The Planning Inspectorate

Appeal Decisions

Hearing held on 21 March 2017

Site visit made on 22 March 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 04 May 2017

Appeal A: APP/W3005/W/16/3165759
Forge Mill, Mill Lane, Bestwood Village, Nottingham, Nottinghamshire NG6 8SW

- 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 Michael Pepper (Baybe.org Ltd) against the decision of Ashfield District Council.
- The application Ref: V/2015/0759, dated 19 November 2015, was refused by notice dated 29 June 2016.
- The development proposed comprises the internal and external renovation of a former mill building to create offices, café, restaurant, worship area, factory workshop with recreation areas and a 3 person, manager's apartment.

Appeal B: APP/W3005/Y/16/3165758
Forge Mill, Mill Lane, Bestwood Village, Nottingham, Nottinghamshire NG6 8SW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Michael Pepper (Baybe.org Ltd) against the decision of Ashfield District Council.
- The application Ref: V/2015/0760, dated 27 November 2015, was refused by notice dated 8 July 2016.
- The works proposed relate to the internal and external renovation of a former mill building to create offices, café, restaurant, worship area, factory workshop with recreation areas and a 3 person, manager's apartment.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for the internal and external renovation of a former mill building to create offices, café, restaurant, worship area, factory workshop with recreation areas and a 3 person, manager's apartment.

Preliminary Matters

3. As the proposal affects a Listed Building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

4. The Council has an emerging plan that is yet to be adopted. Consequently, this appeal has been determined in accordance with the extant development plan having regard to the emerging policies, insofar as they may be relevant, and the National Planning Policy Framework 2012 (the Framework).

5. For the sake of clarity and brevity it was agreed that the description of the development, as stated in the refusal notice and appeal form, is the one that should be used for the purposes of this appeal.

6. The appellant has suggested that I should allow those parts of the scheme that I deem acceptable and issue a split decision. I have given this careful consideration. Although a number of elements would not be harmful, the complexity and interrelated nature of the proposal is such that these elements are not clearly severable. Moreover, it is open to the appellant to apply to have the unlawful elements determined under sections 191 or 192 of the Town and Country Planning Act 1990 (as amended). Any such application would be unaffected by my determination of this appeal.

Application for Costs

7. At the Hearing an application for costs was made by Mr Michael Pepper (Baybe.org Ltd) against Ashfield District Council. This application is the subject of a separate decision.

Main Issues

8. As set out at the beginning of the Hearing and given that part of the appeal site is within the Green Belt the main issues are:

   - whether the proposal is inappropriate development for the purposes of the Framework and the Development Plan;
   - whether the proposal would preserve a Grade II listed building, Forge Mill, and any of the features of special architectural or historic interest that it possesses; and
   - if the proposal is inappropriate development, whether the harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary for it to be justified.

Reasons

9. The appeal site is located to the south west of the central part of Bestwood Village. It comprises a relatively compact area of land upon which a partially renovated, former cotton mill is situated. The building and associated land are arranged parallel to an access road, Mill Lane, that serves a nearby residential development of recent origin. This lies immediately to the south of the appeal site on the opposite side of the road. Further residential properties lie to the east whilst a tram and railway line lie to the west, on the opposite side of the River Leen. This river abuts the western boundary of the appeal site. The

former mill pond lies to the north with an associated mill race that extends beneath the building. The mill pond and surrounding land to the north have blended back into the landscape over time and now appear as semi-natural features.

10. The proposal is seeking to introduce an additional use to the ground floor and bring the second floor and attic into active use. More specifically, the ground floor would be used as an area for informal religious worship, in addition to its permitted A3 use, whilst the second floor and attic would be converted into a three bedroom, residential apartment. Additionally, some of the second floor would also be used to create communal areas for staff associated with the permitted B2 use on the floor below. It would also incorporate two grey water storage tanks that have already been installed. Double glazed uPVC windows would be fitted to the second floor openings on the northern and southern elevations as well as a flue for a wood burning stove on the northern roof slope.

11. Turning to the external alterations, the greatest change would be the construction of a metal fire escape orientated at 90^{o} to the north elevation of the building. Access to this structure would be via enlarged window openings on the first and second floors, the former having already been enlarged to incorporate a doorway. Similarly-designed metal structures, with railings, are also proposed to provide pedestrian access to the southern and eastern, ground floor loading bays. An access ramp for the disabled would be incorporated into the latter. Additional railings are also proposed for a combined access ramp and steps that has already been constructed on the northern elevation and around some steps to a basement entrance on the southern elevation.

12. In addition to the above, approval is also being sought to regularise a number of unlawful alterations that have been made to the building[1]. A further layer of complexity is derived from a partially implemented planning permission (Ref: V/2013/0217) and listed building consent (Ref: V/2013/0219). As a result, the appeal site and the historic building have been subject to a complex range of proposed, partially completed and unlawful works.

Whether inappropriate

13. Paragraphs 89-90 of the Framework set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. One of the exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

14. Saved policy ENV1 of the Ashfield Local Plan Review 2002 (LPR) remains broadly in accordance with the Framework but not entirely consistent. This is because whilst it specifically identifies limited extensions and alterations as not inappropriate, it does not specifically exclude disproportionate additions.

[1] Western car park extent and surfacing as indicated on drawing 13113-W05; heat source pumps, footings and connectors next to the northern elevation; combined access ramp and steps on the northern elevation; 11 roof lights on the northern roof slope serving the second floor and attic; removal of second floor iron window frames; fire escape footing and enlarged first floor window opening on the northern elevation; first floor grey water tank, fire escape opening and selected partitions as indicated on drawing 13113-W02 REV F; first floor under floor heating, screed and laminate floor surface; second floor grey water tanks and partitions as indicated on drawing 13113-W02 REV F; attic stairs, replacement floor and partitions as indicated on drawing 13113-W02 REV F; and the dry lining of external walls of the second floor and attic.

However, this does not change the substance of the policy in relation to this appeal and I accept the Council's position that ENV1 still carries significant weight.

15. The elements of the proposal that fall to be considered as being potentially inappropriate development in the Green Belt are the fire escape, disabled access ramp, heat source pumps and car park. Both parties accept that the boundary of the Green Belt was drawn to the edge of the rear elevation of the appeal building and excluded a former stable block. The appellant has suggested that the first three elements, which also include the concrete slabs for the fire escape and heat source pumps, would not lead to disproportionate additions. The appellant has also suggested that the majority of the access ramp is not within the Green Belt because it overlaps with the footprint of the former stable block and I agree.

16. The Council are of the opinion that the exception associated with the third bullet point does not apply because the building itself is not within the Green Belt. Paragraph 89 of the Framework clearly states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. A building is defined in section 336 of the Town and Country Planning Act 1990 (as amended) as any structure or erection, and any part of a building, as so defined. Consequently, the structures attached to the building in this case should be regarded as 'buildings' for the purposes of paragraph 89 of the Framework. Whilst a novel argument, I do not find it reasonable to consider these additions as isolated structures because they are both physically and functionally attached to the main building. Furthermore, if the Council's proposition is accepted it would mean that the building would be subject to greater restriction than if it were in the Green Belt.

17. Given the above and bearing in mind the combined footprint and volume of the relevant parts of these structures, in comparison to the main building, I find that they are not disproportionate additions and therefore not inappropriate development in the Green Belt.

18. Turning to the car park, I accept that it is the product of an engineering operation. Paragraph 90 advises that such operations may not be inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. I accept that the surface is designed to give a more naturalistic appearance through the use of a load-bearing, modular plastic paving system that enables grass to grow within the paving.

19. Whilst sympathetic to the site context, its appearance would inevitably be altered once the car park is in active use and occupied by parked vehicles for extended periods. This would lead to a visually dominant and intrusive feature. The cars would be prominent and clearly visible from multiple viewpoints along Mill Lane and the nearby railway footbridge. I accept that some screening during the summer months would be derived from the existing hedgerow along the southern appeal site boundary. However, this is an impermanent feature that could be removed by future owners or simply lost through pests or disease in the absence of any planning obligation to ensure its long-term retention.

20. Given the above, I find that the car park would have an undesirable urbanising effect and lead to an unrestricted sprawl of the urban environment contrary to the first purpose of the Green Belt, as set out in paragraph 80 of the

Framework. This would conflict with the purposes of including land in the Green Belt.

21. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. It follows that openness is defined by an absence of buildings or other forms of development. In this instance the parked cars would cause significant harm to the Green Belt through the resulting loss of openness.

22. As such, the car park would be inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It also advises that substantial weight should be attached to any harm to the Green Belt. I have attached such weight in this instance because of the harm that would be caused to the Green Belt by reason of the inappropriateness of the car park, the loss of openness and the impact on one of its purposes.

Listed building

23. Forge Mill was listed in 1988 and dates from the late 18th century. It is a relatively intact example of the water-powered cotton spinning mills that were built by the Robinson family of Papplewick along the River Leen. It was originally built around 1787 on the site of an earlier iron foundry and stamp mill. It was converted into a corn mill in 1819 and suffered an extensive fire in 1838. It was rebuilt around 1844 and this phase of development gave rise to the main part of the building as it stands today. It remained in industrial use by a seed and fertilizer company until its closure in the early 2000s. Notwithstanding its partial conversion, the building has remained largely derelict since 2004 and is currently on the national Register of buildings at risk.

24. The main building comprises four floors and a basement. It has a total of nine bays and a queen post, trussed roof that is covered with modern concrete tiles. The building has a simple rectilinear form with two subservient, hipped roof additions of later origin at each gable end. These have been built on the same building line as the front and rear elevations of the main building but are stepped down and comprise just two stories. The consistent use of similar materials, comprising coursed Bulwell stone with dressed quoins, cills and lintils, gives rise to a well-integrated expression of industrial vernacular architecture.

25. Internally, the original plan form is still evident as well as a number of industrial features such as the mill race, sluice gate and assorted iron work. The distinctive wear of the original floors, their construction detail and functional adaptation is still evident from retained features such as the second floor trap door. The open space that would have characterised the main building is still also evident in places despite more recent alterations. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the historical legibility of its former industrial use and the preservation of architectural features indicative of this use.

26. Turning to the proposed internal alterations, I observe from the plans and my site visit that the proposal would result in an unacceptable degree of subdivision of the second floor and attic. This would lead to a significant

erosion of the open plan form with a contrived layout that would fail to adequately respond to the historic characteristics of the building. I find the unnecessarily large subdivisions associated with the grey water tanks on the second floor, inclusion of facilities for first floor occupants and the extensive subdivision of the northern side of the attic represents poor design. The approach lacks imagination in terms of arriving at a harmonious, integrated design solution that that would respect the historic architectural characteristics of the building whilst serving a viable residential purpose.

27. I acknowledge that the proposal would lead to the removal of some of the existing partitions and that this would reduce the extent of the harm that has previously arisen from unlawful works. However, existing harm is not a justification for further harm and alternative means of control are, in any event, available as is the case for all of the unlawful works that have been carried out on this building. This not only includes the partitions and grey water tanks but also the roof lights on the northern roof slope and the particle board flooring in the attic.

28. The appellant has acknowledged that the roof lights have caused harm by interrupting the northern roof slope but has suggested that this is acceptable because they are not widely visible. Whilst I accept that the northern building elevation is less prominent, listed buildings are protected for their inherent characteristics whether or not public views can be gained. I find the roof lights that serve the second floor particularly incongruent and unnecessary given the alternative openings on the southern side of the building and the fact that one of them only serves an enclosed, grey water storage area. This again demonstrates poor design and a piecemeal approach to the restoration of the building that is far from satisfactory.

29. In addition to the above, I find the proposed installation of uPVC double glazed units in the second floor window openings would be highly incongruent. They would not only be inconsistent with the design and materials of the existing windows but would also be wholly inappropriate for use in a listed building. This is because their design, detailing and operation make them look different to traditional windows. Manufacturers have been unable to replicate the fine-sectioned glazing bars used in most timber and steel windows due to the limited strength of the material and the additional weight of the secondary glazing units. Having viewed the replacement windows I find this to be the case in this instance. Moreover, they are not a like-for-like replacement of the historic metal windows that were previously present.

30. Turning to the proposed external alterations, I find these to be generally acceptable and in keeping with the industrial nature of the building in terms of their design and function. Historical adaptation and layering is commonplace in many listed buildings and the proposed structures would be viewed as part of the building's evolution. This would also help to ensure that it has a viable use in the future. More specifically, I accept that there has been a minor loss of fabric to the first floor window opening and that this would also be the case for the second floor opening. However, the provision of a fire escape to ensure the safety of future occupants outweighs this minor harm. I am satisfied from my own observations that this would cause the least disruption to the fabric of the building considering the internal layout and existing means of escape. It would appear as an honest addition given its orientation to the building and the fact

that a suitable condition would enable it to match the metal gantry on the south elevation and mitigate any potentially discordant elements.

31. Similarly, I find this would also be the case for the proposed ground floor access points and wrought iron work. Although the opening on the southern and eastern elevations may have been used to load goods, the dimensions of the openings clearly indicate their past function and industrial nature. Whilst the concrete access ramp and steps are prominent they do not compromise the special interest or the building's setting given their industrial quality. I note that they would also be faced with matching stone thus reducing the contrast with the existing building fabric. I also find that the industrial quality of the wood burner flue would be similarly interpreted and note that this would not be a new feature given that the mill had open fires and flues that would have penetrated the roof slope in the past. As a result, it would not lead to an incongruent or inappropriate alteration and its appearance could also be controlled by a suitable condition.

32. In a similar vein, the highly incongruent stainless steel finish of the heat source pumps could be mitigated through a suitable condition ensuring their enclosure in a more sympathetic, louvered housing. I am satisfied that the proposed rainwater goods have a suitable finish and that they are similar to the plastic goods that they have replaced. Where present, I also observed that they have been attached to the building in a suitable fashion. Although the car park would be within the setting of the listed building, this area would have been subject to past industrial use given its proximity. Consequently, I find the ancillary use of this area, as a car park, a fitting functional progression and thus not harmful to the setting.

33. The appellant has a viable fall-back position[2] in the form of the partially implemented scheme, as identified above. I am satisfied that this position is both lawful and available to the appellant and that full implementation is likely given the similar purpose that it would serve and the fact that a significant proportion of the works have already been completed. The Council is of the opinion that this would be less harmful to the building and I agree given that the only works that would affect the second floor and attic would be the installation of wooden replacement windows, a gantry door and slate tiles on the southern roof slope. I acknowledge that the external fire escape would obscure more of the rear elevation and involve more invasive alteration of the original building fabric. However, this would not outweigh the significant overall harm that would arise from the combined impact of the proposed and unlawful works.

34. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal. Paragraph 132

[2] Installation of reclaimed slate on the southern roof slope; block paved car park entrance with restored wooden gates and spaces for 22 cars, including two disabled spaces, a bin store and parking for motorbikes/bicycles to the west of the building as well as a further three parking spaces on a paved area to the east; external fire escape orientated parallel to the northern elevation with associated footings and alterations to window openings on the first and second floors subject to approval; disabled access ramp without steps serving the ground floor entrance on northern elevation; ground floor pedestrian access points with stonework plinths and railings on the southern and eastern elevations; a new wooden door to the basement on the southern elevation; replacement of brick in blocked door opening on southern elevation to match existing stone; glazed wooden door in the second floor gantry opening on the southern elevation; second floor timber windows in the openings of the southern and northern elevations subject to approval; removal of car park bund; installation of approved extractor vents, heater flue, meter boxes, air bricks and soil pipes; and the construction of approved hard and soft landscaping.

of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although the extent of the harm is significant, many of the alterations are reversible and are still consequently amenable to a more sympathetic treatment. Given this fact, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

35. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because it would secure the long-term viable use of the building and enable it to be removed from the risk Register. However, the viable use of the appeal property is not dependent on the proposal as the building has an approved, mixed use that would be implemented in its absence. Moreover, I have no substantiated evidence before me that the dual use of the ground floor café would ensure any greater level of financial viability given that the number of tables and parking spaces are fixed. This would clearly limit any future growth potential.

36. Given the above, and in the absence of public benefits that would outweigh the harm that I have identified, I conclude that on the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 134 of the Framework.

Other considerations

37. The appellant has suggested that the heat source pumps support sustainable energy production and I agree. I also accept that the building is in a sustainable location given the alternative transport modes and the fact that the proposal would allow a more extensive reuse of the building. Consequently, I give this matter some weight in favour of the development.

38. The appellant is of the opinion that the residential use of the second floor and attic are necessary for security reasons and that this use has been established through a previously approved, lapsed scheme (Ref: V/2010/0152 and V/2010/0153). The roof lights have also been justified on these grounds despite lacking an extant approval. Whilst I accept that the same policy context applied, the lapsed scheme was not the same in all respects to the one before me. This is because the number of roof lights relate to an entirely different internal layout and a single residential use of the whole building. Consequently, I give this matter limited weight in favour of the development.

39. I also acknowledge the Planning Committee arrived at a different view of the scheme contrary to the advice of its own officers. The Committee was entitled to reach a decision on the basis of all the available evidence. Similarly, I have also considered all the available evidence before me and come to the same conclusion. Planning decisions involve matters of judgement which can, at times, vary. Consequently, I give this matter limited weight in favour of the development.

40. The appellant maintains that the proposal would support the optimum viable use of the building through enabling a more complete restoration. Whilst this is a desirable goal, it should not be at any cost. Given the harm that would be

caused to the second floor and attic I give this matter little weight in favour of the development.

41. I acknowledge the vandalism that has occurred to the building and that this might be deterred if the building were occupied. However, the same goal could be achieved if the existing permission were to be fully implemented and the building brought into active use. Its derelict, albeit partially restored, character currently invites such behaviour despite it being clearly of an antisocial, criminal nature. Furthermore, such matters are controlled by other legislation and the criminal justice system. Consequently, I give this matter little weight in favour of the development.

42. The appellant maintains that there is a viable fall-back position that is available and lawful, as previously outlined. It is clear from the plans that the car park would cover a marginally greater area. However, the resulting harm would be outweighed by the fact that the disabled access ramp would be smaller and no heat source pumps would be present. As a result, I find the fall-back position would be less harmful than the current proposal. Consequently, I give this matter little weight in favour of the development.

Other matters

43. The Council also refused permission on the grounds that the proposed use would be detrimental to the living conditions of nearby residents and highway safety. The first matter was founded on concerns for public safety relating to the potential presence of ex-offenders on the site, as well as a greater intensity of movement associated with the dual use of the cafe. The second matter was founded on inadequate parking provision and the indirect effect that this would have on the safe and efficient operation of Mill Lane. These grounds were contrary to the advice of its own officers as well as the Highway Authority.

44. I acknowledge the significant concerns that have been raised in relation to a potential increase in antisocial behaviour and the perceived difficulties that this can cause, including a fear of crime. However, the dual use of the café for religious worship that may, at times, attract ex-offenders does not raise legitimate planning concerns and consequently constitutes insufficient grounds for refusal. I recognise that the concerns also related to the alleged use of the building as a residential rehabilitation facility for ex-offenders. The Planning Practice Guidance 2014 (as amended) advises that conditions can enable a development proposal to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of development. I am satisfied that the use of this space for the residential rehabilitation of ex-offenders would be controlled by a suitable condition restricting the use of the second floor and attic to residential accommodation. I recognise that this would not preclude guests who may also be ex-offenders but, as is the case for the dual use of the café, this constitutes insufficient grounds for refusal.

45. The increased intensity of movement that would result from additional comings and goings associated with the residential accommodation and additional use of the café for informal religious worship are equivocal in my mind. This is because both the residential accommodation and ground floor café would be self-limiting. Only a finite number of tables and bedrooms would be present which would place an effective cap on the number of people present at any one time. The times at which the café could be used for religious worship could be

controlled by a suitably worded condition to ensure that there would be no unreasonable, extended period of use for this stated purpose over and above the normal opening times of the café. I also accept that a limited number of individuals are likely to be involved given the preferred 'house church' model that the appellant intends to adopt and that such groups may also meet during the normal opening hours of the café. As a result, I find that there would only be limited scope for a significant increase in movement, subject to appropriate conditions.

46. Concerns were also raised in the Hearing about whether or not future enforcement action would be taken in the light of past breaches and the fact that it would be open to the appellant to apply for a variation of any conditions that might be imposed. Whilst enforcement action is discretionary any variation of conditions is subject to a formal application process and can therefore be refused. Under such circumstances variation is highly unlikely where conditions are necessary, relevant to planning and the development that has been permitted, enforceable, precise and reasonable in all other respects. As far as detailed matters of enforcement are concerned, this falls beyond the scope of appeals made under section 78 of the Town and Country Planning Act 1990 and section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will not be considered further.

47. Turning to the highway safety issue, I acknowledge that the number of parking spaces would not meet the recommended standards as laid out in the 6Cs Highway Design Guide which was adopted by Nottinghamshire County Council in 2009. I also acknowledge that there is a requirement for a dedicated lorry parking area that is separate from the highway. I accept that the proposal would generate a significant number of movements but I am not satisfied that these would be limited to the use of private motor vehicles. This is because of the close proximity of alternative modes of transport comprising buses and trams. It was agreed at the Hearing that the bus service is around a five minute walk from the site whilst the tram service is around a 10 minute walk. Although a train service is further away, the use of a bicycle would potentially put it within reach of any able bodied persons.

48. Bearing in mind that any overspill parking along Mill Lane or in the neighbouring residential area could be controlled through the use of parking restrictions, I am satisfied that a failure to adhere to the accepted standard would not constitute sufficient grounds for refusal. Furthermore, a suitable condition could limit all deliveries to the western parking area to ensure that goods vehicles do not disrupt pedestrian movement or cause congestion along Mill Lane.

49. Given the above, I conclude that the proposal would not cause significant harm to the living conditions of nearby residents, with regard to disturbance and public safety, or significant harm to highway safety despite not adhering to the parking guidance. Consequently, these elements of the proposal would be consistent with policy ST1 of the LPR that requires, among other things, development to avoid adverse effects on the amenity or safety of the environment and the public highway.

Overall Green Belt Balance and Conclusion

50. The Framework states that inappropriate development should not be approved except in very special circumstances. These 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. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the car park and the harm that this would cause to openness and one of the purposes of including land in the Green Belt.

51. On the other hand the proposal would lead to a more extensive utilisation of the building to include a residential use, the principle of which has already been established through a previous application. Such a use would be in keeping with the context of the surrounding area. This use would also have some security benefits for the building as a whole if it were to be continuously occupied. Furthermore, the sustainable location and 'green energy' production associated with the heat source pumps would bring clear environmental benefits.

52. Given the above, I consider that the factors in favour of the proposal do not, on balance, clearly outweigh the harm that the car park would cause to the Green Belt and consequently very special circumstances do not exist to justify the proposed car park. Accordingly, the proposal would be inconsistent with the advice in the Framework and conflict with policy ENV1 of the LPR that seeks to ensure that permission is not granted for development in the Green Belt except under very special circumstances. It would also fail to satisfy the requirements of the Act and paragraph 134 of the Framework in relation to the harm that would be caused to the listed building.

53. As a result, the proposal would not be in accordance with the development plan and would not constitute sustainable development. For the above reasons and having regard to all other matters raised, I therefore conclude that the appeals should be dismissed.

Roger Catchpole

INSPECTOR

APPEARANCES

For the Council

Mr M Morley (Team Manager)

Cllr P Rostance (Hucknall West)

Cllr L Mitchell (Hucknall South)

Cllr A Grace (Hucknall)

Cllr B Bradley (Hucknall North)

For the Appellant

Mr M Pepper (Appellant)

Mr H Venners (Planning Consultant)

Interested Persons

Ms J Niblock (Resident)

Mr M Boultby (Resident)

Ms P Newling (Bestwood St Albans Parish Council)

Mr K White (Resident)

Mr H Titherley (Resident)

Documents Submitted

S1 List of retrospective works to the listed building

S2 Transcript of speech by Ms J Niblock