

20/00810/FUL

Applicant Ms Michelle Woodward

Location Overgrown Acres Cotgrave Road Normanton On The Wolds Nottinghamshire NG12 5PE

Proposal Seasonal change of use, erection of 3 tipis each 10.3m diameter to be used from 1st May to 30th September annually to allow for 28 events to be held, part use of existing dwelling as bridal suite (limited to bridal use during the 28 events only).

Ward Tollerton

BACKGROUND

1. Planning permission was granted for the development outlined above on 20 October 2020. The decision was challenged by way of judicial review on the ground (in essence) that in determining whether to grant planning permission the Council failed to accord substantial weight to the object of protecting the Green Belt from the harm that would be caused by the applicant's scheme, which falls within the National Planning Policy Framework's definition of "inappropriate" development in the Green Belt. The claim for judicial review also alleged the conclusion that very special circumstances weighed in favour of granting planning permission was flawed because it failed to identify sufficiently and demonstrate how it outweighed the harm to the Green Belt. In addition, criticism was also made of the reliance on paragraph 83 of the Framework, which the Council judged to weigh in favour of the scheme. Counsel advised that a claim for judicial review would be likely to succeed. Therefore, the Council consented to the quashing of the decision, and its remittal back to the authority for redetermination.
2. The matter was listed on the agenda for the May meeting of the planning committee. However, after the agenda was published a number of lengthy representations were made which needed to be considered properly and reported fully to the Committee. Legal advice was sought from Counsel regarding these representations (privilege is not waived) and, where considered necessary, these representations are addressed in this report. The representations which have been received are lengthy and have necessarily been summarised. Each may be read in full on the Council's website.
3. Objector's have expressed their concern in great technical and legal detail. However, it is unnecessary and unhelpful to respond in the same terms: planning officer's reports should not (and should not attempt to) be written as a legal treatise (whether on the application and green belt policy or anything else). In the words of Lord Justice Judge in *R v Selby DC & Persimmon Homes Ltd, ex parte Oxton Farms & S Smith [1997] 4 WLUK 278*:

"the report by a planning officer to his Committee is not and is not intended to provide a learned disquisition of relevant legal principles which repeat each and every detail of the relevant facts to members of the Committee who are

responsible for the decision and who are entitled to use their local knowledge to reach it. The report is therefore not susceptible to textual analysis appropriate to the construction of the statute or the directions provided by a judge when summing the case up to a jury. From time to time there will no doubt be cases when judicial review is granted on the basis of what is or is not contained in the planning officer's report. This reflects no more than the court's conclusion in the particular circumstances of the case before it. In my judgment, an application for judicial review based on criticisms of the planning officers' report will not normally begin to merit consideration unless the overall effect of the report significantly misleads the Committee about material matters which thereafter are left uncorrected at the meeting of the planning Committee before the relevant decision is taken."

MAIN CONSIDERATIONS

4. The application proposes the seasonal erection of tipis and use of the land for weddings and other events for up to 28 event days per year, along with the temporary use of the existing dwelling as a bridal suite on event days only. Having regard to the nature of the proposal, the relevant facts and national and local planning policy, the main planning considerations are judged to be:
 - a) Impact on the Green Belt - Consideration against Green Belt policies.
 - b) Impacts upon the amenity of the area and particularly residential amenity in terms of noise and disturbance
 - c) Traffic generation and impact on the highway network and highway safety issues

THE SITE AND SURROUNDINGS

5. The application relates to a 2.4 hectare site to the south of Cotgrave Road comprising paddock land with a dwelling positioned adjacent to the eastern boundary. The dwelling is a residential barn conversion approved in 2017 (application reference 17/02161/FUL), accessed from Cotgrave Road via a gated vehicular access positioned midway along the northern boundary of the site. There is a belt of mature trees running along the north and north east corner of the site.
6. The site is located outside of the main built up area of Tollerton and Plumtree, however there is a frontage of residential properties opposite the site running westward. Approximately 80 metres to the east there is a frontage of properties on the same side of Cotgrave Road as the application site. The site access is approximately 60 metres from the junction of Cotgrave Road with Cotgrave Lane. The application site falls within the Green Belt.

DETAILS OF THE PROPOSAL

7. The application seeks planning permission for the erection of three tipis from 1 May - 30 September annually, a change of use of the land for up to 28 event days annually along with the erection of pagoda for wedding ceremonies, and the part use of the existing dwelling as bridal suite, with its use limited to these 28 event days only.
8. The tipis would comprise a series of three linked fabric structures with timber supports referred to in the specification as 'big hat' tipis, each measuring 10.3

metres in diameter with a total height of 7.4 metres. There would be an adjoining catering tent at the rear. The tipis would be dismantled between seasons although they would sit on a 150mm high timber base (already in situ) which would be retained on a permanent basis. The tipis would be sited 42 metres from front boundary and 45 metres from the east boundary. A small timber pagoda for the holding of wedding ceremonies is already in situ.

9. Lighting of the immediate area outside of the tipis would comprise low energy festoon lights suspended from shepherd hooks/timber poles at a height of 2.5 metres. Festoon lighting would also be used internally.
10. An amplified sound system is proposed within the tipis comprising a Zone Array Directional Speaker System, this would comprise an array of overhead speaks mounted on rigging, directed downward towards the dancefloor area, limiting the sound spillage outside of the tipis, that might be associated with conventional speakers.
11. Provision would be made for 75 parking spaces, positioned towards the west of the site. The parking spaces would be temporarily marked out on the paddock during events and not hard surfaced. Access to the parking area would be via a track reinforced with an Ecodeck plastic grass reinforcement grids, which are in situ and are proposed to remain in perpetuity.
12. The submitted plans show a camping area to the north west corner of the site, adjacent to the car parking area. The applicant has clarified that they wish to omit the camping element from the proposal, therefore the only overnight accommodation would comprise the bridal suite within the dwelling.
13. There is a timber 'chill out den' arctic cabin structure and play equipment in situ which do not currently have planning permission. These structures are shown on the layout plans, however the applicant seeks to withdraw these elements from the current application and to apply for their retention separately.
14. The applicant has clarified that electricity would be supplied from an existing connection from the residential property and therefore a generator would not be required, except in the event of a power cut. The events would be serviced by portaloos brought into and removed from site.
15. The submission is supported by a Highway Report commissioned by Highway Access Solutions dated 6 November 2019. A series of acoustic reports have been commissioned, the most recent being Noise Impact Assessment version 3 dated 21 July 2020. As part of the mitigation measures outlined in section 5 (Mitigation) of the report, a 2 metre high acoustic barrier is proposed running along the rear of the tipis as shown in Figure 14 of the assessment.
16. The applicant has clarified that one 'event day' could include the hire of the site for up to 46 hours, for example to allow for setting up the day before a wedding/event and allowing for guests to stay in the bridal suite until the day after a wedding. However, the 'event day' would only comprise one day of an event with music and/or a licensed bar. To ensure this would be the case, the applicant states that gates would be locked at 8pm on a 'setting up' or 'close down' day. If two consecutive events were proposed or a single event over two days (for example with music and/or a bar), then this would count as 2 'event days' out of the annual total of 28 that is being applied for.

SITE HISTORY

17. U1/92/0406/P- Use of land for touring caravan and camping park. Refused in 1992. Resubmission refused under planning reference U1/92/0668/P.
18. U1/92/0875/P- Form new vehicular access. Approved in 1992.
19. 93/00852/FUL- Retention of earth banks (as part of overall landscaping scheme). Refused in 1993.
20. 96/01102/FUL- Use of land as playing fields; form car park; construct floodlit multi-sport pitch; use outbuildings as changing accommodation. Refused in 1996. The application was refused on the basis that:
 1. The proposed development would generate increased activity, noise, disturbance and vehicular traffic which would be detrimental to the amenities of nearby residential properties and this rural area. The provision of a floodlit pitch would permit use at time other than those when possible in normal daylight; and
 2. the floodlit pitch would be visually intrusive in the Green Belt location and would not respect the open character of the area.
21. 16/01507/FUL - Conversion and extension of agricultural barn to farm dwelling. Withdrawn 2016.
22. 17/01050/FUL - Conversion of agricultural building to dwelling. Approved in 2017.
23. 17/02503/FUL - Conversion of existing barn to single dwelling. Approved in 2017.

REPRESENTATIONS

Ward Councillor(s)

24. The Ward Councillor (Cllr Mason) objects to the proposal for reasons of noise, traffic, access and environment.
25. Cllr Mason provided further comments, expanding on the above points:
26. Noise - Concerns that the design of the tipis appear as an outside venue with few ways of containing noise pollution from music, guests or vehicles. There is no limit to the length of an "event", although 28 "events" are mentioned, this could mean that many more weeks would be affected over the summer.
27. Traffic/access - Cotgrave Road has a T junction near the entrance as well as dip in the road. Traffic approaching from Cotgrave is hidden in this dip. Large support vehicles arriving at a similar time could cause a dangerous scenario. The access is narrow and at an angle inside the drive, making it difficult for 2-way traffic, vehicles approaching from Normanton/Plumtree would have to queue to give way to approaching traffic. Concerns regarding disturbance of nearby residents from noise and vehicles.

28. Environment - Not considered that the site is suitable for outdoor events regardless of the time of day.

Town/Parish Council

29. Normanton on the Wolds Parish Council object to the proposal for the following reasons:
- a. Highway safety issues. Whilst work has been done on the entrance, it is still an unsuitable location.
 - b. The proposal for amplified music will result in an unacceptable disturbance of people in several parishes.
30. Tollerton Parish Council as an adjacent Parish Council object to the application for the following reasons:
- a. Out of character and inappropriate development in the Green Belt, not in keeping with surrounding rural area nor will it protect the environment from pollution/ waste.
 - b. Unacceptable antisocial noise/nuisance at antisocial hours, impacting on the amenity of neighbouring dwellings. Potential impact on health and wellbeing of neighbours. Local residents strongly oppose the proposal.
 - c. Additional traffic generation, site is not served by appropriate access and road safety infrastructure. Similar applications in the area have been rejected.

Statutory and Other Consultees

31. The Environmental Health Officer submitted comments requesting further information relating to the operation of the speaker system, maximum number of guests, whether noise from guests arriving/leaving and congregating at the venue had been considered; and details of mitigation measures. A further email was received from the EHO requesting a noise report that provides all of the information on noise sources and all of the proposed mitigation measures. The report should include all of the predicted noise sources, guests, vehicle movements, noise from music system and then the resultant modelling of noise taking account of the mitigation measures, noise limiting device, structures, areas where guests will gather and barriers.
32. The application provided a further Noise Impact Assessment (version 3) dated 21 July 2020 which sought to address a number of queries raised by the EHO. The applicant also provided a Draft Noise Management Plan on 22 July. The EHO provided comments on 12 August commenting that the reports address all the issues that had previously been raised, however the data can differ from how noise transmission may occur in practice. Post completion noise surveys are therefore requested for the first 3 wedding events, to ensure that the noise levels being predicted are actually being achieved. The EHO confirmed that the noise surveys could be secured by way of a condition as part of a temporary period of approval.

33. Following the submission of additional information, the EHO provided further formal comments on the proposals. She acknowledges that the Town and Country Planning (General Permitted Development) Order (GPDO) allows for temporary uses of land for up to 28 days and that the activity could therefore take place for a limited number of events without the need for planning permission. However, she notes that the application involves the erection of structures during the period from 1 May to 31 September with the potential for more than 28 events triggering the need for planning permission. This provides the opportunity for consideration to be given to the environmental impact of the development such as noise. If the applicant chose to operate under the provisions of the GPDO, any issues with noise would have to be investigated and dealt with by means of statutory nuisance provisions.
34. Following consideration of the Noise Impact Assessment submitted by the applicant, the EHO has reviewed the application and likely impacts. She advises that there is no one specific guidance document that can be used to assess this type of event. The applicant's consultant has referred to various documents and it is most relevant to use the criteria in the Noise from Pubs and Clubs guidance 2005, which is stringent in terms of noise levels and does require the average noise level when music is playing not to exceed the background noise level without music playing, at the nearest residential property.
35. In preparing the report, the baseline noise level has been calculated through a series of noise measurement periods. The EHO considers this approach to be satisfactory and, therefore, the existing noise levels as stated within the report are representative of the time period up until 2300 hours. The calculated noise levels within the report at the nearest residential property demonstrate that at most frequencies the noise level is below the background noise level, however at 125Hz the background noise level is marginally exceeded. The consultant considers that this exceedance is due to car park activities as opposed to music noise.
36. The EHO advises that the noise impact assessment does demonstrate that with the appropriate noise mitigation measures, the noise criteria set can be achieved and this would demonstrate that the development is unlikely to cause a statutory noise nuisance. There is a slight exceedance in the background noise level due to car park activities, however this aspect of the development could be controlled by means of a noise management plan.
37. In summary, the EHO advises that the noise impact assessment is suitable and accurate for this proposed development and that the noise mitigation measures as stated within the noise assessment should be implemented as well as a noise management plan, with focus on the car park management during events. Based on the assessment there should be no statutory noise nuisance as a result of the development and no adverse impact on residential amenity from noise level breakout from the site. She recommends conditions to be attached to any grant of permission, including a condition limiting the permission to a temporary period of 12 months in the first instance.
38. Nottinghamshire County Council as Highway Authority commented that it is understood that permitted development allows a temporary use for up to 28 days per calendar year, although the need to erect and dismount temporary structures limits the number of events that can be run. Based on the

assessment provide, the level of parking is considered acceptable. In terms of traffic generation, the impact of the events will occur at off-peak times, and the level anticipated is considered unlikely to result in a severe impact on the public highway. The access will need to be surfaced in a hard-bound material for the first 10m to the rear of the highway boundary, and suitably drained to prevent the unregulated discharge of surface water from the driveway to the public highway. There is no highway objection subject to the conditions listed in their consultee response.

39. The Environmental Sustainability Officer commented that protected species including bats and grass snakes are found locally but are unlikely to reside within the development site, although they may forage within the site. It should be possible to avoid impacts by appropriate avoidance measures. The consultee response sets out a number of recommendations including the provision of a site management plan incorporating reasonable avoidance measures.

Local Residents and the General Public

40. Objections have been received from 70 neighbours and members of public with the comments summarised as follows:

Noise/disturbance:

- a. Proposed use would be over summer months - impact on neighbouring gardens.
- b. Noisiest aspects of the proposal (dance floor and bars) would be nearest to residents on Cotgrave Road/Lane.
- c. Previous experience of music already being played until midnight.
- d. Concern about the site being used as a caravan park- guests could carry on partying past midnight.
- e. Concern that noise could spread over 2-3 days.
- f. Noise- LAmax sound power level from 100 people is likely to be around 100db - 110db. Noise increases with larger numbers attending, alcohol will increase levels.
- g. Activities relating to each event would be spread over 3 days due to set up and dismantling time, clearing glass etc. may take place beyond suggested hours.
- h. Do not accept the claims of the acoustic study that suggests noise levels are likely to be within acceptable levels.
- i. The time during which music may play seems excessive, with a licensed bar between the hours of 12.00-23.45, recorded music 15.00-23.59 and live music 19.00-23.00. Many local residents are elderly or families with young children.

- j. suggestion of camping on site would add to disturbance from occupants and vehicles entering/exiting.
- k. Many of the 28 events could be multi-day, resulting in noise nuisance for a significant proportion of the year.
- l. Antisocial behaviour from drinking.
- m. The report prepared by NoiseAir dated 20 March 2020, included a number of tests involving taking readings, but none were taken to the north or north west of the site, there are a number of houses on Cotgrave Lane that are likely to be affected that were not measured.
- n. Tests were on the assumption that sound amplification would be provided, however guests may bring their own which would not be controllable.
- o. Tipis have little/no sound insulation, nuisance to residents.
- p. Sound travels long distances i.e. from events in Tollerton 1.5km away.
- q. The noise assessment was carried out in October which is different to the timing of the proposed events. It assessed noise levels for a couple of hours over a lunchtime period on a Saturday, not for the length of time that an event would take place.
- r. Noise assessment did not account for noise from a number of sources - cars, crowd noise, disco, generators.
- s. Would like it to be reduced in scale, volume limits and a cut off time on noise to be put in place.
- t. The claim of aircraft noise in the evening is false. The argument that the location is already noisy and therefore the proposal would not further harm the tranquillity is flawed.
- u. Guests will not arrive in a phased manner, most will arrive and leave at a similar time, noise impact of cars and taxis late at night when Cotgrave Road is quiet.
- v. Hard to see how noise will be controlled, the threat of banning a group would not act as a deterrent given that clients would not normally visit the same place twice.
- w. Guests may wander around other properties/fields.
- x. The EHO has considered the impact of noise in terms of sound levels, rather than the nature of the sound, its context and time of day which can have an impact even at low levels.
- y. No reference has been made to the Noise Policy Statement for England which states subjective experience of residents should be given significant weight

- z. No reference to NPPF guidance on noise- the proposal would fall into the 'Significant Observed Effect Level' of noise disruption

Highways:

- aa. Increased traffic from guests and suppliers, highway safety impact. There have been numerous traffic accidents on Cotgrave Road.
- bb. Access close to a busy and dangerous junction, additional traffic would increase risks to highway safety. Traffic entering or exiting the site could further obscure views from the T junction.
- cc. Concerns regarding vehicles entering/exiting the site on a blind crest. Concerns regarding blind bend. Slowing down and turning into the site could create a potential hazard to other road users. Turning onto the road is dangerous for those not familiar with the area.
- dd. Not suitable for guests to walk along the highway as it is narrow, no lighting at night.
- ee. Close proximity of residents to site entrance, noise and traffic pollution with movements late at night.
- ff. Turning traffic could block one lane of Cotgrave Road, some taxis and hired buses may even park in Cotgrave Road to drop off or pick up their passengers.
- gg. A previous application to turn the site into a caravan park for touring caravans was rejected in part on the grounds that Cotgrave Road carries a significant amount of traffic and that the hump in the road just beyond the Cotgrave Lane turning means that the Cotgrave Lane/Cotgrave Road junction can be difficult, especially for vehicles turning right out of Cotgrave Lane.
- hh. No street lighting- increased risk of accidents at night/in poor weather.
- ii. Signage not in keeping with the environment and is a distraction.
- jj. Road is used by many cyclists, increased risk to cyclists due to higher volumes of traffic and parking.
- kk. Heavy goods vehicles use the roads to access nearby Swinger's site.
- ll. Car reliant, lack of frequent bus service or safe cycle paths.
- mm. Large volumes of guests in convoy could cause queueing to turn into the site. Cars coming over the brow of the hill may not see the queue in time to slow down.
- nn. Issues around ownership of part of the entrance or 'adopted verge', there are no guarantees of reasonable maintenance to the entrance, impact on visibility.

- oo. Question whether there are any issues with the proposed number of parking spaces.
- pp. Traffic count report completed in 2007 preceded housing development in the vicinity and so its accuracy should be questioned.
- qq. Traffic report is limited in its scope in terms of time window, type of event, refers to an older style English wedding rather than other types of events.
- rr. Traffic survey carried out during Covid is not representative. Highway report not representative of lockdown and the current and potential change in traffic usage such as increased cycling.
- ss. Highway report does not consider impact of seasons on visibility, visibility splay was not evaluated at a time of active growth of verge vegetation. Reduced roadside mowing could compound the issue.
- tt. Incident of cars queuing on the highway waiting to turn into the site due to the gates being closed
- uu. The highway report does not appear to reflect the highway issues in reality.
- vv. Potential conflict with heavy goods vehicles from Swingler's site
- ww. Does the traffic review include journeys for set up and assembly/dismantling before and after events?

Green Belt/Visual Impact:

- xx. Inappropriate development in Green Belt, semi-rural character with no established entertainment business or venues.
- yy. Could set a precedent for commercial development in the Green Belt, changing the open character, detrimental environmental effects.
- zz. Possibility of the site being further developed over and above the current proposal.
- aaa. Green Belt justification - not a diversification of a farming business but a change of use.
- bbb. Benefit in terms of 'promoting healthy communities in the green belt' as claimed - it does not involve any sport or exercise that is the clear intention of this policy.
- ccc. Tipis will remain for the duration of the season rather than 28 days - visual impact.
- ddd. Visual impact of parking on site.
- eee. Would not comprise 'outdoor recreation' or 'outdoor sports' as exceptions to inappropriate development in the Green Belt.

- fff. Erection of tipis for 5 months a year would harm the openness of the Green Belt.
- ggg. Visual impact of wedding/ event paraphernalia such as buses, bouncy castles etc.
- hhh. Change of use of the dwelling to support weddings/events would contribute towards development that would change the use of the pasture and result in a loss of openness. Harm not outweighed by very special circumstances.
- iii. Establishing a double hedge screen with a row of evergreens would be harmful to the openness of the Green Belt.
- jjj. The double hedge would not overcome the intrusion of the development on the open character of the Green Belt.
- kkk. Tipis would be erected during the time of year when people are most likely to go for walks in the area.
- lll. Wooden floors of the tipi's would be a permanent fixture, harm to openness of the Green Belt.
- mmm. Not all of the harm has been properly considered, including other non-Green Belt harms arising.

Other:

- nnn. Proposals in the past relating to change of use for dwellings in the OS Plots 5530 and 5923 alongside Cotgrave Road have been refused because of the adverse impact on Cotgrave Road residents.
- ooo. The following refused applications should be referred to: 96/01102/FUL (Playing field with amenities) and U1/92/0668/P (Touring Caravan Site with amenities).
- ppp. No benefit to local business.
- qqq. Numbers attending this site would likely increase beyond predicted figures.
- rrr. Waste removal - application states that it is the responsibility of suppliers - potential noise from glass bottles and cans.
- sss. Concerned that the dwelling approved in 2017 is being used for commercial gain.
- ttt. The 2017 application set clear boundaries between domestic and agricultural land, this now seems mixed up.
- uuu. The officer report for the 2017 residential conversion stated no objection provided it did not lead to further development. Understood that the conversion was allowed under very special circumstances.

- vvv. Disruption to wildlife, potential for littering, waste and campfires.
 - www. Health and safety considerations if the land is being used for grazing and then events.
 - xxx. The original permission for the conversion of the agricultural building to residential use was on the basis that it would only be for purposes ancillary to the host dwelling.
 - yyy. A bridal suite is not an appropriate use of the dwelling, because it goes against the original permission that was granted for designated residential curtilage.
 - zzz. Object to the applicant's proposal to have a site manager and live elsewhere.
 - aaaa. Question whether normal residential occupancy of the dwelling is possible if it has to be cleared for wedding events.
 - bbbb. Even if the use of the land were possible under permitted development, this would not apply to the dwelling.
 - cccc. Engineering works through the laying of grass reinforcement matting has already been carried out, not within permitted development.
 - dddd. The change of use permitted and authorised by the GPDO is not permanent, however there are various physical alterations to the site that are permanent.
 - eeee. Impact on wildlife, which has increased on land to the rear of the site since Covid.
 - ffff. Question whether additional events could be held under permitted development by erecting the tipis in a different paddock.
 - gggg. The applicant defines an event day as one where more than 20 people will be hosted with music/licensed bar, does that mean that gatherings of 20 or less would not count as event days?
 - hhhh. Unclear whether items/structures associated with events would be permanently stored on site.
 - iiii. Query how items/structures for events will be delivered/removed from site and frequency of deliveries for events.
 - jjjj. Would event preparation time be considered as part of the length of time stated for the change of use of the land.
 - kkkk. The 28 day 'fall back position' should be given limited weight as this would include substantial time to build and remove tipis and the wooden base.
41. Tollerton Against Backdoor Urbanisation commented that the proposed use for large events would alter the rural nature of Cotgrave Road as a result of

increased traffic (in an accident blackspot) and significant noise that would cause considerable disturbance to residents living nearby. The proposal would alter the rurality of Tollerton as a village. The proposal does not preserve the openness of the Green Belt - large amount of car parking, the increased number of comings and goings associated with staff, suppliers, contractors and up to 200 event guests, the installation of tipis, pagoda, lighting and other paraphernalia, together with potential signage. Minimal public transport, not easily accessible by walking or cycling, therefore heavily car reliant and unsustainable. Concerns regarding noise and disturbance. Could increase traffic through village at unsocial hours. Allowing properties in Tollerton to change their use to primarily serve residents from outside the village reduces the perception of separation of Tollerton from the suburban area, threatening the rurality of the community. Application 15/01382/FUL for change of use of a residential property at 20 Cotgrave Lane to a registered daycare nursery was withdrawn due to noise, disturbance, car reliance and impact on open character of Green Belt - it is considered that the application has the same features and should be refused for the same reasons.

42. Following the quashing of the previous grant of planning permission, 20 additional representations were received from neighbours and members of public objecting to the application and 48 representations were received from members of the public and businesses in support of the proposals. Some of the comments relate to the committee report which was published as part of the agenda for the meeting held on 13 May 2021.
43. The additional representations objecting to the proposal reiterated some of the comments detailed above and the additional points raised are summarised as follows:

Noise/disturbance:

- a. The twenty-eight event days sought could potentially be 46-hour wedding events every weekend plus an additional 6 weekday events during the seasonal timeframe.
- b. Could lead to twenty-eight 46 hour wedding days plus any number of therapy/bushcraft events during the week.
- c. The benefits of proposed health and wellbeing events are cancelled out by the negative mental health impact on local residents.
- d. Light pollution impacts.

Highways

- e. Inadequate infrastructure in terms of public transport, footpaths and cycle lanes.
- f. It would be irresponsible to expect to use the bus services from Cotgrave given the lack of pavements, unstable/impassable grass verge and no street lighting.
- g. With regard to the potential conflict with the heavy goods vehicles associated with Swingers, the officer report states that events would

likely take place outside of weekday hours, however Swingers does not just operate during weekday hours, therefore leading to inevitable conflict. Some events are being advertised as being on weekdays within working hours.

- h. The officer report refers to a specific road safety incident, however residents have reported several incidents which are not mentioned in the report, road safety should be given far more weighting in judging the VSC's against the harms.
- i. The highways assessments are at odds with the residents' experiences, do not account for new evidence, and are irrelevant and out of date.
- j. Overgrown Acres has an unacceptable impact on roads even during the quieter times of Covid and despite events not being at full capacity.
- k. The applicant intends to use the land for events of all sizes, all year round, on any day of the week and at any given time. Events have taken place or are advertised outside of the seasonal timeframe.

Green Belt/visual impact

- l. In terms of very special circumstances, there are no local economic gains as employment would be limited, part time, temporary and carried out by family and friends.
- m. Question why the Borough Council is going against the High Court judgement that clearly stated the inappropriateness of the development in the Green Belt.
- n. Maintaining the land as agricultural and therefore avoiding harm through inappropriate development clearly outweighs any benefit to the applicant.
- o. Cannot see any robust evidence of weightings given to VSCs versus harms.
- p. In considering the harm arising, the cumulative impact of factors need to be considered including the inappropriate location due to the proximity to residential properties, the location close to a dangerous junction, increased vehicles on a dangerous road, and the change of Green Belt for commercial purposes and loss of residential amenity.
- q. The structures, including those already in situ, fail to maintain openness and represent an encroachment on the countryside and character of the area.
- r. Even temporary structures prevent permanent openness, limited or temporary harm is still harm.
- s. There are many structures around the site that were not removed last autumn when the tipis were removed, detrimentally impacting on openness.

- t. The intention to use the site all year round would cause significant harms not outweighed by VSC.
- u. Land always has been agricultural, within the Green Belt and as such business use is not permitted.
- v. The rise of the land behind the site means the tipis are prominent from the higher ground and totally out of character with the rural and green land around it.
- w. The materials and appearance do not assimilate with the rural landscape.
- x. Applications by a previous owner refused on the grounds of increase activity, noise, disturbance and traffic to the detriment of local amenity and impacts on the visual and rural amenities of the locality, consider this applies to the proposed development.
- y. The officer report does not identify that openness in the Green Belt refers to both visual openness and an absence of built development.
- z. The development would result in settlements merging towards one another.
- aa. Alteration to the setting and character of historic towns.
- bb. The temporary nature of the tipis should not constitute a VSC given that the tipis result in harm that would not exist if they were not there.
- cc. The officer report still does not show how the VSC clearly outweigh the harms.
- dd. No evidence of an unmet health need to justify the development.

Other

- ee. The site is directly opposite residential properties, the officer report infers that only 2 Cotgrave Road is directly opposite the site when in fact Nos. 10, 12 and 14 and Cotgrave Road are also directly opposite.
- ff. The proposal is not within the intention of the 28 days permitted under General Permitted Development Order and would result in 84 days use of the land.
- gg. Question the motives behind the proposed wellbeing sessions and whether the applicant's claims have been evidenced regarding insurance, risk assessments and whether local and national social care organisations have been engaged with.
- hh. Overgrown Acres marketing only appears to advertise weddings, question why there is not detailed information on wellbeing provision on the website.
- ii. There is a bush craft and Forest School less than 5 miles away, question the need for another facility such as this.

- jj. The plans/details of controls and site management submitted in respect to the discharge of condition 4 conflict with the information already in the public domain.
- kk. The development is not sustainable. In light of the impact of Covid on the hospitality business, the priority should be to support established facilities to maintain and enhance their business, not to introduce a further venue that might decrease their viability and income. Amazed that no-one has questioned the need for the development.
- ll. The needs of established residents against a short-term business venture that may or may not take off has to be considered.
- mm. As it is a new business, there are no established supply chains to prove any legitimate economic benefits.
- nn. Therapy sessions likely to be a short-term stopgap during Covid, weddings likely to be given more priority in the long term.
- oo. Reference to supporting front-line workers should not be a reason to support the application.
- pp. Question whether families would want to attend ticketed events when there are plenty of green spaces in Rushcliffe with free access.
- qq. Tipis and use of the site whilst the applications are pending has gone beyond the 28 days (extended to 56 due to covid) allowed under permitted development.
- rr. Events have taken place in unlawfully erected structures subject to a separate application i.e. the log cabin/chill out den.
- ss. Additional pre-arranged visits by prospective customers with any number of people, would these be classed as events?
- tt. An event that charges £200 per person cannot be described as charitable or for community benefit.
- uu. The officer report states that the proposal would allow diversification of an existing land-based rural business but there has never been a business use of the land.
- vv. Committee report (due to be considered in May) contains inaccuracies and misleading information. Fails to properly apply Green Belt policy. Failure to attach weighting to harm and any benefits of the proposal.
- ww. Report suggests that something which causes harm can also be a benefit, this is irrational. Also irrational to conclude that the identified benefits of the proposal outweigh the harm arising.
- xx. A recent wedding on a Friday demonstrates that they will not just be restricted to weekends.
- yy. Events have been advertised during the winter months.

- zz. The wedding pagoda is already in situ and should be considered under a separate retrospective application.
44. The comments in support of the proposal can be summarised as follows:
- a. Would support local business and employment, both directly at events i.e. Catering suppliers, and also from local hotel bookings.
 - b. Do not consider that the volume of traffic generated on Cotgrave Road would be considerable compared to the traffic generated from existing businesses in the vicinity and the new housing at Cotgrave.
 - c. Use provides jobs and income for local businesses, therefore supporting the local community.
 - d. Visually appropriate, in keeping with surroundings.
 - e. Sustainability of the venue.
 - f. Improvements to the woodland area.
45. In further representations received from two residents, concerns were raised in detail over the application of Green Belt policy and they made a number of observations regarding the report that was published and due to be considered by the Planning Committee at the meeting scheduled for May. It was suggested that only moderate weighting can rationally be allocated to the proposed benefits put forward in the officer's report where these can be justified as material planning considerations. It was also suggested that a formal scoring matrix is used in looking at the balance of harm and benefits around the application for the purposes of transparency. One of the residents has completed and submitted a matrix which identifies a 'Total Harm Score' of 38 and a 'Total Material Consideration (Benefit) Score' of 3.
46. With regard to the weightings applied to planning consideration, it is considered that any such judgements are required to be rational. It was noted that the planning officer has put forward that several positive features outweigh the harms associated with this application. However, to approve the application on these grounds would require members of the planning committee to allocate weightings which are without precedent and outside established national norms in order to clearly outweigh the substantial weight required to be allocated to Green Belt harms. The resident goes on to support their views by providing examples of case law.
47. On the basis of advice received, they considered that the report still contained mistakes in the application of planning policy, which was the basis of the quashing order on the original determination. In particular, it is considered that there is a failure to present the weight that is required to be given to each element of harm to the Green Belt such that the committee members can make a determination based on making an evaluation of balance. The requirements of the NPPF are reiterated in the representations. It is considered that the emphasis in the report is placed on only one aspect of green belt harm – visual openness and that the report has no consideration in relation to the separate spatial aspect of green belt harm as well as elements of local green belt policy. It is also considered that the report incorrectly states the test applicable to the

Green Belt and is also misleading. In particular, they consider that the report suggests that something which causes harm to the Green Belt has also been treated as a very special circumstance. In addition, matters have been given weight as favourable considerations which are not material planning considerations.

48. The full text of all representations is available on the Council's website at <https://planningon-line.rushcliffe.gov.uk/online-applications/>

PLANNING POLICY

49. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy) and the Local Plan Part 2: Land and Planning Policies (LPP2), which was adopted on 8 October 2019. Other material considerations include the National Planning Policy Framework (NPPF) (2019), and the National Planning Practice Guidance (the Guidance)

Relevant National Planning Policies and Guidance

50. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and makes clear at paragraph 3 that the Framework should be read as a whole, including footnotes and annexes. The sections of the NPPF which are considered to be of particular relevance to the current application are as follows:

- Chapter 2 - Achieving sustainable development
- Chapter 6 - Building a strong, competitive economy
- Chapter 13 - Protecting Green Belt land.
- Chapter 15 - Conserving and enhancing the natural environment

51. The full text of the NPPF can be viewed on the gov.uk website at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Relevant Local Planning Policies and Guidance

52. The following policies of the LPP1 are considered to be relevant to the current application:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 4 Nottingham-Derby Green Belt
- Policy 10 Design and Enhancing Local Identity

53. The following policies of the LPP2 are considered to be relevant to the current application:

- Policy 1 - Development Requirements
- Policy 21 - Green Belt
- Policy 31 - Sustainable Tourism and Leisure
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network.

54. The full text of the policies in the LPP1 and LPP2 together with the supporting text can be found in the Local Plan documents on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/localplan/>

APPRAISAL

Green Belt

55. The NPPF sets out the Government's planning policies for England and makes clear at paragraph 3 that the Framework should be read as a whole, including footnotes and annexes. Of particular relevance to the current application is Chapter 13 – Protecting Green Belt land. A copy of this chapter is annexed at the rear of this report. Paragraph 133 emphasises the importance of the Green Belt and states that; "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."
56. Paragraph 134 sets out the five purposes of the Green Belt which are:
- 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.
57. Paragraph 143 states that; "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
58. Paragraph 144 of the NPPF advises that; "When considering any planning application, local planning authorities should ensure 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."
59. Paragraphs 145 and 146 list the types of development which are regarded as not inappropriate. These lists do not include the type of development proposed in the current application and, therefore, this must be regarded as inappropriate and harmful "by definition". Substantial weight must be given to any harm to the Green Belt and paragraph 143 of the NPPF provides that in such cases planning permission should only be approved in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.
60. Policy 21 (Green Belt) of the LPP2 specifies that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework.
61. The site is located in the Green Belt. The tipis are not insubstantial structures, they do not fall within any exception to Green Belt policy under paragraphs 145

and 146 of the Framework. Therefore, the proposal involves inappropriate development in the Green Belt, and is thus deemed to be harmful. The harm would primarily arise through inappropriateness and impacts on the openness of the Green Belt. It may also be seen to effect a small degree of encroachment into the countryside. Other harm arising from the development must also be taken into account, e.g. any adverse impact in residential amenity or highway safety. As required by paragraph 144 of the NPPF substantial weight must be given to any harm to the Green Belt. Therefore, planning permission should not be granted for the proposal unless other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

62. It is apparent from submissions from residents that there is concern that the report due to be considered at the meeting of the Planning Committee in May focused on the potential harm to the openness of the Green Belt and has not fully taken into account other harms, including the purposes for including land in the Green Belt. The following are the purposes for including land in the Green Belt and an assessment of the proposal against these purposes:

a) to check the unrestricted sprawl of large built-up areas;

The proposal involves temporary use of land, including structures of a temporary nature (save for the bases) or which can be removed with relative ease, and as a matter of planning judgment it is not considered that the proposal would tend materially to lead to unrestricted sprawl contravening this purpose.

b) to prevent neighbouring towns merging into one another;

The proposal involves temporary use of land, including structures of a temporary nature or which can be removed with relative ease in a location that is not, as a matter of planning judgment, critical to the maintenance of separation between settlements. Therefore, the grant of planning permission would not undermine this objective.

c) to assist in safeguarding the countryside from encroachment;

The temporary erection of the tipis would result in some, albeit very limited, harm to this purpose.

d) to preserve the setting and special character of historic towns;

The site is not considered to be in an area where the proposal would impact upon the setting and special character of a historic town.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development proposed is not of a scale and kind that would ordinarily be accommodated on PDL.

63. The National Planning Policy Guidance (NPPG) includes guidance on 'What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?' Assessing the impact of a

proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

64. The NPPF requires substantial weight to be given to any harm to the Green Belt.

Other potential harm arising

Residential amenity

65. The site is in a semi-rural location outside of the main built up area of Tollerton and Plumtree. Although it abuts fields on three sides, there is a frontage of residential properties running along Cotgrave Road both to the east and west of the site, in addition to properties fronting Cotgrave Lane running northward from the junction. The closest residential property is at 2 Cotgrave Road opposite the site. The proposed tipis would be sited around 58 metres from the boundary with this neighbouring property. Given the proximity of residential properties combined with the relatively low ambient noise associated with the relatively rural location, the potential impact of noise on neighbouring properties has been carefully considered.

66. The objections on the grounds of noise are noted. The most significant noise would come from wedding events both in terms of amplified music and speeches etc. within the tipis, along with noise arising from guests both within and outside of the tipis including the arrival and departure of guests.

67. The application is accompanied by a Noise Impact Assessment (NIA) which has been revised during the course of the application, the noise assessment P4113-R1-AD-V1 dated 20 March 2020 focused specifically on the control of amplified noise. Following discussions with the Environmental Health Officer, it was agreed that the NIA should cover the following (which have been addressed in the most recent NIA version 3 dated 21 July 2020):

- Noise breakout from live music;
- Noise breakout from patrons inside the tipis;
- Noise breakout from the adjacent car park (including LAmax noise); and,
- Noise breakout from guests walking to the car park area.

68. In terms of amplified sound, a Zone Array Directional Speaker System is proposed within one tipi, comprising an array of overhead speakers mounted on rigging, directed downward towards the dancefloor area. An in-situ test of this audio system has been carried out by NoiseAir consultants on behalf of the

applicant. The assessment concluded that noise would diminish considerably over a relatively short distance.

69. The most recent NIA includes 3D sound modelling taking into account noise from guests outside of the tipis, guests moving between the tipi and car park areas, and modelling of noise arising from vehicular movements in the car park area. The NIA sets out a number of mitigation measures including the erection of a 2 metre high acoustic barrier running along the rear of the tipis to limit noise impacts on neighbouring properties.
70. In addition to the NIA, the applicant has provided a draft noise management plan setting out the terms and conditions that musicians/ DJ's must adhere to. This sets out a number of mitigation steps including the provision of signage to inform guests to respect neighbouring properties by being quiet when leaving the venue. Guests will be escorted to their vehicles after 22:00hrs and reminded to access their vehicles and leave quietly. It is thus considered that noise created by the events could be effectively managed through the zone array system and associated noise limiting device, mitigation measures detailed in the Noise Impact Assessments, and through measures to be implemented via the applicant's noise management plan.
71. The Environmental Health Officer confirmed that NIA version 3 had addressed the issues that had previously been raised, however they note that data from modelling can differ from real life conditions in practice.
72. The Noise Policy Statement for England (NPSE) refers to the Significant Observed Adverse Effect Level (SOAEL), this being the level above which significant adverse effects on health and quality of life occur as a result of noise impacts. The NPSE states that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is thus acknowledged that noise impacts on neighbouring amenity should be considered not just in terms of sound levels, but also the nature of the sound, its context and time of day. Such issues are difficult to quantify through a NIA alone and it is for this reason that noise monitoring surveys are requested by the EHO for the first 3 wedding events should planning permission be granted. The applicant intends to complete monitoring as per the noise management plan for all events. Given the proximity of the site to residential properties it is recommended that if planning permission were granted, this should be on a temporary basis until the end of this season (September 2021) to monitor and review the effectiveness of noise mitigation measures. Subject to the outcome of the monitoring, it would not normally be necessary to grant a further temporary consent, however, in this instance, due to the restrictions arising from the pandemic and the limitations that this has placed on holding events at the site, this may be necessary to further monitor the effectiveness of any mitigation measures.
73. The Environmental Health Officer has confirmed that they consider applications in terms of whether it would cause a statutory noise nuisance or an adverse impact on residential amenity. She agrees that statutory noise nuisance is a higher threshold and therefore if applications were solely considered on statutory nuisance, they would be recommending approval on a good number of applications where there may be an adverse impact on

residential amenity. The best example in this case would be that if concentrating solely on statutory nuisance, consideration would be given to only the entertainment system and the resultant noise levels at the residential receptors and whether the increase in noise level is likely to cause sufficient interference with the enjoyment of the resident's property. To define statutory nuisance in a case like this there would have to be an increase in noise levels. Therefore, they have considered statutory noise nuisance and residential amenity, hence the reason for requesting the noise assessment to include all noise sources associated with the development including noise from guests and noise from vehicles. All the noise sources when operational are not predicted to increase the background noise levels and therefore it was concluded that the noise is unlikely to be a statutory noise nuisance and unlikely to have an adverse impact on residential amenity.

74. Fears and concerns by members of public may constitute a material consideration if they relate to a matter that in itself is material. In this instance the perception of noise and disturbance should not be discounted and therefore the possibility of harm should not be ruled out. Thus, the public opposition arising is a material consideration that should have weight applied and thus considered as part of the 'harm' arising.
75. Representations received in respect of the application have raised concerns about the potential impact of the development on health and wellbeing, which is a material planning consideration. These factors may include impacts on sleep, the enjoyment of private amenity space, and impacts on the overall quality of life. Whilst noise assessments have been carried out, noise impacts are subjective in nature. Paragraph 006 of the Planning Practice Guidance on Noise states that there are a number of factors that require consideration including:
- the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;
 - for a new noise making source, how the noise from it relates to the existing sound environment;
 - for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;
 - the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;
 - the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.
76. Whilst the application has been subject to noise assessments and mitigation measures are proposed, the impact on health and wellbeing can only be assessed through the monitoring of events and the evaluation of feedback from local residents. Complaints have been received from residents about an event recently held at the site. These complaints were being investigated at the time of writing this report and an update on these investigations will be provided in the late representations document prior to the meeting.

77. In summary, it is considered that noise and disturbance impacts would be managed through both physical measures such as acoustic screening and the use of a zonal speaker array, combined with management of the impacts through measures such as a noise management plan and monitoring. It is accepted that the measures may not prevent a degree of harm arising to the amenities in the vicinity and thus potential impacts on health and wellbeing, it is for this reason that a temporary permission is proposed to allow for the monitoring and review of the real- life operation of the development and to inform what measures may be required if a temporary permission is granted then an application for permanent permission is made.

Highways

78. The application proposes a total of 75 parking spaces, however these would be set out with temporary markers rather than permanently marked out or hard surfaced. The Highway Authority consider that the level of parking provision proposed is acceptable. The consultee concerns regarding vehicles parking or dropping off on the public highway are noted. The applicant's noise management plan states in the guest terms and conditions that vehicles must only drop off and pick up guests within the confines of the venue.
79. In terms of highway safety considerations, the applicant included a Highways Report which includes a vehicular speed survey conducted on 15 October 2019. The report confirms that an acceptable vehicular visibility splay can be achieved at the site access which is commensurate to passing vehicular speeds.
80. A neighbour has raised a concern regarding a recent incident where the gates were closed, leading to turning vehicles waiting on the highway. The incident regarding the closed gate is a management issue relating to visitors to the site and it is unclear whether the incident was connected to an organised event. The proposal would provide more stringent controls through the submitted Highway Report which states that the gates shall be left open and monitored by security staff during events.
81. With reference to neighbour concerns relating to vehicle movements arising from the setting up and close of events, the applicants Highway Report notes that the seasonal retention of tipis would reduce vehicle movements compared to a scenario where they are assembled and dismantled between events.
82. With regard to traffic generation, the Highway Authority note that the impact of the events would occur at off-peak times. The Borough Council concurs with the view of the Highway Authority that the level of traffic anticipated is unlikely to result in a severe impact on the public highway. The concerns regarding a potential conflict with the heavy goods vehicles associated with the nearby Swingers site are noted, however events taking place at the application site would likely be outside of weekday working hours. The Highways Authority as the competent authority do not object to the proposal. For this reason, officers are of the view that the proposal would not result in an unacceptable level of harm in terms of highway safety and amenity.
83. An application to discharge conditions was submitted under planning reference 20/02968/DISCON, which included details of a noise management plan. This

application was submitted pursuant to the permission which has now been quashed. However, the 'controls' section of the management plan states that no guests are to leave the venue on foot; however, letters of representation comment that marketing material promotes access to the site by bus. The closest bus service runs from Nottingham to Cotgrave along Cotgrave Lane and Cotgrave Road with bus stops around 160 metres and 330 metres from the site on the respective roads. This is an hourly service (Monday to Saturday) running between 0700hrs and 1900hrs (less frequent during the pandemic). Whilst this might be an option for users of the facility when day time events are held, evening events are likely to finish after the buses have stopped running. Whilst it would not be reasonable to prevent people from accessing the site on foot, it is unlikely to be a frequent occurrence due to the limited timetabled service provided. In any event, it should be noted that the discharge of conditions application referred to and the contents of the management plan have not yet been agreed as the original permission has now been quashed, it would be necessary for the applicant to resubmit these details as a fresh discharge of conditions application if permission is granted for the seasonal use of the site for events.

Visual amenity

84. In terms of visual impact, views into the site are screened by a belt of mature trees running along the north and north east corner of the site. A row of trees along the Cotgrave Road frontage and further band of trees along the south side of the access drive would provide additional screening of the tipis. The tipis would be sited in the top paddock close to the existing dwelling, limiting their prominence from the open countryside to the south. Given the seasonal nature of the tipis, these would be taken down over the winter months when leaf cover and therefore screening would be less. When the tipis are dismantled out of season, the bases would be retained on the site, however, given that these do not project significantly above ground level, it is not considered that they would have a significant impact or cause unacceptable visual harm to the amenities or openness of the area. Impacts may arise from other structures/facilities associated with the use, such as the catering facilities, toilets and car parking. However, these would again be temporary in nature and not considered to have a significant impact on the surrounding area.
85. It is also proposed to erect an acoustic barrier adjacent to the site of the tipis as part of the noise mitigation measures. A condition is recommended requiring the submission of the final details of the barrier, however, this is likely to take the form of a structure similar to a close boarded fence. This would be partially screened by the belt of trees along the frontage of the site and could be finished in a colour which would further reduce its impact. A close boarded fence has been erected adjacent to the position of the tipis, this fence is under two metres in height and has been erected under permitted development rights. However, the fence is in a similar position to the proposed acoustic fence shown in the Noise Impact Assessment submitted with the application and required by condition 9 in the recommendation. In the event that planning permission is granted, details of the acoustic fence would need to be submitted to discharge this condition, this may involve modifications to the existing fence. In terms of the impact of the acoustic fence, as a matter of planning judgment it is concluded it would not have a materially greater visual impact, or impact on openness of the Green Belt, than the existing close boarded fence which has been erected on the site.

86. A number of other structures have been referred to in representations. However, these either pre-date the use of the site for events or are the subject of separate applications which are currently pending consideration. In particular, the original description of development included the 'erection of a pagoda for wedding ceremonies'. The applicant has confirmed that they now intend to use an existing structure which has been on site for a number of years. In the winter months, this structure is used as an animal shelter and in the summer months the sides would be removed and used for wedding ceremonies. As such, and as a matter of planning judgment, the use of a pre-existing structure on the site for this purpose would not have a materially greater impact on the surrounding area or openness of the Green Belt.

Ecology

87. The Environmental Sustainability Officer considers it unlikely that protected species would reside within the site, although the site may be used for foraging. It is considered that impacts can be mitigated through appropriate avoidance measures, which should be set out in a site management plan. This could be secured by way of a condition should planning permission be granted. It is the view of the officer that the proposal would not result in harm in terms of ecology and biodiversity.

Conclusion of other potential harm arising

88. In representations received in respect of this application, the view has been expressed that the evidence behind classifying some of the harms as "not unacceptable" should be presented to the planning committee otherwise the report risks being perceived as predetermination. Other potential harms have been discussed in this section of the report.
89. It is accepted that the activities at the site have the potential to cause noise and disturbance to neighbouring properties and this could amount to harm. However, there is potential for such impacts to be mitigated through conditions of any permission, for example requiring the submission of an events management plan and limiting activities/operating hours on the site. Furthermore, the recommendation includes a condition limiting permission to a temporary period, thereby enabling the Council to monitor the activities at the site and determine the full extent of any impacts, prior to consideration being given to a more permanent consent for the site.
90. Whilst the application has attracted objections on grounds of traffic generation and highway safety matters, the Highway Authority has not objected on highway safety grounds and have recommended conditions to mitigate any potential adverse impacts. As such, it is considered that highway safety matters do not amount to harm in this instance.
91. The report needs to be read as a whole and it is not considered that the way the report is presented amounts to predetermination. As per paragraph 144 NPPF, substantial weight should be given to any harm to the Green Belt, which includes other potential harms discussed in this section. It is a matter of planning judgment for the Committee to consider whether the other considerations (outlined below) clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

Other considerations

Employment

92. Paragraph 83 of the NPPF states that planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
93. Paragraph 84 of the NPPF states that; “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”
94. The proposal would provide economic benefits as a source of employment and rural diversification, whilst allowing the diversification of the existing land-based rural business comprising the grazing of livestock on site. The use would generate direct employment for the applicant’s business and for people employed in connection with events, e.g. bar staff etc, and would also provide business and income for local suppliers/catering businesses. The design and access statement indicates that the activity would generate employment including an event planner (the applicant), gardener, security/car park attendant and around 6 bar staff. Whilst the activity may not be regarded as a tourist use, the applicant makes the observation in the Design and Access Statement that some guests travel from other locations for weddings and stay in local accommodation, generating business and income for hotels/B&B accommodation etc.
95. In considering criterion c) above, it is acknowledged that the site, by virtue of its rural location without reliable public transport links, is heavily reliant on private vehicles/taxis. However paragraph 84 of the NPPF recognises that “[...] sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport [...]”. Such development should ensure it is sensitive to its surroundings, does not have an unacceptable impact on roads, and exploits any opportunities to make the location more sustainable. Paragraph 83 is worded positively – in that “*planning policies and decision should enable...*”, it does not specifically preclude any type of development (provided that development complies with NPPF policies as a whole), and

arguably paragraph 84 goes on to provide greater clarity in its recognition that sites may need to be in locations not well served by public transport.

96. It is considered that the development is acceptable in terms of visual amenity and highway impacts. In particular, the main areas/structures associated with the use of the site for events are set well back from the road and well screened by intervening natural growth. Whilst concerns have been raised about traffic generation and highway safety, including lack of infrastructure to facilitate arrival by means other than by car, it should be noted that the Highway Authority has not objected to the proposals. Therefore, the site accords with paragraph 84 of the NPPF and the proposal would provide employment and rural diversity benefits, it is considered that this should be given significant weight (in accordance with paragraph 80 of the NPPF) as a material consideration weighing in favour of the grant of permission.
97. In addition to weddings, the applicant has indicated that they intend to host a diverse range of events and activities on the site that would include charity and community events. The applicant states in an email dated 9 March 2021 that they have secured a contract to partner with an organisation to host community therapy sessions, including support for vulnerable children and young persons and mental health issues, delivered by qualified therapists. The aim therefore is to use the tipis and surroundings to provide a safe and secure environment. The events would run on a weekend on a monthly basis during the tipi season. These would appear to be targeted events which may clearly benefit those attending, rather than providing health benefits to the wider community. As such, this matter may only be afforded limited weight in the consideration of the application.

Seasonal nature of the impacts and visual screening

98. The tipis would be disassembled between seasons, other than the base which would remain in situ. Notwithstanding the 'chill out den' and play equipment, which have been omitted from the current application, the other permanent feature would be the grass reinforcement membrane on the drive leading to the site and potentially the acoustic barrier referred to above. This membrane allows the continued growth of the grass whilst providing reinforcement during wet/muddy conditions. Whilst it is therefore acknowledged that there are some permanent features proposed at the site, these are very low level and combined with the temporary nature of the tipis, the impact on the openness of the Green Belt would be limited. The site benefits from a good degree of tree cover along the frontage, obscuring public views of the tipis from the public highway. The temporary nature of the use, which would allow the continued grazing of the site out of season, and the screened nature of the site, is a relevant factor to place in the planning balance.

Biodiversity net gain

99. The applicant has provided a Biodiversity Net Gain schedule which sets out a number of actions and opportunities to improve the biodiversity of the site. This includes the provision of accessible wildlife foraging environments in previously unmanaged woodland, native tree planting, the creation of a wildflower area and nesting box provision.

Permitted Development

100. In considering what works could be carried out under permitted development, the land could potentially be used on a temporary basis for hosting events for up to 28 days a year under Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). (Note that for a temporary period permitted development rights have been amended to effectively allow land to be used for any purpose for up to 56 days until 31 December 2021). Permitted development rights would only apply if the tipis and any associated base were dismantled between events and not in situ for longer than the above time period. As the application proposes the retention of a permanent base for the tipis, permitted development rights could not be relied upon. Nevertheless, if there were no fixed structures, the applicant could, in theory host weddings and other events on the land for 28 days under Permitted Development without the controls such as noise mitigation measures and monitoring that are proposed in the current application.
101. It is important to note that the number of days referred to for the purposes of temporary uses of land under permitted development rights relates to calendar days. The application seeks permission for temporary use of the land for 28 events during the period from 1 May to 30 September. Further clarification on the duration of events is provided in the Event Plan submitted by the applicant on 10 June 2020, which clarifies that an 'event day' includes setting up on the afternoon before the event, e.g. dressing the tables for a wedding event.

Planning Balance

102. It has been suggested in representations received in respect of the application that a formal scoring matrix should be used in looking at the balance of harm and any benefits or other considerations around the application. Such an exercise is typically used when preparing a Local Plan, including allocating sites for development, and particularly when proposing changes to the Green Belt to remove sites from the designation. It is not commonplace to undertake such an exercise when considering a planning application for development in the Green Belt. Officers do not think that is a helpful approach. Some considerations weigh much more than others, and ultimately the decision that must be made is a balanced planning judgment rather than an arithmetic exercise. This point is illustrated by the case of *Sefton Metropolitan Borough Council v Secretary of State for Housing, Communities and Local Government v Jerry Doherty* [2021] EWHC 1082 (Admin)) in which HHJ Eyre QC stated (paragraph 34):

“When paragraphs 143 and 144 are read together they can be seen as explaining that very special circumstances are needed before inappropriate development in the Green Belt can be permitted. In setting out that explanation they emphasise the seriousness of harm to the Green Belt in order to ensure that the decision maker understands and has in mind the nature of the very special circumstances requirement. They require the decision maker to have real regard to the importance of the Green Belt and the seriousness of any harm to it. They do not, however, require a particular mathematical exercise nor do they require substantial weight to be allocated to each element of harm as a mathematical exercise with each tranche of substantial weight then to be added to a balance. The exercise of planning judgement is not to be an artificially sequenced two-stage process but a single exercise of judgement to

assess whether there are very special circumstances which justify the grant of permission notwithstanding the particular importance of the Green Belt.”
(emphasis added)

103. The legislation does not specify what may amount to a ‘very special circumstance’ (VSCs), although case law provides some direction in relation to such matters. Ultimately, it is for the decision maker to determine if other considerations clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal.
104. In reaching a decision on this application, members of the Planning Committee will need to give substantial weight to the harm arising from inappropriateness and any other harm resulting from the proposal and to then determine whether other considerations clearly outweigh the harm to the Green Belt and any other harm arising. If the Planning Committee consider that the other considerations do clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal, then ‘very special circumstances’ will exist.
105. Officers are of the opinion that the tipis, by reason of their seasonal and insubstantial nature, the remediability of any harm and limited visual impact, are judged to have a relatively small impact on the openness of the Green Belt. Nevertheless, that harm must be, and is, accorded substantial weight. Any other kinds of potential harm that are caused by the scheme, as discussed in paragraph 65 to 90 of this report, must also be placed in the balance. These include impact on residential amenity, including health and wellbeing, traffic generation and highway safety, visual amenity and ecological impacts. However, the proposal gives rise to a significant range of other considerations, including economic benefits through employment generation and rural diversification and biodiversity net gains. Therefore in this instance, officers consider that the other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, and that very special circumstances exist.
106. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

1. This permission shall expire on 30 September 2021 after which, unless a further planning permission has been granted, the tipis and associated timber base shall be removed from site and the site be restored to its former condition within 28 days of this date; the use of the dwelling as a bridal suite shall cease; and the land shall not be used for events unless a further consent has been granted.

[To enable the Borough Council to monitor the impacts of the use and effectiveness of mitigation measures, in the interests of neighbouring amenity

and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

2. The tipis and any associated catering tents/marquees shall only be erected between the 1 May and 30 September annually. The tipis shall accord with the specification for the 'big hat' tipis detailed on page 2 of the technical information sheet dated 7 April 2020. The tipis shall be sited in accordance with the Block Plan received on 10 June 2020.

[To ensure a satisfactory appearance of development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The use of the site for events, including the use of the dwelling as a bridal suite, shall be limited to no more than 28 event days during the period from 1 May to 30 September in each year. As defined in paragraph 5 of the Event Plan received on 10 June 2020, each event shall be capped to a maximum hire period of 46 hours. There shall be a maximum of 28 days with amplified music and/or a licensed bar per calendar year. No other events, regardless of the number of attendees, shall be held at the site in addition to the 28 event days authorised by this permission.

[For the avoidance of doubt and in the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Within one month of the date of this permission, a final version of the noise management plan shall be submitted to the Borough Council. No events shall take place until such time that a management plan has been approved in writing by the Borough Council. The management plan shall include details of noise monitoring to be undertaken, required by condition 12, which would be sought for a minimum of the first three wedding events following the grant of planning permission and shall also include the hours of use, times of amplified/live music, controls to be put in place when guests are leaving the premises e.g. ensure no congregating guests, details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors that the venue is located close to other residential properties and to minimise disturbance when leaving the premises, particularly late at night, vehicles leave the premises in an orderly manner and during the evening entertainment that there are no groups of guests congregating near to any residential dwellings. The use hereby approved shall only be carried out in accordance with the approved noise management plan.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The development shall not be brought into use until the site access has been surfaced in a hard-bound material for a minimum distance of 10m to the rear of the highway boundary, and suitably drained to prevent surface water from the driveway discharging to the public highway. The hard-bound material and measures to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interest of highway safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The speaker system shall be the 'zone array' system to the specification tested in report P4113-R1-AD-V1 and no other or alternative speaker or PA system shall be used.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No further weddings/events shall be held at the site until all sound attenuation measures detailed in the Noise Impact Assessment P4271-R1-V3 (produced by Noise Air Acoustic Consultancy and Solutions] have been implemented and, thereafter, the use shall be carried out in accordance with the mitigation measures detailed within the report and these measures shall be retained for the lifetime of the development.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Within one month of the date of this permission, a site management plan shall be submitted to the Borough Council. No events shall take place until such time that a site management plan has been approved in writing by the Borough Council This shall include reasonable avoidance measures (RAMs) to avoid impacting on wildlife. This should consider ensuring the grass on the development site remains short at all times, including when the tipis are removed (to prevent wildlife making use of the grassland) and for a visual check to be carried out each time the tipis and any ancillary structures are to be erected. Permanent fencing of more sensitive sites (e.g. adjacent woodland) to prevent unauthorised access should be included. The plan should also set out habitat improvements that will be made to provide a biodiversity net gain. Thereafter, the approved management plan shall be implemented for the life of the development.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

9. Prior to the tipis being brought into use, an acoustic barrier shall be constructed in accordance with paragraph 5.1.6 and Fig. 14 of the Noise Impact Assessment P4271-R1-V3 Version 3, details of which shall be first submitted to and approved in writing by the Borough Council. These details shall include the design of the barrier and details of when this will be erected and disassembled. The barrier shall be implemented to the agreed specification and erected for the duration of any events for the lifetime of the development.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No camping or caravanning shall be permitted on the site.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. The use of Chinese lanterns or fireworks on the premises is not permitted.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. The approved use shall be subject to noise monitoring to include but not limited to 3 events with music entertainment and guest numbers at 130 (+/- 5), to verify that the noise levels at the nearest sensitive receptors as specified within by Noise Air Acoustic Consultancy and Solutions report ref P4271-R1-V3 dated 21/7/20 are as predicted. Before any monitoring is undertaken the applicant shall liaise with the Local Planning Authority to provide details of the event proposed for monitoring in order to agree noise monitoring locations. The post monitoring verification report shall be submitted to the Local Planning Authority for approval following the event and prior to further events being held. The noise monitoring shall continue until 3 events have been held with guest numbers at 130 (+/- 5). If any further mitigation measures are required by the post completion report these shall be fully implemented and maintained before further events are held.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- The maximum usage of the site, times of use and noise control measures should be conditioned.
- A basic metric biodiversity net gain assessment should be provided as recommended in section T2.8.1 on page 124 of CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments.

- Permanent artificial bat boxes / bricks and wild bird nests should be considered on adjacent retained trees.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Boundary verges should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Good practice construction methods should be adopted including:
 - d. Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - e. No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
 - f. All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
 - g. Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
 - h. Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - i. Pollution prevention measures should be adopted
- It is recommended that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

The development makes it necessary to amend a vehicular crossing over a verge of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

13. Protecting Green Belt land

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
134. 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.
135. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
 - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - c) show what the consequences of the proposal would be for sustainable development;
 - d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
 - e) show how the Green Belt would meet the other objectives of the Framework.
136. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.
137. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:
- a) makes as much use as possible of suitable brownfield sites and underutilised land;

- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
 - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.
139. When defining Green Belt boundaries, plans should:
- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
 - b) not include land which it is unnecessary to keep permanently open;
 - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
 - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
 - f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.
140. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
141. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
142. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development

proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
144. When considering any planning application, local planning authorities should ensure 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.
145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

147. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.