
Appeal Decision

Site visit made on 4 January 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/P3040/W/16/3157454

**Ruddington Hall, Midland Software Holdings, Loughborough Road,
Ruddington, Nottinghamshire NG11 6LL**

- 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 Steve Bocock (Midland Software Holdings) against the decision of Rushcliffe Borough Council.
 - The application Ref 15/02732, dated 9 November 2015, was refused by notice dated 29 February 2016.
 - The development proposed is disaster recovery and staff training centre with additional car parking area.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. An obligation under Section 106 of the Planning Act dated 19 December 2016 is before me which provides a financial contribution towards sustainable travel. However, because I am dismissing the appeal on the main issues, it is not necessary for me to reach any conclusions on the adequacy of the legal agreement in my decision.

Main Issues

3. The main issues are:
 - Whether Ruddington Hall and its grounds should be considered to be non-designated heritage assets, and the effect of the proposed development on its character and appearance; and
 - Whether the harm by reason of inappropriateness to the Green Belt, 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

Whether non-designated heritage assets and the effect on character and appearance

4. Ruddington Hall and its grounds are not listed. Nonetheless it is common ground between the main parties that they are non-designated heritage assets. The main parties agree that the building dates from circa 1860 and was

originally a country house and formal gardens. It changed ownership several times in its history before becoming office accommodation in the 1980s, with the appellant occupying the building since 1992. A two-storey extension has been added to the rear which is only readily apparent from limited vantage points on the site.

5. The Council considers Ruddington Hall to be a good example of mid-Victorian architecture, which the appellant says has been responsibly restored and cared for over under its stewardship. I find nothing to disagree with that, noting at my site visit that the Hall positively and proudly stands within attractive and formal landscape gardens, with wider views of the landscape appreciable and enjoyable from outside the building and from a number of vantage points around the site. The setting and relationship between the Hall and its gardens defines its local significance, and I have no reason to disagree with the main parties that both should be considered non-designated heritage assets.
6. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving heritage assets. Paragraph 135 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into consideration, and a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. Policy 11 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (Core Strategy) states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
7. The proposed building would be a sizeable structure on an elevated position and forward of the front elevation of the Hall. While it would be predominately glazed and separated from the Hall by some distance, I nevertheless find that it would appear unduly prominent particularly when viewed from the approach to the building from the access from Loughborough Road, and would have the effect of enclosing the site and the Hall on one side. I find that because of its size and scale, the proposed building would rival with the Hall as the principal building on the site rather than appearing subservient to it, and I am not persuaded that it would be capable of masquerading as an orangery, as the appellant suggests. The relationship between the Hall and its open surroundings would be fundamentally and harmfully altered as a result.
8. I acknowledge the appellant's assertion that the proposed building is required for the successful growth and expansion of the business enterprise, and I note that attempts have been made to position it sufficiently distant from the Hall. Nevertheless the economic benefits would not in my judgement outweigh the significant harm to the setting, character and appearance of the non-designated heritage assets, which I attach considerable weight and importance to in my decision.
9. The proposed development would not accord with the relevant parts of the Framework or with Core Strategy policy 11, details of which I have set out above. It would also conflict with Core Strategy policy 10, and with policy GP2 (d) and (h) and policy EN19 of the Rushcliffe Non-Statutory Replacement Local Plan 2006 (Local Plan). These state that all new development should be designed to make a positive contribution to the public realm and reinforce local characteristics and context and be sympathetic to the character and

appearance to the surrounding area or on any historic sites and no significant adverse effect on the open nature of the open countryside, important buildings and landscape features.

Whether the harm is clearly outweighed by other considerations

10. The appeal site lies within the Green Belt. The Framework establishes national Green Belt policy, and identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Local Plan policies EN14 and EN19 are broadly consistent with the Framework. They state that planning permission will not be granted for inappropriate development, including the construction of new buildings unless very special circumstances can be shown to outweigh the resulting harm to the Green Belt, and that there will be no significant adverse effect on the open nature of the Green Belt.
11. Paragraphs 89 and 90 of the Framework set out those categories of development which may be regarded as not inappropriate. However, it is common ground between the main parties that the proposed development, including the provision of an additional car parking area, does not fall within any of these examples and as such it is, by definition, inappropriate development in the Green Belt. The main parties also agree that because of its size and elevated position it would also erode and cause harm to openness of the Green Belt. In both cases, I concur with that position. I have also already identified that other harm would occur to the setting of Ruddington Hall and its grounds as non-designated heritage assets.
12. The proposed building would be used for two purposes. One is as a disaster recovery centre, which the appellant states is necessary to manage potential failures in communications and server room problems. Although the Council suggests that cloud storage would be a more modern approach, on the evidence before me I have no reason to doubt that the proposed facility is both necessary and required.
13. However, the submitted drawings indicate that the disaster recovery centre element would occupy only a small part of the overall building and within a basement area. The majority of the remainder of the proposed building would be given over to the second use as a training facility. This use would occupy two floors and would comprise two large rooms for staff training, an open plan meeting area, and a lecture theatre and auditorium room.
14. Little evidence is before me which justifies or explains the need for this quantum of floor space. It has not been sufficiently explained or justified why, notwithstanding its limitations, the appellant's site at Bell House could not accommodate the disaster recovery centre which evidently does not require a significant area of space; or whether the appellant's site at Britannia House could not be adapted or altered to accommodate the training and/or the disaster recovery facility, or indeed whether other sites have been considered.

15. While I comprehend the requirement for a modern facility as I have set out above, I am not satisfied that it has been clearly demonstrated to be needed both in the location, and to the size as proposed. I therefore conclude that the other circumstances advanced by the appellant do not clearly outweigh the substantial weight attached to Green Belt harm, and subsequently the very special circumstances necessary to justify the development do not exist.
16. The proposed development would not accord with relevant parts of the Framework, or with Local Plan policies EN14 and EN19, details of which I have outlined above. The Council cites Core Strategy policy 4 in its reason for refusal on this matter. The policy concerns the reviews of boundaries, settlement retention, and allocation of sites outside of the Nottingham and Derby Green Belt. The policy is, I find, strategic in nature and not particularly relevant to the appeal.
17. In reaching my decision, I acknowledge that two previous planning approvals for a disaster recovery centre on the appeal site were granted by the Council in the years 2000 and 2003. However, both schemes were in outline form only, and while the appellant states they are in the same location as the appeal proposal, little evidence is before me to explain how they directly relate to the proposed scheme, particularly as to whether those schemes included a sizeable training facility. I therefore do not attach any significant weight to their existence in my decision.

Other Matters

18. Concerns have been raised in respect to the effect of the proposed development on local wildlife and on trees, particularly as the location of woodland lies a short distance away from the proposed development. The appellant's preliminary ecological appraisal dated June 2016 suggests that the proposed development could be accommodated without significant harm to ecology and trees, subject to a number of recommended enhancements including buffer areas of planting and tree protection measures during construction. The Council has not raised this as an issue. In the absence of sufficient evidence to the contrary, I am satisfied that such measures would be effective, and could be controlled by the imposition of appropriately worded planning conditions.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR