



Appeal Decision

Site visit made on 21 June 2019 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/J3015/W/19/3225849

Swancar Farm Country House, Nottingham Road, Trowell Moor, Trowell NG9 3PQ

- 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 Steve Watson against the decision of Broxtowe Borough Council.
 - The application Ref 19/00035/FUL, dated 15 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is described as "the erection of a portacabin and screening to be used for the storage of dining furniture and linen".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy;
 - The effect of the proposal on the openness and purposes of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way 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 it.

Reasons for the Recommendation

Inappropriate development in the Green Belt

4. Swancar Farm Country House is a wedding venue set in spacious grounds. The site lies within the Nottinghamshire Green Belt and is surrounded by agricultural fields and open countryside. Paragraph 145 of the Framework
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states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Certain other forms of development set out at paragraph 146, including material changes in the use of land, are also not considered inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it. Policy E8 of the Broxtowe Local Plan (2004) states that planning permission will not be granted for development in the Green Belt except where the development falls within the list of exceptions. The wording of this policy is not entirely consistent with the Framework, which consequently carries greater weight in my consideration of the appeal. Policy 8 of the Broxtowe Draft Part 2 Local Plan (2018) states that applications for development in the Green Belt will be determined in accordance with the Framework.

5. The development consists of a portacabin that would be adjacent to the northern elevation of Swancar Farm Country House and a 2.6m fence which would be erected around the portacabin. Associated planting is also proposed along the outer perimeter. Permission is sought for a temporary three years period.
6. The Council has considered the proposal as the construction of a new building, which would not fall within the list of exceptions set out in the Framework at paragraph 145. Although the appellant suggests that the portacabin might be considered as an 'extension' to the building, it would clearly be a physically separate entity, even if it were functionally associated with the use. Notwithstanding that suggestion, there is no dispute between the parties that the proposed development would constitute inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

7. The Framework indicates that openness is an essential characteristic of the Green Belt having a spatial aspect as well as a visual aspect. In spatial terms, the development would result in additional built form into an undeveloped part of the site. This would increase the overall bulk of development present within the site and reduce the openness of the Green Belt. The proposed fence and associated planting would provide screening for the portacabin, however the introduction of a high fence in this location would increase the overall impact of the proposal on the openness. The development would be situated to the side of the main building and would be visible to visitors using the car park located to the north of the building. As such, the proposal would have greater visual impact on the Green Belt when compared to the existing situation.
8. Consequently, in both spatial and visual terms, the development would have a greater impact on the openness of the Green Belt than the existing circumstances. This would be contrary to the Framework where it states that an essential characteristic of Green Belts is their openness and permanence. Given the extent of the Green Belt, the harm arising for the development in this respect would be limited.
9. The purposes of the Green Belt are set out at paragraph 134 of the Framework. Whilst the proposal would not offend all of those purposes, it would not safeguard the countryside from encroachment and would not assist in urban

regeneration. The proposal would therefore also conflict with the purposes of including land within the Green Belt.

Other considerations

10. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this regard, a number of other considerations have been highlighted.
11. My attention has been drawn to the business need for a low-cost temporary storage solution, which would support a business that provides employment for local people. I have read that due to limited storage options available within the site, furniture and other goods are being stored outside in a temporary manner and that there are logistical issues both during and between events. I understand that the business has become very successful and has grown rapidly and I acknowledge that the portacabin would provide a temporary storage solution whilst a longer-term solution is put into place. However, information before me as to how the existing range of buildings, which appear to be extensive, are used is limited. I also understand that there is an extant permission for an extension. From all I have seen and read I am unconvinced that storage space cannot be made available in the existing buildings. Consequently, this limits the weight I can give the matter in support of the proposal.
12. Given the temporary nature of the proposal any harm arising from the development would be time limited. However, advice in the Planning Practice Guidance is that temporary permissions are only appropriate where it is expected that the circumstances will change at the end of the period. In this case, given the strict control over development in the Green Belt and the special interest of the building as a non-designated heritage asset, I cannot be sure that that would be the case. Accordingly, this matter carries limited weight.
13. The submitted evidence refers to the historic use of the site as a farm and suggests that large-scale farm buildings could be built under the 'prior approval' process if the site would return to previous use. It is argued that such buildings would have a greater impact on the Green Belt than the appeal proposal. Be that as it may, it seems to me that given the success of the current business, there is no intention of returning the site to a farm business. I am not aware that any plans have been drawn up for the conversion of the buildings or for new agricultural buildings and no application for prior approval has been made. I therefore give this matter very little weight as a realistic fall-back position.
14. The Council has raised no objection to the development on the basis of its effect on the character and appearance of the building or wider area and given the level of screening proposed and the temporary use I have no reason to disagree. However, this is a neutral matter rather than one that carries weight in favour of the scheme.

Whether very special circumstances necessary to justify the proposal exist

15. The development would cause harm to the Green Belt by way of its inappropriateness and to its openness. As set out in the Framework substantial weight has to be given to the totality of that harm. On the opposite side of the balance, the need for the proposal and the temporary nature of the proposal, based on the evidence before me, carry limited weight. I therefore conclude that the other considerations do not clearly outweigh the identified harm. Therefore, there are no very special circumstances to justify the development. Consequently, the development conflicts with the Framework.

Conclusion

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR