



Appeal Decision

Site visit made on 27 July 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/J3015/W/20/3252593

123 Moorgreen, Newthorpe, NG16 2FF

- 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 R & J Shaw against the decision of Broxtowe Borough Council.
 - The application Ref 19/00737/FUL, dated 14 November 2019, was refused by notice dated 31 March 2020.
 - The development proposed is the erection of 1 dormer bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 dormer bungalow at 123 Moorgreen, Newthorpe, NG16 2FF in accordance with the terms of the application 19/00737/FUL, dated 14 November 2019, subject to these conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing OS Plan drawing no. DL/430/310 revision A; Proposed Site Section & Site Layout drawing no. DL/430/312; Proposed Elevations & Floor Plans drawing no. DL/430/313; Proposed Streetscape Elevation drawing no. DL/430/314; Proposed Garage Plans & Elevations drawing no. DL/430/315.
 - 3) No development above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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 Issue

3. The appeal site is within the Green Belt, and as such the main issue is whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework.
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Reasons for the Recommendation

4. The appeal site currently forms part of the side garden of 123 Moorgreen. The proposed development is the erection of a dormer bungalow with a detached garage. The bungalow would share an access with an as yet unbuilt dwelling to replace the original house which was granted permission¹ in June 2019 and is still capable of being implemented.
5. 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. One such exception is limited infilling in villages. Policy 8 of the Broxtowe Borough Council Part 2 Local Plan (adopted October 2019) (LP2) states that applications for development in the Green Belt will be determined in accordance with the Framework.
6. Moorgreen is not designated as a village in the development plan. However, I noted on site that the settlement constitutes a ribbon development along the B6010 and B600 which spreads from Newthorpe to the south with only limited gaps in the development pattern. There are a significant number of residential properties within Moorgreen, which is served by a garden centre, café and, until it was converted, a church. The site is clearly within the settlement. On that basis, notwithstanding the lack of formal designation, I am satisfied that the site lies within a village.
7. The term 'infilling' is not defined in the Framework, and therefore it is a question of fact and planning judgement as to whether a development constitutes infilling or not. Whilst the site occupies a larger area of open space, the extant permission for the bungalow on the land is a material consideration to which I give substantial weight. The land is amongst a clearly identifiable frontage of buildings, with a garden centre to the south-east and existing dwellings to the north-west. A footpath lies in between the appeal site and the dwellings to the north-west, however this alone does not create a substantial gap that would separate the proposed dwelling from the properties to the north-west. I am therefore satisfied that the proposal would therefore constitute infill development and would not result in urban sprawl. Furthermore, the proposal, for one dwelling, is limited in terms of its scale.
8. Consequently, I conclude that the proposal would constitute limited infill within a village and would therefore not be inappropriate development within the Green Belt. For these reasons, the proposal would satisfy Paragraph 145 of the Framework and Policy 8 of the LP2.

Other Matters

9. The properties in Moorgreen are predominantly detached properties set in generous plots, giving the area a semi-rural character. The proposed dwelling would be in keeping with the surrounding properties and would reflect the character of the area.
10. I acknowledge the neighbour's concern regarding overlooking from the proposed dwelling. However, as the proposed dwelling would be at a lower level than the houses opposite and given the distance that would separate

¹ Planning application ref. 19/00085/FUL

the proposed dwelling from these properties, the proposal would not result in any significant loss of privacy to the houses opposite.

11. The Council raises concerns that the proposed dwelling would obstruct views of the open fields to the rear of the site, however the existing woodland to the rear of the site already prevents views of the open fields. The proposed dwelling would therefore not cause any harm in this regard.

Conditions

12. No conditions have been suggested by the Council. Nevertheless, I recommend the standard time limit condition and a condition specifying the approved plans to provide certainty and in the interests of proper planning.
13. As precise details have not been provided of the materials to be used for the external surfaces, a condition is necessary to require details of exterior materials to be submitted to and approved by the Council to ensure that the proposed dwelling does not detract from the character and appearance of the area.

Conclusion and recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and planning permission is granted subject to the conditions above.

S Ashworth

INSPECTOR