



Appeal Decision

Site visit made on 5 January 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/N3020/D/20/3259298

63 Catfoot Lane, Lambley, Nottingham NG4 4QF

- 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 Paul Isaac against the decision of Gedling Borough Council.
 - The application Ref 2020/0171, dated 9 February 2020, was refused by notice dated 14 August 2020.
 - The development is proposed retention of wall, pillars and gates to the frontage of the site together with the retention of engineering works to increase the land levels to the front of the site.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description above is taken from the Council's Decision Notice which describes the development more accurately than the Application Form. It was also used in the appeal form by the appellant. Therefore, I am satisfied that neither party has been prejudiced by the change.

Main Issues

3. The appeal site is located within the designated Green Belt. I consider the main issues to be the following:
 - Whether the development constitutes inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt and the character and appearance of the surrounding area; and
 - Whether the harm caused by inappropriateness and any other harm are clearly outweighed by other considerations and if so, whether very special circumstances exist that justify the granting of planning permission.

Reasons

Inappropriate Development

4. The development, which is already completed, comprises the erection of a wall, pillars and gates to the frontage of No 63. In addition to this works have taken place to raise the land level between the boundary and the highway.

5. The boundary wall and columns are a building or structure, as defined in s336 of the Town and Country Planning Act (1990) definition of a building which includes any structure or erection.
6. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings is inappropriate in the Green Belt, with some defined exceptions.
7. If I consider the boundary wall and columns as per the s336 definition, it does not fall within any of the exceptions set out in Paragraph 145 of the Framework. The raising of land levels can be considered as an engineering operation as set out in Paragraph 146 of the Framework and is not inappropriate if it preserves the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. The infilling to raise the land levels in front of the boundary treatment has resulted in a loss of openness by its artificial nature in comparison to the natural land levels and also appears to have been done to mitigate the effect of the wall and columns. Openness is an essential characteristic of the Green Belt, and whilst the engineering operations may be an exemption, they do not preserve the openness of the Green Belt and are therefore inappropriate.
9. Given the overall visual impact of the development I consider that the proposal is an inappropriate form of development in the Green Belt, which by definition is harmful to the Green Belt. I give substantial weight to the harm by reason of inappropriateness.
10. In conclusion on this issue, I consider that the appeal proposal would be inappropriate development within the Green Belt for the reasons set out above. The appeal proposal does not meet the exceptions in Paragraphs 145 and 146 of the Framework, and is therefore by definition, harmful to the Green Belt and as such should not be approved except in very special circumstances.

Openness

11. The Government attaches great importance to Green Belts. The fundamental aim of the policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. The previous boundary has been replaced by a solid wall which forms a continuous means of enclosure. The development has a harmful effect upon openness of the Green Belt given the wall's location, height and scale.
12. While the boundary wall and columns do not represent unrestricted sprawl of a large built-up area, the height and scale represent encroachment into the countryside. The development conflicts with one of the purposes of designating land inside the Green Belt, because it fails to safeguard the countryside from encroachment; this is a serious planning objection.
13. The site is located amongst a scattering of dwellings, but the surrounding area has the appearance of being semi-rural in nature. The properties are separate from the main built up part of the settlement because of intervening fields. While there are properties with solid boundary walls in the locality, these are mainly situated in the built-up part of the settlement.

14. I did not have the benefit of seeing the original boundary treatment on site, but I consider that the solidity and regularity of the form of development has led to a significant reduction in openness, and therefore does not serve to preserve the openness of the Green Belt here.
15. Owing to their size and siting, the introduction of the boundary walls and columns has had an impact on the openness of the Green Belt by introducing a structure which has had a 'hard' enclosing effect on the area. Whilst this loss of openness is not significant for this aspect, it nevertheless has a negative perceptible impact.
16. For the above reasons, given the loss of openness to the Green Belt, it follows that in accordance with the Framework the proposal would be inappropriate development and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework.

Other Considerations

17. The appellant has forwarded a number of nearby boundary treatments carried out to other properties in support of his appeal. However, I have not been supplied with any details regarding other schemes and must assess the proposals on their own merits. On balance, other considerations advanced by the Appellant in support of granting planning permission, whether taken individually or cumulatively, do not clearly outweigh the inappropriate nature of the development in the Green Belt and the other identified harm. Consequently, the very special circumstances necessary to justify the development do not exist in this case.

Conclusion

18. The proposal would represent inappropriate development in the Green Belt. It would also reduce the openness of the Green Belt. I have found further harm particularly due to the adverse impact on the character and appearance of the area. Although I have had regard to the considerations put forward by the appellant, they are insufficient to clearly outweigh the harm. The considerations do not therefore amount to the very special circumstances necessary to justify the proposal.
19. For all of the above reasons and having considered all other matters, I conclude that the appeal should not succeed.

Paul Cooper

INSPECTOR