



Appeal Decision

Site visit made on 15 October 2019

by Julia Gregory BSc(Hons) BTP MRTPI MCMI

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

Decision date: 27 November 2019

Appeal Ref: APP/N3020/W/19/3234649

Ramper Covert, Mansfield Road, Nottingham NG5 8PN

- 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 Mills Developments against the decision of Gedling Borough Council.
 - The application Ref 2018/1172, dated 29 November 2018, was refused by notice dated 2 August 2019.
 - The development proposed is change of use to site 15 log cabin holiday homes (mobile homes) and one reception/staff accommodation cabin. All to comply with the definition "caravan" in planning terms.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would amount to inappropriate development in the Nottingham Derby Green Belt;
 - whether there would be any other harm, including any harmful effects on trees and the character and appearance of the area; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations and amounts to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The log cabin holiday homes would be located within woodland in the Nottingham Derby Green Belt. The National Planning Policy Framework (the Framework) specifies that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Greater Nottingham Aligned Core Strategy (ACS) policy 3 supports the retention and maintenance of the openness of the Nottingham Derby Green Belt.
4. The Council argues that because the holiday cabins would be designed to be retained on the land for the long term that they should be regarded as buildings. New buildings would be inappropriate development according to the Framework paragraph 145 if not covered by an exception which these would

not. I cannot be sure how long the cabins would be sited on the land to be able to reach the conclusion that they would be permanent. The 16 log cabins would comply with the dimensions of mobile homes and could be moved, as they would be mounted on adjustable non-anchored base plates. Because of these factors, I consider that the proposal should be considered as a material change of use of land.

5. The Framework paragraph 146 identifies that certain forms of development are not inappropriate development so long as the development preserves openness and does not conflict with the purposes of including land within it. Material changes of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are included in the list.
6. Individually the cabins would have two double bedrooms, a bathroom and a kitchen/dining/ living room. Added to this, each log cabin would have a verandah. They would each measure some 8.64m by 6.12m with an overall height of approximately 3.6m. The cabins would therefore be substantial in size. One of the cabins would be used as a reception/staff accommodation cabin. There would be 16 cabins.
7. Given the substantial number of cabins and their size, they would erode the openness of the Green Belt significantly, albeit that they would be screened to some degree by woodland. Although there is also some bunding adjacent to the car parking area, I do not know that this constructed bunding has the benefit of planning permission. If intended to be part of the proposal then this would also harm openness.
8. Also, the entrance would be modified, by introducing a much wider access and shutting off the existing access. The wide new access would be hard surfaced and a large area would be provided for parking, including some 25 parking spaces. There would also be some areas to be used as an archery range, shuffle board and petanque court as well as play swings. Open areas and clearance of land for woodland walk and cycleway would increase the likelihood of visibility of the cabins from Mansfield Road, including at night when lighting from within cabins would be evident within the woodland.
9. I note that it is suggested that controls might be placed on the use and advertisements and lighting. I consider it likely that some form of outside lighting would be necessary for those unfamiliar with the site to find their way around. Signage might also be needed at the entrance and within the woodland which might be provided under deemed consent provisions. There would be a large number of cars parked on the site for much of the year and ancillary chattels might be brought onto the land. All these features would adversely affect the openness of the land.
10. Whilst I acknowledge that the cabins would be of timber construction, that feature would not overcome the conflict with a fundamental aim of the Green Belt which is to prevent urban sprawl by keeping land permanently open. It would also not safeguard the countryside from encroachment, which is one of the five purposes of the Green Belt. I conclude that by harming openness and encroaching on the countryside, the development would amount to inappropriate development in the countryside. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Any other harm

11. Kighill Wood Tree Preservation Order covers an area of mixed woodland. A new access through this belt of trees would be provided which would be wider than the existing access. Also, there would be a realigned new highway kerb and visibility splays of 2.4m by 150m to the north and 2.4m by 215m to the south. Whether or not the highway requirements were over-zealous, the application is to be determined on the plan as submitted, namely LDMR-BSP-ZZ-XX-DR-D-0002 Rev P01 which shows those provisions.
12. The evidence suggests that the area where the parking spaces and cabins would be provided has been cleared and changes to the level of the land made, including the formation of some bunding. This accords with what I saw on my site inspection. I cannot tell how many trees may have been felled in this process, if any, especially since the aerial photograph included with the ecological report has an annotation that covers some of the site. The appellant argues that there has been no felling but the land has been subject to clearance and levelling.
13. Some information has been provided about the effect of the development on trees, but there is limited information as to the impact of any surfacing works on trees, details about effects of bunding and changes to levels or details of protection for retained trees. The submitted tree report does not relate to the revised access arrangements or reference the Tree Preservation Order, of which the appellant was unaware. The revised access would be located to the north of the area assessed. The revised access arrangements propose a bell mouth to adoptable standards. This has potential to impact any trees in the vicinity.
14. The area of woodland enhances the rural character and appearance of the Green Belt. Harm to trees protected for their amenity value and the integrity of the woodland, which is a positive feature in the landscape, would add to the harm by virtue of inappropriateness. The development would be contrary to Gedling Borough Local Planning Document Part 2 Local Plan (LP) policy LPD19 which seeks to prevent significant adverse impact including on the character of the landscape.
15. Reference has been made in representations by the appellant to the Great Nottinghamshire Landscape Character Assessment but this has not been provided.

Other considerations

16. CS policy 13 offers some support for culture, tourism and sporting facilities. There would be intended to be some public access provided. Although LP policy LPD 24 also supports tourist related accommodation, this is where it is not within the Green Belt or would accord with Green Belt policy, which this does not. It would not be infill development within the Green Belt covered by LP policy LPD15.
17. There is support provided by various growth and visitor strategies brought to my attention by the appellant but these are not part of the development plan. That the applicant has experience of providing this type of development is not disputed, or that there is some support given by the Framework for sustainable tourism and leisure development. However, that is where it respects the

character of the countryside and it does not outweigh Green Belt policy. The Government attaches great importance to Green Belts.

18. The site is located relatively close to Nottingham and its facilities. I note that there are also local facilities which might be used by tourists, to which there would be some economic spin off from tourist spending and from the business, but that has not been quantified. There would be 6 full-time and 3 part-time staff positions created.
19. Various examples have been given of other schemes including appeals. I also note the proximity of Killarney Park with 148 park homes, but ultimately the balance to be taken is for the decision maker. This would be a totally new site within woodland previously devoid of any development and for log cabins for tourist use rather than camping or residential development.
20. The level of screening of the site is a matter of mitigation of harm rather than a consideration in favour. It appears from the photographs and evidence that land has been cleared and left as bare earth with no vegetation by the time of the preliminary ecological survey, which indicates will result in permanent and temporary loss and/or alterations to some habitats. The photographs of the Council indicate further ground works.
21. There would be two wildlife ponds created to enhance the site for amphibians. The preliminary ecological appraisal identifies that the habitat is mixed semi-natural woodland. The trees are dominated by silver birch, with some crack willow, hazel, laurel, oak and scots pine. There is limited information to be able to quantify overall ecological benefit.
22. Woodland management could be undertaken as a matter of good husbandry whether or not the development took place. In final comments the appellant suggests that a field could be planted with woodland, but this does not seem to have been submitted as an application plan.
23. The Framework specifies that substantial weight should be accorded to any harm to the Green Belt. In this case there is harm by reason of inappropriateness and harm to the character and appearance of the area. None of the other considerations raised either separately or combined, even if extra woodland planting took place, would be of sufficient weight to outweigh that harm. Therefore, they would not amount to the very special circumstances necessary to permit the development.
24. For the reasons given above, I conclude that the development would be contrary to the development plan and the Framework and that the appeal should be dismissed.

Julia Gregory

Inspector