



Appeal Decision

Site visit made on 13 February 2018

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2018

Appeal Ref: APP/P3040/W/17/3183173

Shire Farm, Flawforth Lane, Ruddington, Nottinghamshire NG11 6NG

- 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 Sam Sangha against the decision of Rushcliffe Borough Council.
 - The application Ref 17/00929/FUL, dated 30 March 2017, was refused by notice dated 12 June 2017.
 - The development proposed was originally described as residential annexe to Shire Farm for the home-care of elderly and disabled family member requiring 24 hour nursing care.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings is inappropriate within the Green Belt unless they meet the exceptions set out in paragraphs 89 or 90. There is no dispute between the parties that the development would not meet any of the exceptions listed. Consequently, the proposal would result in inappropriate development in the Green Belt. As set out in paragraph 87 of the Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have considered the appeal on this basis. Policy EN14 of the Rushcliffe Local Plan Part 1: Core Strategy (CS)(2014) is broadly consistent with the Framework in this regard.

Main Issues

3. The main issues in this case are;
 - i) The effect of the development on the openness of the Green Belt and the purpose of including land within it; and
 - ii) Whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Openness of the Green Belt and the purpose of including land within it

4. The appeal relates to a large detached dwelling set in generous open grounds. The development would be located on an area of open lawn near to a small group of trees. The site is in a corner plot and is the last dwelling in a small grouping of sporadically located dwellings and farms. The character of the site and surroundings is rural in nature, with open fields to the north, south and east of the site.
5. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with their openness and permanence being identified as the essential characteristics of the Green Belt. While openness is not defined in the Framework, it is generally held to be the absence of buildings. The site forms part of the open and undeveloped grounds of the main dwelling and is currently free from structures of any size. As a consequence, the development would result in this part of the Green Belt being considerably less open than it is at present. This would be harmful.
6. The consideration of the effect on openness is not solely a matter of visual impact. I recognise that the site is relatively well screened from Flawforth Lane by virtue of the boundary treatment and other mature landscaping. It would also be cut into the slightly rising slope of the site. The new building would therefore mainly be seen in glimpsed views through an entrance gate, the hedgerow and other mature landscaping that make up the boundary treatment and parts of the grounds. Nevertheless, while the screening would reduce the visual impact on openness, it would not remove it. The building would still be visible to an extent and thus in both spatial and visual terms, the development would fail to preserve the openness of the Green Belt. This adds to the harm caused as a result of being inappropriate development.
7. Notwithstanding the extent of the visual impact, the proposal would still result in further development in the countryside in excess of that which already exists. It would, therefore, be contrary to the non-encroachment purpose of including this land in the Green Belt. This constitutes additional harm to be weighed against the proposal.

Other considerations

8. The appellant has argued that the development is needed to provide accommodation for an elderly relative with specific 24 hour care requirements. The Council has indicated that permission already exists to convert the pool house of the main dwelling into a residential annexe. As far as I have been made aware, this permission remains extant. The appellant has suggested that providing care accommodation within the main family dwelling would be compromising and disruptive to family life.
9. It is not absolutely clear from the evidence provided that the appellant's concerns would be the inevitable consequence of providing accommodation in the main dwelling or that this would be sufficient to justify a standalone building. The appellant has also not addressed the Council's observation that the pool house could be converted in such a way to provide the desired degree of privacy or independence for the family member, while not causing the

perceived disruption to the occupants of the main dwelling. There is nothing before me therefore which satisfactorily demonstrates that suitable alternative accommodation is not available on the site which could achieve the same ends without causing harm to the Green Belt.

10. Moreover, it is not clear that the only two options available are either the main dwelling or the annexe. Even if I were to accept that accommodation could not be provided within the main dwelling, this does not mean that the only other alternative is the proposal before me. While I understand the preference to live in close proximity to immediate family, there is nothing to suggest this is necessary in order for an appropriate level of care to be provided. There is also nothing before me which demonstrates that there are no facilities or opportunities elsewhere in the local vicinity that would allow similar levels of care while still allowing regular contact with immediate family. In addition, little information has been provided which indicates where care is currently being provided, why this is not satisfactory or why it could not continue.
11. Personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances no longer apply. This seems a particularly important factor in the context of the Green Belt and the objective of keeping land permanently open. While the appellant has indicated the development has been designed specifically for the family member, there appears to be nothing that would prevent it from being used as a standalone dwelling if or when personal circumstances change. Even if controlled as an annexe, the personal circumstances used to justify the development are likely to change over time. However, the harm to the Green Belt would be permanent.
12. The Planning Practice Guidance¹ (PPG) states that the use of a condition to grant planning permission solely on the grounds of an individual's personal circumstance will scarcely ever be justified in the case of permission for a permanent building. It would not therefore be appropriate to grant a temporary or personal permission, given the permanence of the development. While I sympathise with the appellant's situation, there is insufficient evidence before me to suggest that the development is the only reasonable option available. As such, taking all relevant matters into account, I have given only limited weight to the personal circumstances identified by the appellant.
13. I have noted the statement made by an interested party on the contribution the appellant's family member has made to the local economy. However, these matters do not relate to the use of the land or the specific need for a new building in the Green Belt in this location. As such, the comments made have not had a significant bearing on my decision.

Other Matters

14. The concerns raised in relation to how the application was considered by the Council have not had a bearing on my decision. I have considered the appeal on its own merits based on the evidence before me and my observations of the site.

¹ See paragraph: 015 Reference ID: 21a-015-20140306

Very Special Circumstances and Conclusion

15. The proposal would result in inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight. I have also given substantial weight to the adverse impact on the openness of the Green Belt and the resulting encroachment into the countryside.
16. However, I find that the other considerations considered above do not clearly outweigh the substantial weight to be given to the totality of the harm to the Green Belt and other harm arising from the development. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, there would be conflict with CS Policy EN14 and paragraph 87 of the Framework which seek to resist development in such circumstances. For these reasons I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR