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## Appeal Decision

Site visit made on 11 June 2019

**by E Griffin LLB Hons**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 August 2019**

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**Appeal Ref: APP/P3040/W/19/3222235**

**Land between 110 and 112 Cropwell Road, Radcliffe on Trent NG12 2JG**

- 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 Ross Whiting against the decision of Rushcliffe Borough Council.
  - The application Ref 18/02721/OUT dated 23 November 2018 was refused by notice dated 25 January 2019.
  - The development proposed is for outline planning application (all matters reserved aside from access) for the erection of 1 No dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal form refers to the site address as being "Land between 110 and 112 Cropwell Road, Radcliffe on Trent" rather than the application address of 110A Cropwell Road. As there is no development on the appeal site, I have used the appeal form site address in the banner heading, in the interest of clarity and not repeated it in the development description.
3. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.
4. The application is in outline with approval being sought for access and all other matters reserved. Whilst a layout plan has been submitted showing a house and garage, it is indicative only.

### Main Issues

5. The main issues are:
  - Whether the proposal would be inappropriate development within the Green Belt;
  - The effect of the development on openness of the Green Belt and the purposes of including land within it;
  - The effect of the appeal proposal on the character and appearance of the area;

- Whether the appeal proposal would have an impact on biodiversity with particular regard for protected species and;
- If it is 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 the development.

## **Reasons**

### *Whether Inappropriate Development in the Green Belt*

6. The Framework identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful and should not be approved except in very special circumstances.
7. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. The appellant seeks to rely upon the exception contained in paragraph 145 e) which relates to limited infilling in villages.
8. Policy 4 of the Rushcliffe Local Plan Part 1:Core Strategy Adopted December 2014 (the Core Strategy) deals with the principle of the Nottingham Derby Green Belt within Rushcliffe being retained. The fundamental thrust of Policy 4 of the Core Strategy is to recognise the statutory purposes of the Green Belt in particular the need to maintain openness which is consistent with the Framework. Policy 11 of the Radcliffe-on-Trent Neighbourhood Development Plan 2014-2028 (the NP) states that infill development within the settlement boundary may be appropriate. However, the settlement boundary and the village boundary for the purposes of "limited infilling in a village" are not necessarily the same.
9. The appeal site is an area of overgrown land between 112 and 110 Cropwell Road. Cropwell Road begins in the village of Radcliffe-on-Trent and then passes through open countryside towards Cropwell Butler. Whereas the core of the village is more tightly developed, the density of built development is markedly less once Cropwell Road crosses the A52 Grantham Road which forms the settlement boundary. The appeal site is situated towards the end of built development as open countryside is beyond No 112 and the presence of the golf course opposite the built development adds to the rural character as the road extends towards Cropwell Butler.
10. The appellant refers to the appeal site as being within the outer built framework of Radcliffe-on-Trent. The presence of a village sign close to No 112 is not in itself conclusive evidence of being in a village. Similarly, the extent of the settlement boundary is not conclusive evidence either. However, in this instance, I do find that the A52 Grantham Road which is the settlement boundary does physical define the extent of the village. In my view, the appeal site is therefore beyond the village.
11. For these reasons, I do not consider that the appeal site is within the village despite being close to the centre and its facilities. Accordingly, the proposal would be inappropriate development as it does not represent limited infilling in a village.

### *Openness*

12. The openness of the Green Belt is clearly evident from the appeal site with the golf course across the road and the open countryside beyond No 112. The dwellings on this section of the road are set in spacious plots and set back from the road which adds to the openness.
13. Whilst there is an existing single track access, the Council has requested that the access be widened for a minimum of 5 metres behind the highway boundary and surfaced in a bound material that would impact further upon the openness. The appellant refers to the limited landscape impact to the proposal and that fact that there are no rights of way close to the site. Nonetheless, the proposal would introduce development where none currently exists and would thus lead to a materially greater impact on the openness of the Green Belt. On the basis that I have characterised the site as open countryside rather than part of the village, the development would impact on the Green Belt purpose of safeguarding the countryside from encroachment.

### *Character and appearance*

14. As the application is outline apart from access, the design, layout and landscaping are not before me for consideration. A dwelling on the appeal site could be designed to respect local vernacular and incorporate suitable landscaping. However, there is insufficient information before me at this stage to be certain of the appearance of the scheme, and its impact on the character of the surrounding area.
15. As a result, I am unable to conclude on the impact of the appeal proposal would harm the rural character of the site and the surrounding area, and thus whether it would comply with Policy GP2 d) (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan Adopted December 2006 (the Local Plan).

### *Ecology*

16. Two ecological appraisals have been submitted by the appellant. A second detailed appraisal was carried out in April 2019 at a more optimal time for protected species surveys and was submitted during the course of the appeal. Whilst, the Council has not commented upon the later appraisal, the presence of great crested newts is considered to be unlikely on the appeal site due to physical barriers between the site and the nearest ponds. Whilst some further surveys have been recommended, depending on the location of any future development and whether any tree removal would be required, I am satisfied therefore that, had I been minded to allow the appeal, an ecological condition would have been appropriate.
17. In light of the latest appraisal and the recommendations in it which could have been dealt with by way of condition, I consider that the development would not be in breach of Policy 17 of the Core Strategy and Policies GP1 and EN12 of the Local Plan which amongst other things, seek to protect biodiversity.

### *Other Considerations*

18. I have found that ecology matters could be dealt with by way of condition and I have insufficient information to find harm with regard to character and appearance of the appeal proposal. However, these are matters of neutral weight.
19. The absence of objections and one letter of support are not conclusive matters. I have taken into account the condition of the appeal site but as the condition is within the control of the appellant, I attribute limited weight to it.
20. The parties agree that the Council is not able to deliver a 5 year supply of housing land. However, footnote 6 of Paragraph 11 of the Framework states that the 'tilted balance' does not apply where policies in the Framework that protect areas of importance provides a clear reason for refusing the development proposed. Footnote 6 lists such policies and it includes Green Belt designation. The tilted balance does therefore not apply. Nonetheless, the proposal would make a modest contribution to the housing supply to which I attach moderate weight.

### **Conclusion**

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The effects on openness and the purpose of safeguarding the countryside from encroachment is significant and the Framework states that substantial weight should be given to any harm to the Green Belt. The other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist and the proposal would therefore not accord with the Framework, the objectives of Policy 4 of the Core Strategy or Policy 11 of the NP.
22. For all the reasons given, I conclude that the appeal is dismissed.

*E Griffin*

INSPECTOR