropriate development in the Green Belt and is, therefore, by definition, harmful to the Green Belt, and there are no very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and through harm to its openness and character.
2. Part of the application site (the grassed field) is not previously developed land and is outside the built-up part of the settlement of Bassingfield in countryside and the proposed development would not, therefore, constitute infill development, and would be contrary to policy 3 of the Core Strategy and the definition of infill in Local Plan Part 2.

3. Due to their siting, scale, and design the proposed dwellings and associated access road and driveways/parking areas would materially harm the openness of the Green Belt.
4. The siting, scale and design of the proposed dwellings would have a significant adverse impact on the rural character of the site and surroundings, would not sympathetic to local character and history and would not improve the character and quality of the area.
5. Due to the siting, scale and design of the proposed dwellings, plots 1-4 would result in undue overlooking and loss of privacy to Manor Farm to the south of the site.
6. There are no day to day services/facilities in Bassingfield and it is likely that future occupants of the proposed development would be heavily reliant on the use of private car for day to day needs and would, therefore, be unsustainable.
7. Loss of an unlisted building complex considered to be a non-designated heritage asset resulting in substantial harm to their heritage significance which is not considered to be outweighed by public benefits required by the NPPF.

The inspector agreed with the Borough Council on all but one of the above reasons for refusal. With respect to the impact on Manor Farm, she acknowledged that the appeal site is in rural surroundings where the level of privacy for properties is generally greater than within an urban or suburban context. However, given the distance between the farmhouse and the rear elevations of the proposed dwellings together with the intervening road and hedge line, she was satisfied that the dwellings would not be overbearing and there would be limited overlooking between the development and Manor Farmhouse.

LOCATION	North Of A52 Landmere Lane Edwalton Nottinghamshire		
APPLICATION REFERENCE	20/00306/AGRIC		
APPEAL REFERENCE	APP/P3040/W/20/3249360		
PROPOSAL	To store grain and farm equipment		
APPEAL DECISION	Appeal Dismissed	DATE	18th September 2020

PLANNING OFFICERS OBSERVATIONS

The proposal relates to a prior approval application for the erection of a building, within an agricultural unit in excess of 5 hectares, on land to the north of the A52 in Edwalton.

The application was submitted under schedule 2, part 6, Class A(a) of the GPDO, which allows for the erection of an agricultural building where this is reasonably necessary for the purposes of agriculture within that unit. It requires the developer to apply to the Local Planning Authority for a determination as to whether its prior approval will be required for the siting, design and external appearance of the agricultural building.

Prior Approval was refused in March 2020 on the grounds that; *'the siting, design and external appearance of the proposed agricultural storage building is considered unacceptable. The proposal would result in a large and imposing isolated building in a prominent flat and open location, which could detract from both the character and appearance of its open countryside location, and harm the openness of the Green Belt.'*

The Inspector noted that the appeal site is within a relatively large field, used for cropping. The field is adjacent to the A52 and gradually rises away from the highway to higher land especially to its northwest and northeast corners. The field boundary to the highway is largely open with trees and hedges providing only partial screening. Several public footpaths run around the field including where adjacent to Sharphill Wood.

In terms of design and external appearance, he accepted that the single span portal framed building with grey concrete panels and green composite panels above, would result in a traditional form of agricultural building.

However, in terms of siting, he concurred with the Borough Council and stated that; *'As a result of its height, proximity to the highway and limited field boundary screening, it would be highly visible from wider public views. It would also be clearly visible from nearby public footpaths including those on higher land adjacent to Sharphill Wood. Furthermore, being in an exposed location the proposed barn would have a significant impact on its surroundings and would be an obtrusive addition within this open setting. This would consequently demonstrably harm the rural character of the area. Furthermore, due to the scale of the proposal any enhanced screening would not*

adequately mitigate the identified impact. Consequently, the siting of the proposed barn would result in a conspicuous addition to the local vista. The proposal would be in an isolated location and not be part of a group of similar buildings or nestled within landscaping features that would enable its visual impact to be mitigated. As such, the proposal would not be well assimilated into the local landscape and would be a prominent and obtrusive addition to an otherwise open area of land. Accordingly, the proposal would be a discordant and harmful addition to the site.'

The Inspector dismissed the appeal and prior approval was not granted.

LOCATION	29 Stanton Lane Stanton On The Wolds Nottinghamshire NG12 5BE		
APPLICATION REFERENCE	18/02760/FUL		
APPEAL REFERENCE	APP/P3040/W/20/3249271		
PROPOSAL	Demolition of existing garage and store, and construction of new dwelling with associated car port, enclosed courtyard, and boundary treatment with revised access onto Stanton Lane.		
APPEAL DECISION	Dismissed	DATE	19 th October 2020

PLANNING OFFICERS OBSERVATIONS

The application for a detached dwelling with courtyard to the side of 29 Stanton Lane, Stanton on the Wolds was refused under delegated Authority on the following grounds:

‘The development proposal comprises the development of a new dwelling in the Green Belt. It does not fall within the exceptions set out in NPPF para 145 and 146 and would therefore be inappropriate development in the Green Belt. It is not considered that there are any ‘very special circumstances’ in this case which would outweigh the identified harm to the Green Belt. Given the location of the Green Belt boundary (dissecting residential curtilage) an assessment was undertaken in respect of the sites contribution to the five purposes of the Green Belt. Based on this assessment, the site was found to be within the general extent of the Green Belt. There are no other material considerations which indicate that the application should be approved contrary to the Development Plan. The development is contrary to Policy 21 (Green Belt) of the Local Plan Part 2 and section 13 of the NPPF.’

The Inspector considered the main issues to be;

- i. Whether the appeal site is within the general extent of the Green Belt;
 - ii. If so, whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy;
 - iii. The effect of the proposal on the openness of the Green Belt; and
 - iv. If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- i. Whilst almost all the site is located within the Green Belt, there are no identifiable features on the ground to define the Green Belt boundary, which results in ambiguity as to its precise location. Having undertaken a site-specific Green Belt review against the five purposes of Green Belt as listed at Paragraph 134 of the NPPF, the Inspector concluded that the site contributes to three of

the Green Belt purposes, and as such, it is within the general extent of the Green Belt and subject to the relevant policies.

- ii. In terms of whether the proposal would be inappropriate development, the Inspector noted that the list of exceptions contained within the NPPF, includes the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. The proposal involved the replacement of an existing garage with a two storey dwelling, car port, enclosed courtyard and boundary treatment. The Inspector concluded that; given its nature and scale, the proposal would be inappropriate development in the Green Belt.
- iii. The Inspector stated that the proposal would increase built development on site and as a result, both in spatial and visual terms, the openness of the Green Belt would be reduced, resulting in a degree of harm.
- iv. The Inspector gave limited weight to other permissions and appeal decisions in the vicinity of the appeal site which were raised by the appellants. He concluded that very special circumstances did not exist, and the proposal would conflict with the NPPF and Policy 21 of Rushcliffe Local Plan Part 2.

The appeal was dismissed.

COSTS DECISION

The applicant submitted an application for a full award of costs against the Borough Council, on the following grounds; the Green Belt issue was reported late in the process; the Council's decision was based on vague and generalised assertions; the Council failed to provide clarification for some of their statements.

The Inspector noted that the Green Belt issue was not identified early in the application process, but the appellants were given the opportunity to make comments on this matter. The Council's assessment regarding the Green Belt issue was sufficiently robust so as to justify the decision. The lack of clarification for some of the statements did not change the Council's final decision.

The Inspector was satisfied that the Council's decision was clearly supported with substantive reasons based on the assessment of the site and interpretation of relevant policies, and concluded that there was no unreasonable behaviour on the Council's part. The appellant did not therefore incur unnecessary or wasted expense in respect of the appeal process, and the claim for an award of costs was refused.