



Appeal Decision

Site visit made on 18 August 2020 by Andreea Spataru BA (Hons) MA

Decision by George Baird

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/P3040/W/20/3249271

29 Stanton Lane, Stanton on the Wolds NG12 5BE

- 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 Darren and Alison Haynes against the decision of Rushcliffe Borough Council.
 - The application Ref 18/02760/FUL, dated 29 November 2018, was refused by notice dated 21 January 2020.
 - The development proposed is a new dwelling with side courtyard.
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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.

Preliminary matter

3. An application for costs was made by Mr D and Mrs A Haynes against Rushcliffe Borough Council. This application is subject of a separate decision.

Main Issues

4. The main issues are:
 - Whether the appeal site is within the general extent of the Green Belt;
 - If so, 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.
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Reasons for the Recommendation

Whether the site is within the Green Belt

5. The Rushcliffe Local Plan Part 2: Land and Planning Policies (Policies Map) (LP Part 2) identifies almost all the site as being within the Green Belt. However, the parties agree that there are no identifiable features on the ground to precisely define the Green Belt boundary; thus, there is some ambiguity regarding the precise location of the Green Belt's boundary in relation to the appeal site.
6. The appellants refer to several appeal decisions¹, where the Green Belt boundary was not precise. The Inspectors undertook site-specific Green Belt reviews to determine how those sites performed against the five purposes of the Green Belt listed in Framework paragraph 134. The Council followed this approach; in addition, the Council also referred to its Green Belt Assessment Matrix and concluded that the appeal site contributes to three of the Green Belt purposes (first, third and fifth purposes). The Matrix facilitates the scoring of the Green Belt purposes, as defined within the Framework, in order to establish the Green Belt value.
7. To determine if the site is within the general extent of Green Belt, I will assess its contribution to the three purposes of the Green Belt, which are in dispute between the parties, as defined by paragraph 134 of the Framework. Whilst I will have regard to the Matrix, I do not consider it to be determinative; as such, I will apply my own professional judgment.
8. The first Green Belt purpose is "*to check the unrestricted sprawl of large built up areas*". Whilst the Matrix replaces the words "*large built up areas*" with "*settlements*", there is in my view no material difference between these 2 terms. Neither the Framework nor the Matrix defines what is a "large built up area/settlement". That is a matter for the informed/professional judgement of the decision maker depending on the circumstances of each case. Keyworth/Stanton-on-the-Wolds is both functionally and spatially a substantial settlement. Accordingly, as a matter of fact and degree, I conclude that for the purposes of applying Green Belt policy, Keyworth/Stanton-on-the-Wolds is a large built up area.
9. The northern part of the appeal site adjoins the built up area of Keyworth/Stanton-on-the-Wolds. The site is bounded by Stanton Lane to the east and by open fields to the west. Development to the south of the appeal site comprises a scattering of dwellings and farm buildings, outside the main built up area of Keyworth/Stanton-on-the-Wolds. In this context, the site functions as a barrier to the unrestricted sprawl of the built up area, and contributes to the first Green Belt purpose.
10. The third Green Belt purpose is to "*assist in safeguarding the countryside from encroachment*". The appeal site is long and thin, with a substantial frontage to Stanton Lane, which here has the character of a rural road. The site contains the garage to No.29 with the remainder functioning as the garden and contains the paraphernalia normally found in a domestic garden. This is not uncommon within the countryside/Green Belt. Here given, its position and scale, the appeal site functions, in my view, as countryside outside the built up area. In

¹ Appeals ref: APP/P2935/W/17/3167263; APP/P2935/W/17/3167852; APP/P2935/W/17/3174487; APP/P2935/W/17/3174489.

this context, the site assists in safeguarding the countryside from encroachment and contributes to the third Green Belt purpose.

11. The fifth Green Belt purpose is "*to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*". The inclusion of the site within the Green Belt would direct development to urban areas, including potentially suitable sites within Keyworth/Stanton-on-the-Wolds, therefore contributing to urban regeneration.
12. Accordingly, the site contributes to three of the Green Belt purposes. As such, it is within the general extent of the Green Belt and subject to the relevant policies.

Inappropriate development

13. Paragraphs 145 and 146 of the Framework list the types of development that are not considered inappropriate in the Green Belt. These include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposal includes the replacement of the existing garage with a two-storey dwelling, which would have a carport, an enclosed courtyard and boundary treatment, and a revised access onto Stanton Lane. Given its nature and scale, the proposal would not meet the exceptions listed within the Framework, therefore it would be inappropriate development in the Green Belt.

Openness

14. The Framework indicates that openness is an essential characteristic of the Green Belt. The proposal would increase built development on site. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.

Other considerations

15. I note that the initial scheme has been amended, for a good proportion of the footprint of the proposed dwelling to overlap the footprint of the existing garage. Nevertheless, the overall proposal is within the Green Belt and, as set out above, it is inappropriate development.
16. The neighbouring property No 25 Stanton Lane has had several alterations and extensions. Whilst there are similarities between No 25 and the appeal site, particularly in terms of their location within the Green Belt, I have no specific details of the circumstances that led to the approval of these developments. However, these significant extensions of the original dwelling appear to have been approved prior to the adoption of the Framework. The latest approval, which includes a detached car port structure, is not directly comparable to the appeal proposal, particularly because of its scale and siting in relation to the host dwelling. Accordingly, I attach limited weight to this matter.
17. The appellants draw my attention to an appeal decision² for which permission was sought to create two dwellings in Stanton-on-the-Wolds. That site is in Green Belt and the case was dismissed as one of the dwellings was found to be inappropriate development. The other dwelling was considered acceptable

² Appeal ref: APP/P3040/W/19/3229372

because it was sited between two existing houses, thus it was an 'infill', which would have continued the established pattern of development on that road. The proposal is not directly comparable with this development, as the properties located to the south of the appeal site, which are in Green Belt, do not follow the established pattern of development as seen in the built-up area on Stanton Lane, to the north of the appeal site. The appeal development does not, therefore, constitute infill development. As such, I give limited weight to this appeal decision.

18. Whilst I note the amendments made to the Green Belt boundaries as part of the Council's Green Belt Review, there is no certainty that, had the appeal site been considered as part of the detailed Green Belt Review, the existing boundary would not have been found defensible and would have been altered. Furthermore, the LP Part 2 has been found sound and has been adopted as part of the Development Plan. Therefore, I attach limited weight to this matter.
19. The Council has no objection to the development in terms of its effect on the character and appearance of the area, neighbours' living conditions, highway safety, flood risk, or ecology. I have no reason to disagree. I note that the proposal is supported by neighbours. However, these are all neutral matters rather than ones that carry weight in favour of the scheme.

Very special circumstances

20. The appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt and would cause, albeit, limited harm to openness. 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.
21. Having had regard to all other considerations, 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 21 of LP Part 2.

Conclusion

22. 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

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

George Baird

INSPECTOR