
Appeal Decision

Site visit made on 12 August 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2020

Appeal Ref: APP/P3040/W/19/3243914

Hillside Farm, Bunny Hill, Bunny NG11 6QQ

- 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 Mrs R Linley against the decision of Rushcliffe Borough Council.
 - The application Ref 19/01086/FUL, dated 29 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is described as change of use from care home to C3 residential use, including 1st floor extension to create four new dwellings; retention of the two dwellings on the site; removal of the floodlit menage and stables and erection of a new detached dwelling. Existing access driveway to be widened and a new field access to be created.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application, the Council has adopted the Rushcliffe Borough Council Local Plan Part 2 (2019)(LP). The Rushcliffe Borough Non-Statutory Replacement Local Plan is now superseded.

Main Issues

3. The main issues are:
 - whether the proposed dwelling would be inappropriate development in the Green Belt;
 - the effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using Bunny Hill; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. Policy 21 of the LP and the National Planning Policy Framework (the Framework) identify that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145 of the Framework. One of the exceptions is 145(g), the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development. The appellant considers that the alterations to the existing care home benefit from the exception under 145(c). There is no dispute in respect of this element of the proposal but, be that as it may, this element is not clearly severable from the disputed element of the proposal, specifically the detached dwelling. As such, I must determine the appeal proposal as a whole.
6. The appeal site comprises part of a wider courtyard development with the adjacent Chestnut Farm, with a single gated access serving a central shared turning area. The appeal site contains a single-storey care home, and two two-storey dwellings, all of brick construction and tiled roofs, with adjacent stable and fenced manège. Paddocks wrap around the east, north and west of these, with open countryside beyond, providing the site surroundings with an open and rural characteristic within the identified Green Belt. The effect of the disputed element of the proposal would be to erect a new detached dwelling remote from the existing courtyard buildings, partly within the paddock.
7. The openness of the Green Belt has a spatial aspect as well as a visual aspect. The only spatial aspect of the existing manège is the post and rail fence that surrounds it, with a small section of retaining wall. The stables occupy a footprint of some 39 square metres and are of low roof profile. As such, the spatial aspect of this part of the existing site is modest. In contrast, the proposed two-storey dwelling would be some 9.35 metres high, and occupy a footprint of approximately 95 square metres, substantially greater than existing. By all metrics therefore the proposal would have a greater impact on the openness of the Green Belt in spatial terms than the existing development.
8. The visual dimension of the Green Belt is an important part of the purpose of designating land as Green Belt. The existing manège is somewhat run down, nonetheless the design, materials and scale of both the manège and the stables are clearly of rural characteristic that visually relate to the existing courtyard buildings. Neither the manège nor the stables appear out of place within the rural context of the site. Set against this, the proposed detached dwelling is located partly in what is currently open field and further into the open countryside than the existing courtyard buildings by a distance in excess of 40 metres, such that it would appear visibly disassociated from them.
9. Furthermore, the height of the proposed detached dwelling would be more than 2 metres taller than the existing two storey dwellings, as well as being sited on higher ground, thereby creating a stark contrast with the existing buildings. Finally, the proposed domestic curtilage would extend the current limit of the developed area, with any domestic curtilage, associated fencing and paraphernalia having an inevitable visual impact on the Green Belt when compared to the existing open field.
10. I therefore find that in both spatial and visual aspects the proposed detached dwelling would have a greater impact on the openness of the Green Belt than the existing development. In doing so, the proposal also fails to assist in

safeguarding the countryside from encroachment, which is one of the main purposes of including land within the Green Belt. Therefore, I conclude that the proposed detached dwellinghouse is inappropriate development in the Green Belt, contrary to policy 21 of the LP and the Framework.

Highway safety

11. The Council state that its concerns relate specifically to the absence of sufficient detail on visibility splays, drainage, and bin store provision, with potential consequential impact upon highway safety. In response to visibility, the appellant states that highway safety will not be impacted because the use of the site is not intensifying. However, neither party have provided any substantive evidence regarding existing and proposed traffic movements. In the absence of such, it is not clear whether or not the intensification of use of the access from 3 dwellings and a 6-bedroom care home to 8 dwellings would be material. Furthermore, whilst the width of the existing access is shown as being increased, no details of existing or appropriate visibility distances have been provided by either party.
12. In respect of drainage and bin provision, the Council have provided no information to substantiate how or why these matters would directly affect highway safety. It is not uncommon for these matters, and parking requirements, to be addressed by condition and I see no evidence that this could not be the case here. Finally, whilst no highway safety concerns are said to have been raised when a previous permission was granted by the Council in 2019, I note that this was for a substantially smaller scheme.
13. Overall, I am unable to conclude that the use of the proposed access would not have a significant adverse effect on the safety of pedestrians, cyclists and drivers using Bunny Hill. Even if it could be demonstrated that these adverse effects could be mitigated, this would not outweigh my findings of harm in terms of the Green Belt. The proposal fails to comply with policy 1 of the LP, and the Framework, which together require that access be provided without detriment to highway safety.

Other considerations

14. The contribution of the proposal to housing supply in the locality is a benefit of moderate weight. The loss of the existing run-down manège, stable, and floodlights, which the Council confirms are time restricted, attracts limited weight. That the application was determined under a different policy framework attracts no weight; my assessment is against an up-to-date development plan and the Framework. Finally, reference is made to a recent appeal decision¹ at the site, however that decision relates to a smaller scheme.

Conclusion

15. The development plan and the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there are adverse impacts on openness, the Green Belt purpose of safeguarding the countryside from encroachment, and highway safety. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the

¹ Appeal decision APP/P3040/W/20/3252401

harm to the Green Belt and any other harm are clearly outweighed by other considerations.

16. As outlined above, I give only moderate and limited weights to the other considerations and, even when taken together, these do not outweigh the harm that the proposed development would cause. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
17. Therefore, for the reasons given and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR