
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/16/3154289

Land off Ricket Lane, Ravenshead, Nottingham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Brian Hedley against Gedling Borough Council
 - The application Ref 2016/0600, is dated 27 April 2016.
 - The development proposed is change of use to two holiday lets
-

Decision

1. The appeal is allowed and planning permission is granted for change of use to two holiday lets at Land off Ricket Lane, Ravenshead, Nottingham in accordance with the terms of the application, Ref 2016/0600, dated 27 April 2016, subject to the attached schedule of conditions.

Procedural Matter

2. The appeal is against the non-determination of the planning application by Gedling Borough Council. However, it is unclear to me whether the prescribed time-frame in dealing with the application had lapsed and I note that on the day the appeal was submitted, the Council issued their formal decision notice.
3. In the circumstances of failure cases putative reasons for refusal would normally be provided by the Council. No party would be prejudiced by my taking into account the reasons for refusal set out therein and I have determined the appeal accordingly.
4. The Council do not identify policies of the development plan, but rely instead on the policies of the National Planning Policy Framework (the Framework). I have done the same.

Main Issues

5. In light of the above, and due to the site being located within the Nottinghamshire Green Belt, the main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework.
 - (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

- 6. 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 (paragraph 90).
- 7. The proposal relates to the conversion of a disused stable block to 2 holiday lets. There is no dispute that the building is capable of conversion and I have seen nothing that would lead me to a different view.
- 8. 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

- 9. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. Out of the five purposes of including land within the Green Belt, I consider that the most relevant purpose pertaining to this appeal is to assist in safeguarding the countryside from encroachment.
- 10. The appeal site is located within the open countryside, surrounded by open fields and paddocks. The Council's concerns in respect of openness and Green Belt purposes relate to the creation of domestic curtilage. The red line site plan indicates that the curtilage is restricted to a current yard which comprises of an area of hardstanding, located to the front of the building. The Council concedes that the paddock area cited within their decision notice does not form part of the application.
- 11. While visitors would be likely to use the yard area for domestic purposes such as sitting outside, playing, having barbeques, and parking their vehicles, due to the nature of the use, such activities would not occur at all times or be particularly intensive or sustained.
- 12. Moreover, the existing use of the site involves the use of the yard area for the parking of vehicles. At my visit I saw a number of vehicles parked in this area, including large horseboxes. As such, while I accept that the proposed use could result in some domestic paraphernalia, given that the holiday lets would be occupied only periodically, I consider that this would be limited in extent and, in practical terms, would not be likely to have any materially greater impact on the openness of the site than the existing use. Furthermore, permitted development rights could be restricted to prevent the erection of curtilage buildings and extensions and a condition imposed in respect of parking arrangements to further preserve openness.

13. Overall, I consider that the conversion of the building and associated use of the yard area within the red line site plan would not prejudice Green Belt openness. Furthermore, as an existing building and given that the proposal would not cause material harm to openness, I am satisfied that the proposal would not represent encroachment into the countryside, and would therefore have no adverse effect on the purposes of including land in the Green Belt.
14. Reference is made by the Council in their Officer report, as well as in consultation comments from the Planning Policy Team to a previous appeal decision at the site whereby the Inspector concluded that the proposals for the conversion of the building to a two bedroom dwelling would amount to inappropriate development within the Green Belt. However, I have not been provided with a copy of the Inspector's decision, or full details of the application to allow for any comparison. In any case, I have determined this appeal for holiday accommodation on its own merits, based upon the evidence before me.
15. Overall, I conclude that the proposal would not be inappropriate development for the purposes of Green Belt policy as set out in paragraph 90 of the Framework. 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

16. The existing building is constructed from brown painted breeze block work with a brown corrugated metal roof. While I agree with the Council that it is of no particular architectural merit, I consider that it is a modest building which does not detract from its rural surroundings.
17. The proposals would retain that appearance with the addition of windows and doors in existing openings and additional skylights in the roof. There is some confusion as to whether the roof would be retained or replaced with a different material, however that could be addressed by condition to ensure that character is preserved. A restriction of permitted development rights in respect of extensions and alterations would also reasonably provide future safeguards in respect of this matter.
18. Therefore I conclude that the proposed conversion of its use to holiday accommodation and the associated design changes would be an acceptable form of development and would complement its rural surroundings. I therefore find no conflict with paragraph 64 of the Framework which seeks to resist poor design and loss of opportunity for enhancement.

Location of Development

19. As located in the open countryside away from Ravenshead with its services and facilities, I accept that the development would be isolated and would be likely to rely on the private car. Consequently, it would not usually amount to a suitable location for a C3 use.¹
20. However, paragraph 55 of the Framework permits the development of isolated dwellings in the countryside where there are special circumstances. One such

¹ As set out within the Town and Country Planning (Use Classes) Order 1987 (as amended).

circumstance is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

21. I am satisfied that the development would lead to the re-use of the building, and as I have identified above, would preserve Green Belt openness and would complement its rural surroundings. I therefore consider the special circumstances test to be met.
22. The Council makes reference to the need for the development to be of outstandingly high quality design in order to meet the paragraph 55 test. However, the bullet points refer to separate and alternative special circumstances, as opposed to a series of criteria which all development must meet.
23. I also note that permission was granted in 2012 for the erection of the building, based upon a demonstrable need. Any future application for any other buildings in this location would be determined on its own merits at that time.
24. It is therefore concluded that the proposals would constitute a special circumstance where an isolated development is considered to be acceptable, in accordance with paragraph 55 of the Framework.

Other Matters

25. I do not consider that the development would give rise to a significant increase in vehicles using Ricket Lane, as a narrow country road, or those using the junction at Blidworth Church, over and above the existing permitted use. Accordingly, and in the absence of any concerns from the Highways Authority, I am satisfied that highway safety would not be adversely affected by the proposals.
26. While I have no specific information relating to the need for tourist accommodation in the local area, I note that the general area does draw visitors to Sherwood Forest, Newstead Abbey and other local attractions. In any case, I have found that the development would not give rise of any adverse impacts in the locality which would warrant refusal.

Conditions

27. In allowing the appeal, I have attached conditions limiting the life of the planning permission and specified the approved plans, for certainty.
28. A condition requiring the submission of details relating to roof materials is necessary in order to preserve character and appearance. A condition limiting the use to holiday let accommodation and controlling the periods over which it is let is necessary to ensure that the building is not used as a permanent dwelling in the interests of the openness of the Green Belt. I have, however, amended the Council's specified timescale from '4-weeks' to 28 days to be consistent and precise.
29. 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.

30. A condition relating to car parking is necessary to preserve Green Belt openness, 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.

Conclusion

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

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: RLR-03 and RLR-04.
- 3) No development shall commence until details of the roofing materials to be used in 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.
- 4) The development hereby permitted shall be used as holiday accommodation and shall not be occupied continuously by any person or persons for a period in excess of 28 days in any one single dwelling. There shall be no consecutive lettings beyond 28 days to the same person, family or group and a written record of lettings shall be kept and made available for inspection by the Local Planning Authority on request.
- 5) 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.
- 6) 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.