



Appeal Decision

Site visit made on 1 September 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/J3015/W/20/3252536
70 Awsworth Lane, Cossall NG16 2RZ

- 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 Mrs Cordelia Ellaby against the decision of Broxtowe Borough Council.
 - The application Ref 20/00010/OUT, dated 7 January 2020, was refused by notice dated 3 March 2020.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline form with matters of Access and Layout included for consideration. I shall consider this appeal on the same basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The site is within the Nottinghamshire Green Belt. Policy 8 of the Broxtowe Part 2 Local Plan (2018-2028) 2019 (LP) states that the Council will apply national planning policy to proposals within the Green Belt. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to the Green Belt. Paragraph 145 establishes that new development would be inappropriate unless it meets a listed exception. Furthermore, the Framework explains that substantial weight is to be afforded to any harm.

5. Paragraph 145(e) of the Framework states that limited infilling in villages is not inappropriate development. The terms 'limited' and 'infilling' are not defined in the Framework. The question of limited infilling is therefore a matter of planning judgement. The appeal site is a side garden to an existing dwelling. The site is bounded by a highway, two dwellings (the dwelling of the appeal site and No. 68) and the countryside to the rear. The site is to the south of the village of Awsworth within a small cluster of dwellings. These form a ribbon development along Awsworth Lane. Beyond countryside the highway leads on to the smaller village of Cossall to the further south. The appeal site is therefore within a cluster of dwellings set within the open countryside. Therefore, whilst close to Awsworth, the site is nevertheless set away from the villages of both Awsworth and Cossall.
6. Furthermore, within the ribbon development the majority of dwellings are grouped relatively tightly together. However, the appeal site and both neighbouring dwellings are within substantially larger plots with significant gaps to the sides of each respective dwelling. These three plots therefore convey a strong rural character where low density and the absence of built form are further important contributing characteristics.
7. The Council has not identified defined settlement boundaries for Awsworth or Cossall. Nevertheless, it is clear to me that the site is not within either settlement. The appellant's definition of 'village' is not definitive. Rather, I find the cluster of dwellings to lack direct access to facilities and services that would normally be afforded to a village. Whilst not determinative by itself, this and the context of the site leads me to find that the site would not be considered as a village for the purpose of Paragraph 145(e). Therefore, the ribbon development that the site is located within is instead a loose and small cluster of development with characteristics more akin to a hamlet. As a result, the appeal site would not be regarded as an infill plot within a village. The proposal would therefore constitute inappropriate development.

Effect on openness

8. Paragraph 133 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The site is relatively enclosed with planting forming a solid screen adjacent to the highway. However, clear views of the proposed dwelling from the highway would be possible from the existing and proposed driveways and the frontage of No 68. The site would also be overlooked by further occupiers of dwellings to the south. As such, visually the harm to the openness would be moderate as it would be largely seen in context with existing built form. However, spatially the increased mass and development of the site would represent a significant intrusion into the openness of the site and the surrounding Green Belt.
9. Paragraph 134 of the Framework identifies the 5 key purposes of Green Belt policy. This includes at b) to prevent towns from merging. Policy 8 of the LP identifies that the reference to towns in Paragraph 134 of the Framework includes Awsworth and Cossall. These are separated by open countryside and the ribbon development that the appeal site sits within. Therefore, the proposed dwelling within this ribbon development would consolidate built form within the Green Belt. Despite being within the ribbon development this would contribute towards the perception of the incremental merging of Awsworth and

Cossall. The proposal would therefore also have an adverse impact on a purpose of the Green Belt. Consequently, the proposal would have a moderately harmful effect on the openness of the Green Belt and to the merging of towns.

Other considerations

10. The proposal would deliver some economic and social benefits. It has also garnered some support from local residents. The site is within a relatively short walk of Awworth, providing access to facilities, employment and services. These benefits are of limited to moderate weight in favour of the proposal.
11. The appeal site could accommodate the proposed development and its parking needs without resulting in a cramped or constrained dwelling. Furthermore, the proposal would not have an adverse impact on the living conditions of adjacent neighbours or future occupiers. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

Whether there would be Very Special Circumstances

12. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
13. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt and to the merging of towns. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
14. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.
15. Consequently, the proposal would be inappropriate development and as such harmful to the Green Belt. The proposed dwelling would therefore be contrary to policy 8 of the LP, which states that development in the Green Belt must comply with national planning policy.

Conclusion

16. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR