The Planning Inspectorate

Appeal Decision

Site visit made on 15 September 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/P3040/W/20/3254333
Holly Farm, Bassingfield Lane, Bassingfield.

- 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 Crofts Developments Ltd against the decision of Rushcliffe Borough Council.
- The application Ref 19/02462/FUL, dated 16 October 2019, was refused by notice dated 17 December 2019.
- The development proposed is 'full planning application for the demolition of Holly Farm and associated buildings and the erection of 7no. dwellings'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has provided an amended drawing no.(08)01 Revision A in response to the comments of Nottinghamshire County Council Highways about visibility splays at the access to the site. I will return to this matter later in my decision.

Main Issues

3. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the proposal on the openness and the purposes of the Green Belt;
- whether the site would be an appropriate location for development with particular regard to the proximity of local services and facilities;
- the effect of the development on the character and appearance of the area;
- the effect of the development on non-designated heritage assets;
- the effect of the development on the living conditions of Manor Farm; and,
- if the proposal is inappropriate development, whether 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 the development.

Reasons

4. The appeal site comprises a farmhouse, a group of farm buildings and a grass field (paddock) located on the north side of Bassingfield Lane, Bassingfield. The appeal buildings are currently vacant but were formerly used in connection with a wood yard and timber merchant's business. The proposal is to construct 7 detached dwellings following the demolition of the existing buildings on the appeal site.

Whether inappropriate development

5. The Framework confirms that the Government attaches great importance to the Green Belt. In this context, Paragraph 145 of the Framework states that other than for limited exceptions, the construction of new buildings in the Green Belt is inappropriate. The exceptions include, at paragraph 145(e), limited infilling in villages and at paragraph 145(g), limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

6. Policy 4 of the Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (Local Plan Part 1) confirms that Bassingfield remains washed over by the Green Belt. I am also directed by the appellant to Policy 21 of the Local Plan Part 2: Land and Planning Policies (May 2018) (Local Plan Part 2) which states that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework.

Limited infilling in villages

7. The appeal site is located close to the junction of Bassingfield Lane with Nathans Lane. Bassingfield Lane consists primarily of groups of agricultural or former agricultural buildings set back from the Lane interspersed with large open grassed areas and mature tree and hedge planting. Development along Nathans Lane is of a different character consisting of a cluster of properties in various orientation and varying designs set in smaller plots.

8. Bassingfield is referred to as a hamlet in the appellant's design and access statement and Statement of Case[1]. There is little evidence that Bassingfield has any services or facilities that would be expected in a village location. On this basis, I find that the appeal site is not within a village.

9. The Local Plan Part 2 defines small scale infilling as 'development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area'. Although the reference is to small scale rather than limited, I consider limited and small scale have a similar meaning in this context; small scale being something of limited size or extent.

10. The western half of the appeal site is undeveloped, and the eastern half is occupied by the 2-storey farmhouse, one and two storey farm buildings and a single storey barrel vaulted workshop building. To the rear of the buildings is a large hardstanding and a small number of timber buildings. The existing buildings and hardstanding are to be demolished and replaced with dwellings laid out with their rear elevations facing towards the appeal site's frontage on the south side. The dwellings would occupy the full width of the frontage

[1] Appendix MP07

between the appeal site's western and eastern boundaries. The length of the built frontage could not be termed a small gap. Therefore, the proposal would not be limited or small-scale infilling and would not meet the exception set out in paragraph 145e) of the Framework

Previously developed land

11. In accordance with the definition of previously developed land in Annex 2 of the Framework I accept that the existing buildings and the land around it are previously developed. In my view the undeveloped paddock area is not part of the previously developed land area and the appellant has not proposed that it is. Thus, the appeal site, taken as a whole, cannot be considered as previously developed land.

12. I have established that the proposal is not limited infilling. Although part of the appeal site is previously developed land, the development before me extends on to land beyond the area recognised as previously developed and therefore the proposal does not fall within the parameters of paragraph 145(g).

13. Overall, I find that the proposal would be inappropriate development in the Green Belt and would conflict with Policy 4 of the Local Plan Part 1 and Policy 21 of the Local Plan Part 2. It would also conflict with the Framework in so far as it relates to development within the Green Belt. This is a matter to which I attach substantial weight.

Openness and purposes

14. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.

15. The existing buildings form a cluster of development which is contained to the site's eastern side. The farmhouse is a prominent feature as are the range of outbuildings that sit around a cobbled courtyard at the right-angled bend in Bassingfield Lane close to the junction with Nathans Lane. There is also extensive hardstanding between the buildings and the appeal site's northern boundary and a small number of wooden structures on this northern side. However, the western side of the appeal site is an open undeveloped paddock.

16. The proposal would extend development across the site frontage into the open paddock area. It would introduce dwellings of considerable scale and mass, parking and turning areas, means of enclosure and domestic gardens with associated paraphernalia into a significant new area of open undeveloped land. There is limited evidence about the relative volume of the existing and proposed buildings. However, the appellant identifies that there is some correlation between the area of land currently occupied by existing built development and hardstanding and the amount of land occupied by the proposal.

17. Notwithstanding this, the proposed development would have a different and incongruous spatial arrangement. It would appear to take up a wider area of land because it would be spread along the road frontage. I consider that, with the spatial arrangement proposed, the appeal site would appear more developed.

18. The existing boundary hedge would play a part in obscuring views from the road frontage and the appeal site would appear more open in some views from the north, south and south east as a result of the removal of the existing buildings. Nevertheless, these extended views from adjacent roads and footpaths, would be of domestic curtilages, boundaries and built development. As the visualisations provided by the appellant show, existing views across the open paddock, from both the north and the south, would be lost by the mostly continuous built form of the proposed development along the lane frontage.

19. Therefore, I consider that in both spatial and visual terms, the development would have a greater impact on the openness of the Green Belt than the existing development.

20. With respect to the purposes of the Green Belt, given my findings above that the proposal would not amount to infilling within a village, the proposal would lead to encroachment of development into the countryside and would impact on the related Green Belt purpose.

Location and facilities

21. Policy 3 of the Rushcliffe Local Plan Part 1 (2014) states that in other settlements beyond the main built-up area of Nottingham and the Key Settlements, development will be for local needs only. The explanatory text at Paragraph 3.3.17 states that local needs will be delivered through small scale infill development or on exception sites. Paragraph 3.10 of the Local Plan Part 2 clarifies that development to meet 'local needs' at 'other villages' will be limited to small scale infill, exception sites and allocations in neighbourhood plans.

22. There is no evidence before me that the site is considered to be an exception site or an allocation. I have established that the development does not represent small scale infill in terms of the definition in the local plan and is not within a village. Nor, is the whole appeal site previously developed land. Further, Bassingfield is a dispersed settlement with the built-up area concentrated around Nathans Lane. Although the existing buildings sit adjacent to and may be considered to form part of the built-up part of Bassingfield, the paddock relates to the limited and sporadic development beyond the site to the west and south. I do not therefore agree that the site's frontage to Bassingfield Lane on the south side is a built-up frontage.

23. Policy 14 of the Local Plan Part 1 aims to manage the need to travel especially by private car, by following the spatial strategy in Policy 3 in combination with the delivery of sustainable transport networks to serve these developments.

24. The Framework promotes sustainable development in rural areas, including by requiring housing to be located where it will enhance or maintain the vitality of rural communities. Paragraph 103 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

25. Bassingfield does not have any services or facilities. Future occupiers would therefore need to travel further afield to meet their daily needs.

26. Bassingfield Lane, for much of its length, is a relatively narrow lane with no footpaths and limited street lighting. I observed during my site visit that there are moderate traffic levels on the road and cyclists use the road to access the recreation facility provided by the bridle route through to the Grantham canal

towpath located adjacent to the appeal site. However, I would not consider the route to the bus stops on the A52 or the village of Gamston to be a short or convenient walk or cycle ride. The limited width of the road and the absence of footpaths would, I consider, serve to discourage future occupants from walking or cycling to access services and facilities, particularly at night. The tow path, which leads through to Gamston, crosses a major road and its usefulness as an access to services and facilities within Gamston would be very limited even if it does provide tourism and leisure opportunities.

27. Overall, I consider that given the distances involved and the limitations of the immediate rural roads, it is likely that most of the trips to access work, schools and leisure facilities from the appeal site would be by car.

28. Therefore, future occupiers would be heavily reliant on private car journeys. The proposal would not encourage sustainable forms of transport and the need to travel would not be minimised in this location.

29. Although I note the 'East of Gamston/North of Tollerton' Strategic Allocation in the Core Strategy. There is no evidence before me that this allocation would improve the access to services and facilities from the appeal site.

30. Overall, I consider that the appeal site is not an appropriate location for development with particular regard to proximity to local services and facilities and would conflict with Policy 1 where it addresses development requirements, and Policies 3 and 14 of the Local Plan Part 1. It would also conflict with the Framework.

Character and appearance

31. Bassingfield is a small dispersed settlement in a rural setting. The approach to the appeal site along Bassingfield Lane from the west is characterised by farm or open land with scattered pockets of development including farmsteads with field boundaries formed largely from hedgerows and mature trees. The existing cluster of buildings within the appeal site are a focal point at the junction of Bassingfield Lane with Nathans Lane and their form is characteristic of buildings in the Countryside. The dwellings on Nathans Lane have varied character, siting and size.

32. Conversely the proposal would consist of dwellings on a similar building line set back but extending along the full site frontage. The dwellings would have large gable elevations designed to face rear gardens that abut the road frontage. The design and siting of the dwellings has little regard to the variety and arrangement of buildings within the settlement introducing a development of uniform character that would appear incongruous and visually obtrusive.

33. Consequently, I consider that the development would detract from the character and appearance of the area in conflict with Policy 10 of the Local Plan Part 1 and Policy 1 of the Local Plan Part 2 which collectively seek to ensure development is sympathetic to the character and appearance of the area. Further, it would conflict with the objectives of the Rushcliffe Residential Design Guide March 2009 (Design Guide) which similarly seeks to ensure development is compatible with the scale, massing and layout of the surrounding settlement. It would also conflict with the Framework where it seeks to resist development of poor design and where it recognises the intrinsic character and beauty of the countryside.

Non- designated heritage assets

34. The Heritage Statement and some other useful documentation and maps provided by local residents set out the background to the early development of the site. There is some disagreement about how long there have been buildings on the appeal site, but it appears with reasonable certainty that the farm buildings have been on the site since the early 19th century with some possibility that the farmhouse may have late 18th century origins.

35. The buildings are not identified on a local list. Although there is some indication that they are likely to be added to the Nottinghamshire County Council's Historic Environment Record, this is not the case now.

36. The significance of the appeal site, as identified in the Heritage Statement, derives from its general rural setting as part of a small dispersed settlement within a wider field complex; the layout and form of the existing buildings and the use of a limited palette of traditional building materials and decorative features; the wider plan layout and form which illustrate aspects of the social and economic shifts associated with changes in agricultural practice and probable land reorganisation in response to enclosure during the mid to late 18th century; and, the buildings as a focal point that add to the understanding of the historic development of the hamlet.

37. I consider, based on the evidence, that the buildings make an important contribution to the continuing rural identity of the settlement and I find that the buildings are non-designated heritage assets which have significance in the local context.

38. Paragraph 197 of the Framework indicates that in making decisions the effect of an application on the significance of a non-designated heritage asset should be taken into account, and that a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset. As the proposal would result in the total loss of the buildings the resulting harm to their significance would be considerable.

39. I am also mindful that paragraph 192 of the Framework states that in decision making account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. There is limited evidence before me that significant efforts have been made to retain the buildings. Although I note the appellant refers to the form and layout being inappropriate for residential homes/apartments, the reasons for this were not apparent at my site visit and are not apparent from the evidence before me. In addition, the Framework does not limit other viable uses solely to the consideration of residential development.

40. The appellant sets out several benefits that I have considered to reach a balanced judgement. Including that the development would provide seven houses and small-scale growth in an otherwise constrained settlement, a more usable paddock area to the rear of the site, economic benefits associated with the development construction and ongoing spend in adjacent settlements.

41. On the other hand, there is limited evidence that there are no other potential viable uses for the buildings that would not require their demolition. Further, other uses for the buildings may share some of the benefits the appellant

attributes to the proposed development. Therefore, in my judgement the benefits of the proposed development would not outweigh the total loss of the non-designated heritage assets.

42. Overall, I consider that the proposal would be detrimental to the non-designated heritage assets at the appeal site and would conflict with Policy 28 of the Local Plan Part 2 where it seeks to conserve and enhance heritage assets. It would also conflict with the Framework.

Living conditions

43. Manor Farmhouse is located opposite the appeal site. It is sited close to and elevated above Bassingfield Lane. It has main habitable room windows facing the appeal site and the garden of the property runs to either side of the house parallel with the lane frontage.

44. The proposed dwellings would be set back from the road by approximately 13 metres with their rear elevations and rear gardens facing the lane. Several the plots would look towards Manor Farmhouse. I have carefully considered the concerns raised about the proximity between the existing and proposed properties as well as the elevated siting and orientation of Manor Farmhouse. Views from Manor Farmhouse over the open land would be curtailed by the siting of the properties. Nevertheless, given the distance between the farmhouse and the rear elevations of the proposed dwellings together with the intervening road and hedge line, I am satisfied that the dwellings would not be overbearing and there would be limited overlooking between the development and Manor Farmhouse.

45. I acknowledge that the appeal site is in rural surroundings where the level of privacy for properties is generally greater than within an urban or suburban context. However, I am satisfied that the proximity of the dwellings would not be sufficiently close to detract from the living conditions of Manor Farmhouse.

46. For these reasons, I consider that the development would not harm the living conditions of Manor Farmhouse and would accord with Policy 1 of the Local Plan Part 2 which seeks to ensure that development does not result in undue overshadowing or loss of privacy to neighbouring properties. It would also accord with the objectives of the Design Guide which seeks to ensure private areas are not excessively overlooked from adjoining properties.

Other considerations

47. The appellant has provided an amended drawing no.(08)01 Revision A which indicates how visibility would be achieved at the site entrance by the replanting of the existing hedge along the back of the required visibility splay. I saw during my site visit that the visibility at the entrance to the access is limited. I have noted the objections to the development in this regard and I have also noted the previous use of the site and the comments of the Council. Overall, I consider that with appropriate planning conditions the access arrangements would be adequate for the number of dwellings proposed. However, providing an acceptable access to development is a requirement of the development plan and is therefore neutral in the planning balance.

48. The Council can demonstrate in excess of a 5-year housing land supply. Although this does not prevent further residential development from coming forward and I recognise the Framework seeks to boost the supply of housing, the provision of new dwellings in an unsuitable location is not a benefit of the scheme. The housing contribution is therefore a neutral factor in my assessment.

49. There would be small economic benefits, both during the construction and occupation phase of the development which carry limited positive weight. However, given the size of the settlement, its dispersed nature, and the apparent absence of community facilities, the social benefits of providing new growth within the settlement would be limited.

50. In addition, the appellant refers to economic benefits from further council tax income and a new homes bonus. However, no schemes upon which the bonus would be spent have been identified. In accordance with the Planning Practice Guidance[2], it would not be appropriate to make a decision based on the potential for the development to raise money for the Council in the absence of evidence to demonstrate how that money would be used to make this particular development acceptable in planning terms.

51. Although I note the concerns raised by third parties, I am satisfied that the proposal would be acceptable in terms of its proximity to Manor Farmhouse. However, the satisfactory resolution of privacy between properties is a requirement of the development plan and does not therefore weigh in favour of the scheme.

52. I also recognise that there is some support for the proposal based on the additional residents that would be welcomed to the settlement and the improvements to highway visibility associated with the removal of the buildings on the corner of the appeal site. Nevertheless, for the reasons I have set out in this decision these support comments do not weigh in favour of the scheme.

53. I acknowledge the Appellants reference to the High Court judgement[3] which confirms that if there is a breach of a particular policy there may still be overall compliance with the plan. I have taken this case in to account in reaching my conclusions below.

Green Belt balance

54. I have concluded that the proposal is inappropriate development in the Green Belt. Therefore, it is, by definition, harmful to the Green Belt. The proposal would result in a harmful loss of openness of the Green Belt and there would be adverse impacts on the Green Belt purpose of safeguarding the countryside from encroachment, on the character and appearance of the area and on non-designated heritage assets. Further, the site is not a suitable location for the proposal having regard to the development plan. Collectively, these matters carry substantial weight.

55. I attach limited positive weight to the economic and social benefits associated with the development. These other considerations do not clearly outweigh the harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

[2] 011 Reference ID: 21b-011-20140612
[3] R v Rochdale Borough Council ex parte Milne [2000] EWHC 650

Conclusion

56. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR