The Planning Inspectorate

Appeal Decision

Site visit made on 27 July 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/N3020/W/20/3252611
Land to the Rear of 14 Main Street, Linby, Nottingham, NG15 8AE

- 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 Chris Chambers against the decision of Gedling Borough Council.
- The application Ref 2020/0078, dated 29 January 2020, was refused by notice dated 24 April 2020.
- The development proposed is Alterations Including Demolition of Existing Eastern Gable Wall and Extensions to Detached Garage to Form a New Dwelling; Alteration to Boundary Treatment by Removal of Existing Fence Along Northern Boundary and Construction of New Wall to Western Boundary.

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.

Application for costs

3. An application for costs was made by Mr Chris Chambers against Gedling Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The appeal site is within the Green Belt and within the Linby Conservation Area. As such the main issues are:

- whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
- the effect of the proposal on the openness of the Green Belt;
- whether the proposal would preserve or enhance the character or appearance of the Conservation Area;
- the effect of the proposal on the setting of a listed building; 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 the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The appeal relates to a detached garage situated on land associated with 14 Main Street which is a grade II listed building. The proposed development is for the alteration and extension of the garage to become a separate dwelling.

6. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances set out in paragraphs 145 and 146. Policies LPD12, LPD13 and LPD15 of the Local Planning Document Part 2 Local Plan (LPD) reflect some of these excepted circumstances. While the LPD pre-dates the current version of the Framework, the policies regarding development in the Green Belt are generally consistent with the aims and requirements of the Framework.

7. The exceptions set out in paragraph 145 of the Framework include c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; e) limited infilling in villages; and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development, or would not cause substantial harm to the openness of the Green Belt where the redevelopment would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Paragraph 146 sets out forms of development that would not be inappropriate in the Green Belt provided they preserve its openness. These forms of development include d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

8. Based on the description of the proposed development and the evidence submitted with this appeal, I consider that the proposal constitutes alterations and extensions to an existing building and as such paragraph 145c of the Framework would be the most appropriate in this case. The Framework does not state that a building in this circumstance excludes a garage or residential outbuilding.

9. Policy LPD13 of the LPD states that planning permission will be granted for extensions or alterations to buildings in the Green Belt provided the proposals do not result in the floorspace of the building being over 50% larger than when originally constructed. It is not disputed by either party that the proposal would see the floor space of the original building extended by approximately 100%. Accordingly, the proposal would not meet the tests of this policy. However, while the Council's policy refers to floorspace, the Framework requires that development does not result in disproportionate additions over and above the size of the original building. Size in that context is more than a function of floorspace and includes bulk, mass, and height. In this case, the bulk of the building would be almost doubled. From the information before me, therefore, I conclude, as a matter of judgement,

that the additions to the original building would be disproportionate in the context of the Framework and the proposal contrary to Policy LPD13.

10. Whilst I note the appellant's contention that the proposal could constitute the re-use of a building of permanent and substantial construction, on the basis of all I have seen and read the building cannot be re-used for the proposed use as a dwelling without the need for a sizeable extension. Accordingly, the proposal would not fall within exception 146d, which in any event requires that the development preserves openness, a matter to which I will turn later. For the same reason the proposal, if considered on this basis, would be contrary to Policy LPD12 which supports the re-use of buildings in the Green Belt with the stipulations that the proposal preserve the openness of the Green Belt and the building is capable of re-use without major alterations or adaptations.

11. I have had regard to the appellant's opinion that the proposal could also fall to be determined within the other exceptions listed in paragraph 145 and 146 specifically that it would constitute limited infilling in a village or the partial redevelopment of previously developed land. However, paragraph 145c of the Framework, is the only exception that explicitly refers to an extension or alteration of an existing building. The other exceptions in paragraph 145 relate to the construction of new buildings. Moreover, Policy LPD15 which supports infill development in certain circumstances, relates only to the construction of new buildings. The exception in paragraph 145g of the Framework requires that the proposed development does not have an adverse effect on openness and it is to this matter that I now turn.

Openness

12. Openness is an essential characteristic of the Green Belt, which has both a spatial and visual dimension. As the bulk of the building would be approximately doubled in size by the development, on part of the site which is currently free from built development, the proposal would result in a reduction in the openness of the Green Belt in spatial terms. I acknowledge the single-storey nature of the building and the very limited views of the appeal site from public land although it would be visible from surrounding residential properties. Nevertheless, considering the above, the proposal would cause limited harm to the openness of the Green Belt taken as a whole.

13. Accordingly, the proposal does not constitute the redevelopment of previously developed land that preserves openness. As such the proposal constitutes inappropriate development and in addition would cause some limited harm to openness.

Conservation Area

14. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

15. I note that the design of the proposal has been adapted during the course of the planning application and that the Council does not object to its design. The new dwelling would have a simple functional design that is in keeping

with the surrounding buildings and would be modest in size. Views of the new dwelling would be very limited from the street, and therefore the proposal would preserve the character of the Conservation Area.

Listed Building

16. Section 66 (1) of the Act requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

17. The significance of the listed building lies in its age, its historic use and its modest architectural detailing. I understand from all I have read that the land on which the garage is sited was not originally associated with the listed building. While it is clear that the site lies within the setting of the listed building, the presence of the modern garage building has already altered that setting. Accordingly, the site currently makes a neutral contribution to the significance of the building. On that basis, whilst the introduction of further built form and a wholly new residential unit would change the character and appearance of the site, it would preserve the setting of the listed building.

18. Accordingly, the proposal would meet the requirements of sections 72 (1) and 66 (1).

Other Considerations

19. The proposal would provide an additional smaller dwelling in the village, and I understand that the house is to be designed to meet the needs of the elderly. In that respect I have taken into account the aspirations of the Linby Neighbourhood Plan. There would be a small social benefit in providing a single extra housing unit, and economic advantages would also arise from the construction works and the occupation of a new house. Overall, I attach moderate weight to these benefits.

20. The appellant states that the proposed dwelling would assist with the natural surveillance of the car park and open play area of the adjacent Horse & Groom public house. I note from the submitted drawings that only the kitchen window would face towards these areas, and that the view from this window would be partially blocked by the proposed boundary wall. The proposal would therefore result in a limited addition to the natural surveillance of these areas. This matter therefore carries limited weight.

21. I note the appellant's contention that if the garage were to be demolished the construction of a new dwelling on the site would constitute infill development. Be that as it may, there is no such proposal before me. Moreover, even if the current proposal is dismissed, I cannot be certain that such a development would be granted permission or is a realistic alternative to that before me. Accordingly, this matter carries only limited weight.

Planning Balance and Conclusion

22. The proposal constitutes inappropriate development in the Green Belt. In addition, the proposal would cause harm to the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.

23. The Framework states that development should not be approved unless the harm to the Green Belt is clearly outweighed by other considerations. The other considerations that are raised by the appellant, even considered cumulatively, do not clearly outweigh the totality of the harm I have identified, harm which carries substantial weight. Consequently, very special circumstances do not exist.

24. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR