
Appeal Decision

Site visit made on 6 September 2016

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th October 2016

Appeal Ref: APP/N3020/W/16/3149686

The Folly, Park Lane, Lambley, Nottinghamshire NG4 4PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rob Meek against the decision of Gedling Borough Council.
 - The application Ref 2016/0075, dated 18 January 2016, was refused by notice dated 7 April 2016.
 - The development proposed is residential development of land next to the Folly, Park Lane, Lambley to provide 5 no. new affordable dwellings comprising 2 no. 2 bedroom bungalows and 3 no 2 bedroom starter homes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all detailed matters reserved apart from the access. I have dealt with the appeal on that basis, treating the site plan, floor plans and elevations as illustrative except for where they relate to the access.

Main Issues

3. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - ii) the effect of the proposed development on the openness of the Green Belt;
 - iii) if the development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, openness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The proposed development would be within the Nottingham Derby Green Belt. The Council's reasons for refusal refer to the proposal constituting
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inappropriate development by virtue of not serving the five purposes of the land within the Green Belt.

5. However, paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. These categories include limited infilling in villages, and limited affordable housing for community needs under policies set out in the Local Plan.
6. Furthermore, Policy 8 of the Greater Nottingham Broxtowe Borough Gedling Borough Nottingham City Aligned Core Strategies Part 1 Local Plan (2014) (CS) sets out the Council's approach to rural affordable housing and states that where there is robust evidence of local need, rural exception sites or sites allocated purely for affordable housing may be permitted within or adjacent to rural settlements.
7. The description of development clearly refers to five affordable homes. These could be secured as such through the imposition of an appropriate planning condition. I have also noted the appellant's evidence with regard to the need and the support for the proposal from the Councils Housing Strategy Department. On the basis of this evidence I am satisfied that the proposal would constitute affordable housing for a community which is in need of such. Thus, it follows that the proposed development would not be inappropriate development in the Green Belt if it can be shown to be limited and in accordance with the policies in the development plan.
8. Limited is not defined in the Framework, however, the illustrative plans show five relatively small homes. In comparison with the scale of the wider village of Lambley and with the absence of any substantive evidence to the contrary I am satisfied that the proposed development would be limited.
9. To the east of the appeal site is a cemetery to the west are other dwellings and buildings along Park Lane set varying distances back from the road. The illustrative details show a public footpath which would connect the proposed development to the main built up part of the village. Thus, on the basis of the evidence before me and without any evidence to the contrary, I find the proposed development would be within the village.
10. The proposal would therefore accord with Policy 8 of the CS, thus it would involve limited affordable housing for community needs under policies set out in the Local Plan. On this basis I find the proposal would not amount to inappropriate development in the Green Belt.

Openness

11. The appeal site is a relatively large area of land in use as a garden to the Folly which is a large detached bungalow, located on the south side of Park Lane. The appeal site is mainly laid to lawn and surrounded on all sides by mature planting and trees. It sits elevated from Park Lane, with the land rising gently from the north to the south. The south side of Park Lane has a number of buildings set varying distances back from the road with spaces between them. The north side of Park Lane opposite the appeal site has mature planting adjacent to the road but is mainly free from buildings apart from a large detached dwelling set some distance back from the road.

12. The illustrative plans show a terrace of three dwellings and a pair of semi-detached bungalows. All would be served by a private driveway and would each have two parking spaces and a private garden. Furthermore, the proposed development would inevitably result in the introduction of boundary treatments and other domestic paraphernalia.
13. Paragraph 79 of the Framework makes clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Although the appeal site is enclosed by mature planting, it is a large open area of garden which is free from any significant structures.
14. Based on the illustrative plans the proposal would result in the introduction of two buildings of a significant scale, one of which would be two-storey. I acknowledge the appellant's intention to provide additional hedge and tree planting along appeal site boundaries as part of a landscaping scheme which could form the subject of an appropriate planning condition. I also acknowledge the mature planting already in place. However, the significant increase in the bulk of buildings on the site would be noticeable when passing by the access and in my view would be visible through gaps in and above the trees and hedging along the appeal site boundary with Park Lane, particularly in the autumn and winter.
15. Consequently the introduction of the two significant buildings together with associated domestic paraphernalia would lead to a significant loss of Green Belt openness. The bulk of development would erode a gap in built development along Park Lane, which would be contrary to the purpose of the Green Belt to assist in safeguarding the countryside from encroachment. Therefore the proposed development would be harmful to the openness of the Green Belt and I attach significant weight to this harm.

Other considerations

16. Lambley is a relatively large village with a range of local services and is relatively close to Nottingham and Arnold. I also note that it sits within the working countryside, where many people who live in the village work in the surrounding countryside. The appeal proposal would result in five more houses in the Borough, thus contributing to the housing supply in the area. These would be affordable homes in a location where a need has been demonstrated.
17. I acknowledge that the appeal scheme has been worked up over three years through a close working relationship with members of the local community. Furthermore, I note that discussions are advanced with a Housing Association such that the scheme could be delivered within the next 18 months.
18. Moreover, there would also be employment opportunities associated with building the dwellings and the occupants of the proposed dwellings would provide customers and potential employees for local businesses. Furthermore, the proposed footpath link along Park Lane would also benefit the wider community.

Other Matters

19. The appeal site is within the Lambley Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the development on the character and appearance of the area. The

appeal proposal is an outline application; there is nothing before me to indicate that the proposed development could not be designed sensitively, thus the character and appearance of the conservation area would be preserved.

20. I have considered the examples of development in Tollerton¹, East Bridgford, Cropwell Bishop, Cotgrave and Costock where affordable housing which meets a community need has been approved in the Nottingham Derby Green Belt. However, the full details of those schemes are not before me and I have assessed the appeal scheme on its merits and have found harm to the openness of the Green Belt based upon the bespoke site specific circumstances and the details shown on the illustrative plans.
21. I have also noted the appellant's comments that there are limited sites in Lambley that can deliver a policy compliant scheme of the composition of that proposed. However, no detailed analysis of alternative sites or evidence which demonstrates a lack of them has been put before me, such that I afford this matter limited weight.

Conclusion

22. Whilst, I have found the proposed development would not be inappropriate development in the Green Belt, I have found that it would erode and thus harm the openness of the Green Belt contrary to the Green Belt purpose of safeguarding the countryside from encroachment.
23. I give some weight to the contribution of five new dwellings to the supply of housing in the Borough and attach additional weight to the fact that these would be affordable homes. Furthermore, I attach some weight to the proposed development's ability to contribute towards the local economy and the vitality of a rural community which is close to Nottingham and Arnold. Moreover, I attached some weight to the benefit of the proposed public footpath link and that the scheme has been worked up through engagement with the local community and could be delivered at pace. However, the substantial weight to be given to the Green Belt harm I have identified is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
24. I acknowledge that the Council cannot demonstrate a five year supply of deliverable housing land in accordance with paragraph 49 of the Framework. However, as I have found the proposal would be harmful to the openness of the Green Belt footnote 9 of the Framework, indicates that development should be restricted and this harm significantly and demonstrably outweighs the very limited benefit of only five more dwellings, albeit affordable dwellings to the supply of housing in the Borough.
25. For the reasons set out above and with regard to all other matters, I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

¹ Rushcliffe Borough Council reference 08/01515/FUL