



Appeal Decision

Site visit made on 8 June 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/N3020/W/20/3245435

Brackendale Lodge, Ricket Lane, Ravenshead NG21 0NF

- 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 & Mrs Taylor against the decision of Gedling Borough Council.
 - The application Ref 2019/0487, dated 20 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is described as "self-build dwelling".
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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 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

Whether inappropriate development in the Green Belt

4. The appeal relates to a single storey residential dwelling and a single storey outbuilding set within a substantial area of well-treed land in the countryside, located on the southern side of Ricket Lane, within the Green Belt. The proposal seeks to replace the existing dwelling and outbuilding with a self-build dwelling.
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5. Policy LPD 42 of the Local Planning Document Part 2 Local Plan (LPD) supports self-build development in certain circumstances, including where it accords with Green Belt policy.
6. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The objectives of Policy 3 of the Aligned Core Strategies Part 1 Local Plan (ACS) and Policy LPD 14 of the LPD are consistent with the Framework in that regard.
7. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception, paragraph 145 (d), is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
8. The submitted plans show that the existing dwelling has a floor area of approximately 89.25 square metres. The replacement dwelling would have a floor area of approximately 184.92 square metres: 111.445 square metres at ground floor level and 73.475 square metres at first floor level. Accordingly, the proposal would represent a very sizeable increase in floorspace over the existing dwelling.
9. I have taken into account the appellants' contention that the outbuilding, which would be removed, should be included in the calculations. Given that the building, which the Council describe as a barn, is sited a considerable distance away, I am unconvinced it can be reasonably described as forming part of the dwelling for the purposes of paragraph 145 (d). However, even if the outbuilding is taken into account, the existing buildings have a combined floor area of approximately 140.29 square metres, which is somewhat less than the floor area of the building now proposed.
10. However, notwithstanding this an assessment of whether a building is materially larger can also include matters of height and visual perception, as well as floor area. In this case the two buildings that would be removed are single storey. Given the changes in the land levels, their height varies, however the highest point appears to be approximately 4.04 metres. The proposed dwelling would be a storey and a half, and its maximum height would be between 6.9 metres and 7.35 metres, thus it would have a greater visual bulk.
11. Accordingly, although smaller in footprint, due to its greater height, bulk and floorspace, the proposed building would be materially larger than the buildings that would be removed combined. As such, the proposal would not fall within the above exception listed in paragraph 145 (d).
12. As the proposal constitutes a replacement dwelling, it is clear to me that it is mostly appropriate dealt with under paragraph 145 (d). However, it has been put to me by the appellants that the development should also be considered under paragraph 145(g) of the Framework, which makes provision for limited infilling or partial/complete redevelopment of previously developed land. Previously developed land is defined in the Framework as land which is or was occupied by a permanent structure. However, under the provision of paragraph 145 (g) the proposal would be required to have no greater impact on the openness of the Green Belt than the existing development. It is to this matter that I now turn.

Openness

13. Openness, in the context of Green Belt policy can be taken to mean the absence of built development. Spatially there would be limited impact on openness, as whilst the figures show a reduction in the overall footprint, additional floorspace would be created and there would be significant increased bulk at first floor level.
14. In addition, there is a visual aspect to openness. At present, both structures have an unassuming presence in the countryside. The dwelling is accommodated in a former workshop building which was converted a few years ago. The outbuilding is a deteriorating functional structure that is not uncommon in a rural area. In terms of their appearance they are both modest structures. The greater height and bulk of the proposal, and its more assertive design, compared to the buildings to be demolished, would result in a greater visual impact on the openness of the Green Belt.
15. Whilst I note that the Council considers the removal of the outbuilding would improve openness, as set out above, the structure is sited a considerable distance from the dwelling. Any benefit to openness from its removal would not outweigh the harm caused by the increased bulk of the dwelling itself.
16. I acknowledge that the new dwelling would occupy a similar position to the existing dwelling within the site, thus it would be well set back from the road and would also be at a lower level than Ricket Lane. It would be screened by the existing trees; thus, the proposed dwelling would not be overly prominent from outside the appeal site. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.
17. Accordingly, the proposal would not meet the exception set out in paragraph 145 (g). As such, given that the proposal does not fall within any of the exceptions listed, it would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Other considerations

18. 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.
19. The appellants consider that the proposal would have a lesser impact on the openness of the Green Belt than what would alternatively be possible on site through either the extension or replacement of both existing buildings under Policies LDP 13 and LDP 14 of the LPD (creating up to 210.43 square metres of floor area) or via limited infilling within the site under paragraph 145(g) of the Framework and Policy LPD 15 of the LPD (creating up to 290.29 square metres).
20. I note that permitted development rights for the extension of the dwelling, and for the construction of outbuildings, have been withdrawn and there is no certainty therefore that permission for such development would be granted. Furthermore, given the scale and nature of the existing buildings, I am unconvinced that their extension or individual replacement would achieve the objectives of the proposed dwelling, such as a significant increase in the habitable space. Consequently, I give this matter limited weight as a realistic

fall-back position. Likewise, any limited infilling would require planning permission and would be required to have no greater impact on the openness of the Green Belt than the existing development. Accordingly, this limits the weight I can give the matter in support of the proposal.

21. The appellants have drawn my attention to an appeal decision¹ they consider relevant. I note that the Inspector allowed the appeal even though the development was found inappropriate, because of the very special circumstances of that case. The evidence submitted in that case included details and plans of an alternative scheme, which has been confirmed by the Council that could have been constructed as permitted development under Class A of the General Permitted Development Order, and which has been considered by the Inspector as a realistic fall-back position that would have had a potential greater impact on the openness of the Green Belt than the appeal development. Given my findings above, that development does not appear to be directly comparable with the proposal before me.
22. Although there is little evidence before me, both parties agree that there is a demand for self-build dwellings locally. There would also be limited economic benefits arising from the development. I give these matters limited weight in support of the scheme.
23. I acknowledge that there would be some benefit in terms of the replacement of the existing buildings that have no architectural merit with a building of superior design. Nonetheless, given the scale of the development, this benefit carries limited weight in favour of the proposal.

Whether very special circumstances necessary to justify the proposal exist

24. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause limited harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
25. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policy 3 of the ACS and Policies LPD 14 and LPD 42 of the LPD.

Conclusion

26. 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

¹ Appeal ref: APP/B3030/C/16/3160466 and 3160467

27. 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