



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: 29 November 2019

Appeal Ref: APP/P3040/W/19/3235045

The Estate Office and Tractor Store, Ruddington Hall, Loughborough Road, Ruddington, Nottinghamshire NG11 6LL

- 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 Midland Software Holdings Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref 19/01213/FUL, dated 17 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is extensions to the existing estate office & tractor store to provide a disaster recovery centre and additional workshop space (resubmission).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application by the Council, the Rushcliffe Local Plan (LP) has been adopted and it is now part of the development plan. I have taken into account representations made in respect of this plan in determining the appeal. The Rushcliffe Non-statutory Replacement Local Plan has been superseded and therefore I have not taken it into account.

Main Issues

3. The extensions would be located within the Nottingham Derby Green Belt. It is not disputed that the extensions would amount to disproportionate additions over and above the size of the original building. They would not therefore fall within exception (c) given in paragraph 145 of the National Planning Policy Framework (the Framework). They would amount to inappropriate development within the Green Belt. The main issue is therefore whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and amounts to the very special circumstances necessary to justify the development.

Reasons

4. LP policy 21 identifies that applications for development in the Green Belt will be determined in accordance with the Framework. This specifies that inappropriate development is by definition harmful and should not be approved except in very special circumstances. The Framework identifies that substantial weight should be given to any harm to the Green Belt.
5. One of the fundamental aims of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are

their openness and their permanence. The building that would be extended is located within parkland and is set well away from Ruddington Hall. Whilst it would be screened by a tree belt that lies to the north, there are few buildings visible within the locality apart from Ruddington Hall and the appeal building. The countryside in the surrounding area is essentially undeveloped.

6. The estate office & tractor store would be extended to either side by buildings measuring some 8m by 10.27m. Although the extensions would be less high than the existing building, they would still measure some 4.69m high. Overall their bulk would be substantial in relation to the existing building. One extension would be used to house flat bed transporters. The other would be for a Disaster Recovery Centre (DRC), office and WC.
7. Rushcliffe Local Plan Part 1:Core Strategy(CS) Policy 4 (Nottingham-Derby Green Belt) states that the principle of the Green Belt will be retained. Its purpose is to maintain openness and prevent coalescence between settlements.
8. Because of the large size of the extensions there would be significant harm to openness, even though the extensions would be screened from the north by a wide densely planted tree belt protected by a tree preservation order. The building has already been extended from its original size. The original building was some 210m², it was extended by some 67.28m² and the proposal would add a further 164.3m². The extended building would be located on a hill and the countryside on lower land to the south is open parkland, albeit that no public footpaths have been identified to me from where the building would be apparent. The harm to openness should be added to the harm by reason of inappropriateness.
9. The appellant has identified a number of other considerations as weighing in favour of the development.
10. The appellant argues that there is a defined need for a DRC to serve the successful multi-national family business. According to the appellant, this needs to be away from the main structures that house the existing IT systems and servers for data protection reasons and to ensure business continuity.
11. I acknowledge the need for such a facility set out in the company profile and need report, and its justification based on the breadth and scale of their client base and the company drive for expansion. This would be a separate building that would be remote and could be secure. Nonetheless, it has not been demonstrated why it needs to be of the size proposed or that it needs to be located in the Green Belt.
12. I note that the company has several premises around Nottingham and elsewhere. There is little provided as an assessment of other possibilities for providing floorspace including those locations. The Framework promotes building a strong, competitive economy recognising the different locational requirements of different sectors. There is support for strengthening and diversifying the economy in the Borough in CS policy 5 and business expansion in LP policy 15. However, the Government attaches great importance to Green Belts and the LP requires the determination in accordance with Framework Green Belt policy.
13. The DRC would also displace some space currently used as storage, but there would also be additional floorspace at the estate office and tractor store which

- is not explained in relation to why existing floorspace has proved inadequate and more space is required.
14. The provision of solar panels on the flat roofed areas could provide a benefit for charging vehicles and the DRC, but I have no details of how much energy would be provided.
 15. The appellant has reduced the floorspace requirements from earlier schemes but those do not have the benefit of planning permission. They do not therefore represent a fall-back position. References have been made to earlier planning permissions that were not implemented but I have insufficient information about them to consider their relevance to the proposal before me. No proposals with extant planning permission for free standing buildings have been brought to my attention to which the extensions might be an alternative.
 16. Satisfying the criteria of LP policy 1 or Framework and Planning Practice Guidance design criteria does not overcome the Green Belt harm.
 17. None of these other considerations, either separately or combined, are of sufficient weight to outweigh the substantial harm by reason of inappropriateness and harm to openness identified. They would not amount to the very special circumstances necessary to permit the development.
 18. 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