
Appeal Decision

Site visit made on 5 January 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 6th February 2017

Appeal Ref: APP/N3020/W/16/3158440

19 Kighill Lane, Ravenshead, Nottingham NG15 9HN

- 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 J and P Ingles and Corner against the decision of Gedling Borough Council.
 - The application Ref 2016/0534, dated 1 March 2016, was refused by notice dated 25 August 2016.
 - The development proposed is described as "an outline application to Gedling Borough Council by the landowners for the residential redevelopment of land to the south-east of Kighill Lane in Ravenshead, to provide 16 no. 2 bedroom retirement bungalows."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with the matter of access to be determined. Matters of appearance, landscaping, layout and scale are reserved for future consideration, though indicative site layout, floor plans and elevations have been provided. I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - 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.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - Whether the appeal site would be a suitable location for housing having regard to reliance on private car.
 - If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.
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Reasons

Whether the proposal would be inappropriate development?

4. The appeal site lies within the Green Belt. Policy 3 of the Aligned Core Strategies Part 1 Local Plan 2014 (CS) identifies the extent of the Green Belt. The Council has indicated that there are no proposals to amend the Green Belt boundary to the south of Kighill Lane within the emerging Local Planning Document Publication Draft (Part 2 Local Plan) 2016.
5. The Framework advises at Paragraph 89 that, other than in the case of a number of specified exceptions, the construction of new buildings within the Green Belt is inappropriate development. One of the specified exceptions in Paragraph 89 of the Framework is limited infilling in villages, and limited affordable housing for community needs under policies set out in the Local Plan.
6. Policy 8 of the CS 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. Although not defined in the CS, the Framework defines 'rural exception sites' as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. The Framework also defines 'affordable housing' as "*social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*" It is clear that homes which do not meet that definition may not be considered as affordable housing for planning purposes.
7. The proposal would provide 16 retirement bungalows intended to meet an identified local need. The appellant asserts that it would, therefore, provide limited affordable housing for community needs under a CS policy and would not be inappropriate development.
8. I note the importance of meeting that local need in light of the recent appeal decision¹ at Cornwater Fields, Ravenshead where the affordable housing secured with that scheme may no longer be provided. However, whilst the appellant has referred to the proposed dwellings as 'affordable', there is no mechanism before me to ensure that the dwellings would adhere to definition of social rented, affordable rented or intermediate housing as set out in the Framework. Moreover, whilst I have considered the use of a condition to restrict occupation to persons aged 55 or over, that would not ensure that the proposed housing would meet the definition of affordable housing within the Framework.
9. As a result, the proposal would not fall within the definition of affordable housing and the proposal would not therefore constitute a rural exception site, in conflict with Policy 8 of the CS. Moreover, regardless of whether the extent of the proposal is limited, it would not provide affordable housing and would not, therefore, benefit from the exception under Paragraph 89 of the Framework.

¹ APP/N3020/S/16/3154302

10. I conclude, therefore, that the proposal would be inappropriate development within the Green Belt. Paragraph 87 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances.

Openness

11. Paragraph 79 of the Framework sets out that a fundamental aim of Green Belt policy is to keep land permanently open. The appeal proposal would result in the provision of 16 dwellings on land which comprises residential gardens and paddocks. I note that the land is bound by a mix of post and rail fences, trees and hedgerows. However, there would be a significant increase in the level of built form on the site. As a result, the scheme would impact on openness, in that it would be reduced.
12. I conclude, therefore, that the proposal would lead to a loss of the openness of the Green Belt, contrary to fundamental aim and purpose of Green Belt policy as set out in the Framework. Whilst the overall loss of openness would be limited when taken in isolation, it nevertheless adds to the harm through inappropriateness which I have identified above.
13. In line with the Framework, the harm arising due to the inappropriateness of the development and the loss of openness is afforded substantial weight.

Character and Appearance

14. The properties on this part of Kighill Lane are generally single storey, detached dwellings. The density of surrounding development is relatively low, with houses located on large plots with expansive front and rear gardens. The pattern of the surrounding area is characterised by the tightly knit, linear grain of properties on the south-eastern side of Kighill Lane, which are outside of the defined limits of Ravenshead. Kighill Lane is identified in the CS as a future appropriate defensible boundary for the south of Ravenshead. The boundary assists in softening the transition from the dense built up area of the village into the surrounding countryside.
15. The appeal site comprises garden land to the rear of 19 Kighill Lane, as well as paddocks to the rear of 15, 15a, 17 and 19 Kighill Lane. The site is generally flat and is largely bound by fencing, trees and hedgerows.
16. Although layout is a matter reserved for future consideration, the indicative scheme comprises 16 semi-detached, single storey dwellings. The footprint of the dwellings would be notably smaller than those on Kighill Lane. Furthermore, they would occupy a significant proportion of the overall plot with small front and rear gardens. This would be in stark contrast to the prevailing pattern of the area.
17. I note that the site is set back from Kighill Lane and that views of the site within the public realm would be limited to some extent by landscaping around the boundaries. Nevertheless, the site is not entirely enclosed, in particular to the south-east there are views into the site. The proposal would extend the boundary of the village envelope, eroding the soft edge for the village and the transitional role of the appeal site. Moreover, it would result in a significant expansion of the tightly knit grain of linear development on Kighill Lane. As a result, the proposal would, in my view, fail to add to the overall quality of the area and would not enhance local identity.

18. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. It would, as a consequence, conflict with Policy 10 of the CS which states that all new development should make a positive contribution to the public realm and sense of place, reinforce valued local characteristics and have regard to street patterns, plot sizes and the layout of spaces. It would also conflict with the high quality design aims of Section 7 of the Framework.

Location

19. The properties on Kighill Lane lie some distance from the nearest shops, services and facilities in Ravenshead. Whilst there is a petrol filling station with a small convenience store nearby, there are otherwise very few facilities close to the appeal site.
20. There are no bus services on Kighill Lane. There are, however, bus stops located on the A60 close to the junction with Kighill Lane which would be accessible from the appeal site by walking a short distance along well-lit footpaths. Moreover, Ravenshead would be accessible by bicycle or indeed on foot via Longdale Lane which is lit and has footpaths for its duration.
21. I note that the proposed dwellings are intended for occupation by older persons, some of whom may have more limited mobility. However, evidence provided by the appellant indicates that a local charity – Ravenshead Community Transport, offers bus services for residents on Kighill Lane several days a week to Ravenshead and other nearby settlements. As a result, I am satisfied that future residents of the dwellings would have satisfactory opportunities to access the nearest services and facilities by public transport, cycling or indeed on foot.
22. I conclude, therefore, that the proposal would be a suitable location for housing having regard to reliance on private car. It would, as a result, accord with the aims of Paragraph 55 of the Framework to avoid isolated new homes and Paragraph 34 of the Framework which states that decisions should ensure developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Other Considerations

23. The Council accepts that it cannot demonstrate a five year supply of housing land. The appellant suggests the current supply amounts to 3.65 years. Whilst the presumption in favour of sustainable development set out in paragraph 14 of the Framework is not engaged in this instance due to the Green Belt location², the proposal would make a modest, but nevertheless important, contribution towards the housing supply in the area. This is a matter to which I afford significant weight.
24. In addition, I note that it is intended for the dwellings to meet a local need and that they could be delivered in a relatively short timescale. I also note that the proposal would have some economic and social benefits in job creation and supporting local services, though this would likely be relatively modest given the scale of the proposal. These are matters to which I nevertheless afford significant weight.

² Footnote 9, National Planning Policy Framework

25. Reference has been made to examples of other development in the area where housing which meets a community need has been approved in the Green Belt. However, I have been provided with limited detail of those developments and cannot, therefore, be sure that they are a reasonable comparison to the appeal proposal. In any case, I have considered this appeal on its own merits. I therefore afford those examples little weight.

Conclusions

26. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a loss of openness and harm to the character and appearance of the area.
27. Whilst I have afforded significant weight to the benefits of the development, having considered all matters raised in support of the proposal, including the support for the proposal from a local MP, I conclude that, collectively, they do not clearly outweigh the harm I have identified in relation to the Green Belt by reason of inappropriateness, as well as the loss of openness and harm to the character and appearance of the area. Accordingly, very special circumstances do not exist and the proposal would conflict with Policies 3 and 8 of the CS and the Framework.
28. For the reasons given above I therefore conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR