
Appeal Decision

Site visit made on 18 October 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 16th November 2016

Appeal Ref: APP/N3020/W/16/3153884

Land adjacent to 51 Kirkby Avenue, Ravenshead, Nottinghamshire, NG15 9HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Brian Hedley against the decision of Gedling Borough Council.
 - The application Ref 2015/1273, dated 21 October 2015, was refused by notice dated 6 January 2016.
 - The development proposed is described as "*residential conversion of existing building, resubmission of 2014/1227.*"
-

Decision

1. The appeal is allowed and planning permission is granted for residential conversion of existing building, resubmission of 2014/1227 at Land adjacent to 51 Kirkby Avenue, Ravenshead, Nottinghamshire, NG15 9HD in accordance with the terms of the application, Ref 2015/1273, dated 21 October 2015, subject to the attached schedule of conditions.

Procedural Matter

2. The appellant has submitted a draft Statement of Common Ground. However this document is unsigned and, as set out within their appeal statement, the Council maintain their reasons for refusal. Accordingly, this document forms no basis of agreement between parties and I have therefore not taken account of this in my determination of the appeal.

Main Issues

3. The site is within the Nottinghamshire Green Belt and therefore the main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - (b) The effect on the openness of the Green Belt and the purposes of including land within it.
 - (c) The effect on the character and appearance of the host building and rural surroundings.
 - (d) Whether the site is a suitable location for residential development having regard to local and national policy.
 - (e) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and so any other harm, is clearly
-

outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate Development

4. Paragraph 90 of the Framework establishes that certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include the re-use of buildings provided that the buildings are of a permanent and substantial construction.
5. The proposal relates to the conversion of a disused 'U' shaped stable block to a single dwelling. Constructed from brown painted breeze block work with a brown corrugated metal roof, there is no dispute that the building is capable of conversion and I have seen nothing that would lead me to a different view.
6. In accordance with paragraph 90 of the Framework, my conclusions on the next issue, the effect of the development on Green Belt openness and purposes, will therefore determine whether or not the development is inappropriate.

Green Belt Openness and Purpose

7. The appeal site is located within an area of open countryside on the south side of Kirkby Road. Ribbon development runs along this south side, comprising of mainly detached dwellings to which No 51, as located to the east of the appeal site, forms the end property. To the west of the appeal site are paddocks. There is also an access drive which leads to housing located to the rear of the appeal site. This is screened from the appeal site and Kirkby Road by extensive woodland. To the north side of Kirkby Road opposite the appeal site are open fields with woodland beyond.
8. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The curtilage of the site, as indicated by the red line site plan, has been tightly drawn to take in the existing access track, the footprint of the stable block, along with a curved area of hardstanding in front of the building. A small area of grassland to the western side of the building is also included, at the time of my visit this land appeared to be used for storage.
9. While no specific details have been provided, it is understood that the curtilage of the building has been reduced to overcome the concerns of the previous Inspector of appeal reference APP/N3020/W/15/3004920. While I accept that the proposed use would be likely to result in some domestic paraphernalia, this would be limited by the small area of curtilage and would not be likely to have any greater impact on the openness of the site, than associated with the buildings previous use as a stable or its current function as a storage area.
10. I am also mindful that the erection of curtilage buildings and other development such as boundary treatment and landscaping could be controlled by the removal of permitted development rights via the imposition of a planning condition.

11. Taking the above into consideration, I therefore find that there would be no loss of openness of the Green Belt.
12. The purposes of the Green Belt are set out in paragraph 80 of the Framework and include, among other things, to safeguard the countryside from encroachment. I note the conclusions made by the previous Inspector and I agree that the area is vulnerable to development pressure. However since the building and its access are in place and would remain as existing, and given that its domestic curtilage would be much reduced, I am satisfied that the proposals before me would not contribute to the outward sprawl of Ravenshead and would not, therefore, encroach into the open countryside.
13. I acknowledge the Council's concerns in respect of the much reduced area of curtilage and pressure to increase this, particularly to the rear paddock area whereby occupants of the dwelling would enjoy views of. However, any use of land outside of the red line site plan as domestic garden would require consent and would be dealt with at that time, in accordance with relevant local and national policy in respect of Green Belt.
14. I therefore find no conflict with Green Belt purposes and given that I have also found no loss of openness, I therefore conclude that the proposal would not constitute inappropriate development for the purposes of national Green Belt policy as set out at paragraph 90 of the Framework and would accord with Policy 3 of the Gedling Borough Aligned Core Strategy 2014 (ACS). It is therefore unnecessary to consider whether there are considerations in favour of the appeal which would amount to very special circumstances necessary to justify the development.

Character and Appearance

15. The appeal building is located away from Kirkby Road and as such only glimpsed views are gained through the boundary hedge and access at the front of the site. While the building has no particular architectural merit, I am of the opinion that the existing building on the site has a modest muted appearance commensurate with its rural setting.
16. The conversion would entail a number of changes to the building, including the timber cladding of the exterior, the alteration of openings to the rear elevation and the insertion of glazing into these and other existing openings.
17. I consider that the introduction of wooden boarding would make little difference to the overall appearance of the stables, and I take on board that this was conditioned when permission was granted for the stables originally.
18. In respect of glazing, the proposals would, on the whole, be acceptable as these are of a simple design and would not give rise to an overly domestic appearance. Moreover, details could be conditioned to ensure that the colour would be appropriate and would not detract.
19. The alteration of the window apertures could reasonably be avoided given the small scale of the accommodation and the windows to the front elevation which would also serve the same rooms. Nonetheless, I am mindful that these alterations would be restricted to the rear elevation and therefore would constitute only a negligible change to the character of the barn.

20. I note that the previous Inspector found harm to character and appearance due to the small but cumulative impacts of the proposed design. However it was concluded that the adverse impact was limited and it is clear that changes to the driveway and entrance factored into that decision. The proposals before me seek to retain the access and driveway as existing and changes have been sought in respect of the omission of white rendering.
21. On this basis, I am satisfied that the limited harm as identified by the Inspector has now been overcome and that the development is appropriate in respect of the character of the host building and would complement its wider rural surroundings.
22. Overall I conclude that the development would preserve the character and appearance of the stables and its rural setting. The proposals would therefore accord with paragraph 58 of the Framework which seeks to ensure that developments respond to local character and reflect the identity of local surroundings. I find no conflict with paragraph 64 of the Framework in respect of poor design and loss of enhancement opportunities.

Location of Development

23. At my site visit, I saw that the appeal site is isolated, insofar as it is remote from the services and facilities within Ravenshead and its community, and that public transport options are limited. Accordingly, it would not usually amount to a suitable location for residential occupation.
24. However, in respect of rural development, paragraph 55 of the Framework permits the development of isolated homes in the countryside where there are special circumstances. These are listed within the text and one such circumstance is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
25. While the building is of recent construction, having been granted consent in 2012, I saw that the stable block is disused. I have also concluded that the proposals would complement its rural surroundings and would not affect the openness of the Green Belt. On this basis, I am therefore satisfied that the test is met. Furthermore, given that special circumstances can now be demonstrated, the previous Inspector's reasoning in respect of access to transport falls away.
26. The Council's decision notice makes reference to the need for the development to be of outstandingly high quality design in order to meet the paragraph 55 test. However, on my reading of paragraph 55, the bullet points refer to separate and alternative special circumstances, as opposed to a series of criteria which all development must meet.
27. Taking account of the intrinsic nature of an isolated rural dwelling that the criteria of paragraph 55 seek to test, it is concluded that the development would constitute a special circumstance where an isolated development is considered to be acceptable.

Other Matters

28. I note the concerns of the Parish Council in respect of highway safety. However, I saw that there is adequate visibility from the existing access in both

directions. I am also mindful that the Highways Authority did not object to the proposals.

Conditions

29. I have had regard to the conditions suggested by the Council and I have attached conditions limiting the life of the planning permission and specified the approved plans, for certainty.
30. I have conditioned details of materials to ensure that the external appearance of the converted dwelling is satisfactory, given its sensitive location.
31. A condition removing permitted development rights relating to alterations and extensions (including those in the roof and porches), other curtilage structures and the installation of chimneys, flues etc, is necessary in the interests of the openness and purposes of the Green Belt and the character and appearance of the surrounding area. I have amended the suggested wording to make it clear the precise schedule and part of the Order which applies and I have removed reference requiring prior written permission of the Council as it is unnecessary given that the condition in itself would require the submission of a planning application.
32. A condition relating to car parking is necessary, although I have amended the Council's suggested wording for clarity and in the interests of good practice. In combination with the restriction of permitted development rights, this would preserve Green Belt openness.
33. Finally, I have amalgamated the Council's suggested conditions in respect of means of enclosure, for precision and clarity. Such a condition is necessary in respect of Green Belt openness and character and appearance.

Conclusion

34. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15/142-01, 15/142-02 and 15/142-05.
- 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, C, D, E and G of Part 1 of Schedule 2 to that Order shall be carried out.
- 5) The area of hardstanding to the front of the building shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.
- 6) No development shall commence until details of means of enclosure and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before any part of the development is first occupied and retained thereafter unless agreed in writing by the Local Planning Authority.