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## Appeal Decision

Site visit made on 4 April 2017

**by J C Clarke BSc(Hons) BTP MRTPI**

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

**Decision date: 12 May 2017**

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**Appeal Ref: APP/N3020/W/17/3166453**

**Altham Lodge, Main Street, Papplewick NG15 8FE**

- 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 and Mrs Kevin Gilbert against the decision of Gedling Borough Council.
  - The application Ref 2016/0909, dated 14 August 2016, was refused by notice dated 7 October 2016.
  - The development proposed is Outline Planning Application with All Matters Reserved for the Erection of a Dwelling.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr and Mrs Kevin Gilbert against Gedling Borough Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:
  - (a) Whether or not the proposed development would constitute inappropriate development in the Green Belt;
  - (b) Whether the proposed development would preserve or enhance the character or appearance of the Papplewick Conservation Area (PCA);
  - (c) The effect of the proposed development on the living conditions of occupiers of Cornerstone House in relation to noise and disturbance;
  - (d) If the proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

#### *Policy Context*

4. The current development plan, with which my decision must accord unless material considerations indicate otherwise, comprises the Greater Nottingham Aligned Core Strategies (ACS) 2014 and the saved policies of the Gedling Borough Replacement Local Plan (GBRLP) 2005. The National Planning Policy
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Framework (the 'Framework') forms an important material consideration. The emerging Gedling Local Planning Document (LPD) is at an advanced stage and is also material to my decision.

*Inappropriate development*

5. The proposed dwelling would be located within the extensive grounds of Altham Lodge, which is a large detached house close to the eastern edge of the village of Papplewick. Papplewick itself is within the Green Belt as designated in the GBRLP.
6. Paragraph 89 of the Framework establishes that the erection of new buildings in the Green Belt is, subject to specified exceptions set out in its 6 bullet points, inappropriate. These exceptions include (in bullet point 5) '*...limited infilling in villages...*'.
7. Policy ENV30 of the GBRLP states that within defined infill boundaries of Green Belt Wash villages, which include Papplewick, planning permission will be granted for '*...infill development of small gaps in the existing built up frontage*'. Its supporting text confirms that '*...not all cases will be appropriate*'.
8. Paragraph 3.3.7 of the ACS lends support for infill development within the 'infill' boundaries without the qualifications set by policy ENV30. However, when the ACS was adopted in 2014, policy ENV30 continued to be 'saved' and must therefore be considered alongside the ACS.
9. By defining what is meant by 'infill development', policy ENV30 goes beyond paragraph 89 of the Framework, which does not define either 'limited' or 'infilling'. I also note that policy LPD15 of the emerging LPD proposes a new approach, albeit one which is also subject to strict criteria, to defining what forms of development are 'not inappropriate' within villages including Papplewick. However, in the meantime policy ENV30 remains a relevant part of the adopted development plan. I also do not consider, taking account of the flexibility to develop locally distinctive plans provided by paragraph 1 of the Framework, that policy ENV30 is excessively restrictive as an approach to defining 'infilling' over the period before the LPD is adopted. Having regard to these points and to paragraph 215 of the Framework, I attribute substantial weight to policy ENV30 of the GBRLP in my decision.
10. The proposed dwelling and its curtilage would be wholly within the 'infill boundary' defined by the GBRLP and could be regarded as falling just within the village. However, it would occupy an 'outward pointing' corner of the infill boundary and would not be within a small gap in the existing built up frontage as required by policy ENV30. Whilst its curtilage would be partially bounded by other domestic gardens, it would be some distance behind the dwellings at Cornerstone House and 68 Main Street and to the side of that at Altham Lodge.
11. Land to the east of the site is open countryside. Whilst there are farm buildings at West View Farm to the south these are a considerable distance away and separated from the site by land which, although it may be used for farm storage was fairly open at the time of my site visit and is outside the designated 'infill boundary'. A menage to the south east of the site does not substantively reduce the openness of the area. The proposed dwelling would not be in a clearly identifiable gap within the main body of the village or have any notable sense of enclosure by existing buildings.

12. I accept that the proposed dwelling would be at a lower ground level than Altham Lodge and that the remaining plot of Altham Lodge would be of sufficient size. I also agree that the landscaping which exists within the site would provide some visual separation for the new dwelling, both from nearby dwellings and from the adjacent countryside, and could be supplemented by new planting. However, taking account of my earlier points the proposal would not constitute an 'infill development' as defined in policy ENV30 or 'infilling' in the context of bullet point 5 of paragraph 89.
13. Bullet point 6 of paragraph 89 of the Framework establishes that new buildings are not inappropriate if they would constitute limited infilling or redevelopment of previously developed sites which would '*... not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*'. It has been held that the concept of Green Belt openness includes both a spatial and a visual aspect.
14. At the time of my visit the appeal site contained a disused tennis court surrounded by mesh fencing. The Council has accepted, and I agree, that it is a previously developed site. However, whilst the current fencing is quite high it is a lightweight and transparent structure. Whilst details of the scale, height and design of the proposed dwelling are subject to future approval it would inevitably be a much more solid and substantive structure than the existing fencing. It would as a result cause a loss of openness.
15. Views towards the development, including from across the open land to the south and east could be partly screened by retaining the mature landscaping which exists around the site. As a result, the loss of openness that the development would cause in a visual sense, as perceived in these and other views, would be limited. However, considered as a whole the proposal would have a greater impact on the openness of the Green Belt than the existing development within the site and would therefore not fall within bullet point 6 of paragraph 89. For similar reasons it would conflict with criterion d) of policy LPD15 of the emerging LPD.
16. Whilst I have noted the appeal decision concerning a site at Kelsall, Cheshire referred to by the appellants, from the details provided it is not clear whether the development plan background and other circumstances concerning that case equate to those concerning the appeal proposal. Although the Council has allowed development at 123 Main Street, Woodborough which is not within a gap in the highway frontage, the spatial relationship of that site to its surroundings does not appear to replicate that applying to the current proposal. I have in any event considered the appeal as I must on its own merits.
17. I acknowledge that the Council did not find that a previously proposed garage within the appeal site constituted inappropriate development. However, this does not mean that the current proposal would not do so.
18. Having regard to the provisions of the development plan, the Framework and the other factors set out above, I conclude that the proposal would constitute inappropriate development in the Green Belt.

### *Conservation Area*

19. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the PCA. Paragraph 132 of the Framework requires that I attribute substantial weight to this matter.
20. The PCA covers the village core along Main Street and an area extending from this to the north. Whilst its buildings are of a mix of styles and ages it retains the character of a traditional rural village. Although the existing development is mainly of a linear style facing highway frontages there is some courtyard and other development located away from these.
21. The front portion of the appeal site off Main Street, where highway access would need to be provided, is currently occupied by the front garden of Altham Lodge which, by virtue of its mature trees and hedging contributes substantially to the character of this part of the PCA. The rear part of the site forms part of the village edge and also contains trees on its boundaries which contribute to views towards the PCA, for example from Forest Lane.
22. As it would need to be located at the rear of the site, the proposed dwelling would not replicate the linear form of development which characterises much of the village. However, there is sufficient irregularity in the built form of the nearby plots for it not to be harmful in this regard.
23. The creation of a highway access and driveway to serve the development would cause the loss of some of the mature trees and hedging in the area alongside Main Street and the development would also require the loss of some of the landscaping further back within the site. However, its visual effects could be suitably mitigated in time by the implementation of high quality new hard and soft landscaping. The proposal also need not have a harmful effect on views towards the village from the south and east given the existing landscaping along these boundaries of the site.
24. Having regard to these points I do not consider that the proposal would cause unavoidable harm to the character or appearance of the PCA. It would accord with the provisions of the Framework and of saved policies ENV1 and ENV15 of the GBRLP relating to this matter.

### *Living Conditions*

25. Due to the shape of the site, the access to the proposed dwelling would need to run alongside or close to much of the side and rear boundaries of the garden of the neighbouring dwelling at Cornerstone House. At least some of the existing mature landscaping which exists alongside these boundaries would need to be removed. The submitted details also indicate that the access point could be used as a means of exit for vehicles from the existing dwelling at Altham Lodge.
26. However, the use of the new access would otherwise be primarily limited to occupiers of and visitors to the new dwelling. Whilst the new access would run quite close to the side elevation of Cornerstone House, the section running alongside the rear boundary would be some distance from the rear elevation of this dwelling. The provision of suitable boundary treatment could also be required by condition.

27. Having regard to these points, the proposal would not cause material harm to the living conditions of occupiers of Cornerstone House in relation to noise or disturbance. Its approval would not conflict with the relevant provisions of policy ENV1 of the GBRLP or the Framework relating to this issue.

#### *Other Considerations*

28. The proposal would, by delivering an additional dwelling, contribute to the objective of boosting significantly the supply of housing, set out in paragraph 47 of the Framework. Furthermore it would do so within a district where the Council's latest published assessment referred to by the parties, which dates from March 2015, indicates that there is only a 3.65 year supply of specific deliverable sites for housing development.
29. I note that, according to the more recent figures supplied by the appellants which the Council has not refuted, the Council's identified deliverable land supply for the period 2016 until 2021 of 2,961 homes would not meet the requirement of 3,332 homes over the same period which would arise if a 20% buffer is used. I also understand that the Inspector who is examining the emerging LPD queried whether the Council could rely on using a 5% buffer given the record of delivery in recent years, and that capacity for 809 dwellings in the Council's identified deliverable supply is in the form of proposed allocations in the emerging LPD which has yet to be adopted. These points indicate that even the provision of a single dwelling as proposed would be a notable benefit.
30. However the Written Ministerial Statement of 2 July 2013 confirmed that the single issue of unmet demand for housing is unlikely to outweigh harm to the Green Belt. The encouragement given to the effective use of previously developed land, such as the appeal site, provided by paragraph 111 of the Framework also does not over-ride the policies of the Framework relating to Green Belts.
31. I acknowledge that no objections were received from the highway authority, and have no reason to doubt that the site is adequately accessible by a choice of transport to services and employment in the surrounding area. However, these points constitute a lack of harm in relation to these issues rather than substantive planning benefits to weigh in the balance.
32. Whilst I understand planning permission has previously been granted for a large garage within the appeal site, that permission has now lapsed. In any event, the current proposal would be likely to result in a larger structure being erected within the site. Although the access would be in a similar location to that approved under permission 2010/0629, that permission has lapsed and its previous existence does not weigh substantively in support of the proposal.

#### **Conclusion**

33. I have found that, notwithstanding its location just within the defined infill boundary of Papplewick, the proposal would constitute inappropriate development in the Green Belt. Paragraph 87 of the Framework establishes that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight be given to such harm.

34. In support of the proposal I have found that it would make a modest contribution to meeting housing needs in a district which has a substantial shortfall in its deliverable 5 year land supply. It would do so by re-using a previously developed site. I have also found that the proposal would not cause material harm to the character or appearance of the PCA or the living conditions of occupiers of Cornerstone House in relation to noise or disturbance. However, no other substantive benefits would arise from permission being granted.
35. Having carefully considered the points set out above, I conclude that the other considerations would not, considered cumulatively, clearly outweigh the harm that I have identified. Therefore, the very special circumstances needed to justify inappropriate development in the Green Belt do not exist. This also means that the 'tilted balance' in favour of permission being granted, set by the first indent of bullet point 4 in paragraph 14 of the Framework does not apply in this case. The proposal would not accord with the development plan or amount to sustainable development in the terms of the Framework.
36. For the reasons given above I conclude that the appeal should be dismissed.

*Jonathan Clarke*

INSPECTOR