

21/02345/FUL

Applicant Mr John Arthur Kent

Location Chestnut Farm House Chestnut Lane Barton In Fabis
Nottinghamshire NG11 0AE

Proposal Erection of new outbuilding with mezzanine level (Retrospective)

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to a brick outbuilding located on the northern edge of an area of a farmyard in use for storage and parking in relation to an arboricultural and grounds maintenance company. The main farmyard was previously occupied by an open-sided barn that has now been removed. The yard now comprises an open area of gravel/ hardstanding. There is outline planning consent for the residential development of the farmyard for up to five dwellings (approved under application 19/00412/OUT).
2. The site falls within the Green Belt and within Flood Zone 3.

DETAILS OF THE PROPOSAL

3. The application seeks retrospective planning permission for the erection of a brick outbuilding for the storage of machinery, equipment and materials associated with the arboricultural and grounds maintenance company. The building encompasses a mezzanine floor for dry storage. The building is constructed in red brick with a slate tile pitched roof measuring 4 metres to the eaves and 6.5 metres to the ridge. The ground floor features a pair of openings, a door and window. There is an integral staircase to serve the mezzanine floor which is served by roof lights. The building adjoins the eastern elevation of an existing brick barn which houses the company.

SITE HISTORY

4. 97/00427/OUT- Construct detached dwelling. Refused in 1997.
5. 16/02246/OUT- Demolition of existing buildings. Construction of a residential scheme of up to 10 dwellings. Refused in 2016.
6. 19/00412/OUT- Demolition of existing buildings and construction of a residential scheme of up to 5 dwellings (Outline planning permission with all matters reserved). Approved in 2019.

REPRESENTATIONS

Ward Councillor(s)

7. The Ward Councillor (Cllr R Walker) objects to the application on the basis that the replacement building is materially larger than the one it replaced both in terms of length and height, thus contravening Green Belt policy. The submitted photos do not support the assertion that the previous buildings dimensions were 15.5mx 5.5m nor that the overall footprint of the new building is slightly smaller than the demolished building. It is not understood how the creation of a mezzanine level is consistent with the existing storage use. The building is materially larger than the one it replaced due to the significant increase in height and a floor area over 200% greater than the previous building. It is inappropriate development in the Green Belt with a detrimental impact upon its openness and permanence.

Town/Parish Council

8. Barton In Fabis Parish Council object on the basis that the new building is materially larger than the previous building, and cannot be considered as an exception to inappropriate development under paragraph 149 of the NPPF and Policy 21(2) of the Rushcliffe Local Plan Part 2, and therefore contravenes these policies. Based on the photos in the planning statement, the new building is substantially longer than the previous building. The building is 200% larger in volume, 42% increase in floor area or a 280% increase across the two storeys. The applicant's claim that there are not applications on the site is incorrect, there is a permission for up to 5 dwellings under 19/00412/OUT. An over 50% increase in the height of the building would have a permanent and detrimental impact on the openness of the Green Belt.

Statutory and Other Consultees

9. The Highway Authority (Nottinghamshire County Council) does not object
10. The Environment Agency note that the site is in Flood Zone 3. They refer to Flood Risk Standing Advice for a 'lower risk' development proposal.
11. The Borough Council's Environmental Health Officer does not object on the basis that the new outbuilding replaces a previous building and would be used for the same purpose for storage associated with the arboriculture business.

Local Residents and the General Public

12. No neighbour objections received.
13. 3 neighbours support the application with the comments summarised as follows:
 - a. Materials are in keeping with the surrounding area/ rural area
 - b. visual improvement on the previous structure
 - c. Keeps equipment safe that is used by employees who are from Barton and surrounding areas.

PLANNING POLICY

14. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning

Policies (LPP2). Other material considerations include the 2021 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

15. The relevant national policy considerations for this proposal are those contained within the NPPF and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 130. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 134, permission should be refused for development that is not well designed, especially where it fails to reflect local design polices and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to development that meets criteria a) and/or b) listed under this paragraph.
16. The site falls within the Green Belt and therefore the proposal falls to be considered under section 13 of the NPPF (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 138 of the NPPF. Paragraph 147 sets out that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, substantial weight should be 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. Exceptions to inappropriate development are set out in paragraph 149 of the NPPF. Certain other forms of development listed under paragraph 150 are also not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
17. The site falls within an area of flood risk. The proposal therefore falls to be considered under part 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change). Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 167 states that, where appropriate, applications should be supported by a site- specific Flood Risk Assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that the criteria listed under this paragraph are met.

Relevant Local Planning Policies and Guidance

18. The LPP1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under Policy 10 of the LPP1 (Design and Enhancing Local Identity). Development should be assessed in terms of its treatment of the criteria listed under paragraph 2 of this policy.
19. The site falls within Flood Zone 3 and therefore the proposal falls to be considered under Policy 17 (Managing Flood Risk). Policy 18 (Surface Water Management) is of relevance.
20. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 which states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the criteria listed under this policy are met. The site falls within the Green Belt. Policy 21 of the LPP2 states that applications for development in the Green Belt will be determined in accordance with the NPPF.

APPRAISAL

21. The application site falls within the Green Belt. Exceptions to inappropriate development are set out in paragraph 149 of the NPPF and this includes:
 - 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;
22. The brick outbuilding adjoins the eastern elevation of an existing brick barn, filling the space between this and a portal- framed barn to the east. The outbuilding replaced a smaller open- fronted barn, along with a small breezeblock building and a rudimentary metal and scaffold shelter that was temporary in appearance. In contrast to this, the outbuilding is a robust and substantial brick structure.
23. The outbuilding has a roof ridge approximately 2 metres greater in height than that of the previous barn structure. The eaves height is almost double that of the previous structure and the mezzanine floor provides more than double the floor space of the previous barn and ancillary structures. Taking into account the height, volume and floorspace of the outbuilding, it is considered that it is materially larger than the previous structures and thus would not meet the exception to inappropriate development under paragraph 149d) of the NPPF.
24. The consideration therefore is whether the building comprises limited infill within the village. The adjacent farmyard to the south has outline permission for up to 5 houses (planning reference 19/00412/OUT). The outline application included an indicative layout plan which showed dwellings positioned further east than the outbuilding subject to the current application. Whilst wholly indicative, the officer report for that application considered that a development based on the layout plan would constitute 'limited infill'.
25. The wider Chestnut Farm site borders residential properties to the north, south and west with open countryside to the east. The outbuilding does not project beyond the line of the eastern boundary of the residential properties

on New Road, nor does it extend beyond the rear boundary of the tennis court associated with 18 Chestnut Lane or The Old Stables to the north. It is thus not considered that the building extends the built-up area of the village.

26. The outbuilding is therefore considered to be limited infill within the fabric of the existing built area, falling under paragraph 149 e) as an exception inappropriate development in the Green Belt.
27. The outbuilding is sited between the existing brick barn and a portal framed barn to the east. It is not considered that the outbuilding harms the openness of the Green Belt or appears unduly prominent from outside of the settlement.
28. Whilst the outbuilding is a taller structure than the one it replaced, it is visually attractive compared to the previous structures and has also removed unsightly outdoor storage. Whilst the ridge projects above the adjoining brick barn, it does not appear prominent from Chestnut Lane. Views from New Road are limited to potential glimpses across Oliver's Yard. The facing brick and slate tile roof reflect the appearance of the existing brick barn. It is not considered that the outbuilding harms the character of the streetscene.
29. The rear elevation of the outbuilding is sited on the boundary with 18 Chestnut Lane to the north. The outbuilding abuts an adjacent tennis court. It is not considered that the retention of the outbuilding would result in an undue overbearing or overshadowing impact on the neighbouring dwelling or their rear garden space.
30. The site falls within a high flood risk area. However the building is in use for storage rather than habitable use and is therefore considered to comprise a 'low vulnerability' form of development. Should planning permission be granted, a condition is proposed requiring the use to be restricted to storage in connection with the arboriculture and landscaping business and not for residential occupation.
31. It is considered that the development accords with the general national and local planning policies considered above and accordingly it is recommended that the application is approved.
34. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission

RECOMMENDATION

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

1. The development hereby approved shall be used solely for the storage of storage of machinery, equipment and materials in connection with the arboricultural and grounds maintenance company and it shall not be used for residential occupation or for any other purpose.

[It is not considered that the site possesses sufficient amenities or is

OFFICIAL

otherwise suitable to accommodate an additional independent dwelling and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].