

Appeal Decisions

Site visit made on 9 May 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/P3040/W/17/3168243

5 Woodholme, Melton Road, Stanton on the Wolds, NG12 5PH

- 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 Scott Kenna against the decision of Rushcliffe Borough Council.
 - The application Ref 16/02870/OUT, dated 7 November 2016, was refused by notice dated 16 January 2017.
 - The development proposed is the erection of 2 detached dwellings on land adjacent to 5 Melton Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline and the application form indicates that all matters are to be reserved for subsequent approval. However, full detailed plans were also submitted. The Council obtained confirmation with the appellant that the application was made in outline with means of access to be considered. Therefore, I have treated the plans for siting, street-scene, elevations and floorplans as being for illustrative purposes only.

Main Issues

3. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework, including the effect of the proposal upon the openness of the Green Belt;
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not the development would be inappropriate, including the effect upon openness

4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.¹

¹ Paragraph 79, National Planning Policy Framework

5. The Framework establishes that new buildings within the Green Belt are inappropriate unless they fall within certain exceptions. Paragraph 89 of the Framework includes two of these exceptions as "limited infilling in villages...", (5th bullet point); and "limited infilling or the partial or complete 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." (6th bullet point)
6. The site is currently used as the side garden of the existing dwelling which is outside of the main part of the settlement of Stanton on the Wolds. There are fields to the other side of the garden. There are more houses some distance away beyond these fields. The term "infilling" is not defined by the Framework but, in my opinion, "infilling" must occur when a gap between buildings is filled. As the development would not fill a gap, due to the fields beyond, it cannot be "infill". The main parties disagree about whether the site is within a village but as the proposal would not constitute "infill" there is little point exploring this matter further.
7. The main parties also disagree about whether the site falls into the definition of "previously developed land". However, even if the land is previously developed, in order to conform with Bullet Point 6, the redevelopment of it must not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development.
8. The construction of dwellings would introduce built development where currently none exists. Much of the site is well-screened by vegetation but openness is a physical state which is not only about visibility. Therefore, the proposed development would result in significant harm to the openness of the Green Belt, in conflict with Bullet Point 6.
9. For the above reasons, the proposed development would not fall within any of the exceptions listed in Paragraph 89, and should be regarded as inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

Other Considerations

10. The appellant says that Bingham Rural District Council designated the land as building land in 1927 and the deeds to the land show it as a development plot. He also says that the site should not be in the Green Belt and that it has not been included in any Green Belt review. However, I must base my decision upon current planning policies.
11. I note the appellant's reference to Paragraph 55 of the Framework in relation to the proposed development helping to enhance or maintain the vitality of rural communities. He has specifically drawn my attention to the lack of use of the local church; the failure of the re-instatement of a local bus-stop; and the failure of the introduction of speed restrictions and a pedestrian crossing due to lack of inhabitants in the vicinity. He indicates that, by accommodating more people, the development would help to support such facilities.

12. He is also of the opinion that the site is in a sustainable location and has drawn my attention to a petrol station and garden centre which are further along Melton Road. However, in the absence of details of the proximity of other local services, such as educational establishments, health services, entertainment, etc., and in the absence of details of public transport links, I have insufficient information to convince me that the site is locationally sustainable.
13. I note the appellant's reference to appeal decisions in Wysall², Willoughby on the Wolds³ and Colston Bassett⁴. However, apart from those being different sites and having a different relationship to settlements, it appears from my reading of those decisions that none of the sites in those appeals are in the Green Belt. Those cases are, therefore, not comparable to the one before me. He has also drawn my attention to planning permission for a dwelling at a site in Barnstone⁵, but that site is not in the Green Belt either.

The Green Belt Balance

14. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
15. The development would be small-scale and therefore, the contribution of future occupiers to supporting local facilities would be very limited so I give this factor only a very small amount of weight. I also give minimal weight to the history of the land as building plots.
16. In conclusion, these other considerations do not clearly outweigh the totality of substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist. In consequence, the proposal would conflict with the Framework and Policy EN14 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, 2006 (the "NSLP") which both seek to protect the openness of the Green Belt. Whilst the NSLP is not part of the development plan, it has been subject to public consultation, and I give it significant weight.

Conclusion

17. I have taken into account all other matters raised, including representations from interested parties but none outweigh the conclusions I have reached and I dismiss the appeal.

Siobhan Watson

INSPECTOR

² APP/P3040/A/14/2211781

³ APP/P3040/A/13/2191142

⁴ APP/P3040/W/15/3087244 &
APP/P3040/W/15/3087246

⁵ Council Ref: 15/01882/FUL