



## Appeal Decision

Site Visit made on 4 January 2021

**by Graham Wright BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 January 2021**

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**Appeal Ref: APP/P3040/W/20/3261061**

**Tollerton Lodge, Tollerton, Nottingham, NG12 4FR**

- 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 M Chadder against the decision of Rushcliffe Borough Council.
  - The application Ref 20/00636/FUL, dated 12 March 2020, was refused by notice dated 11 May 2020.
  - The development proposed is the re-submission of previously approved replacement dwelling following demolition of existing dwelling – incorporating minor amendments (Re-submission of 19/02568/FUL)
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are
  - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
  - (ii) The effect on the openness of the Green Belt; and
  - (iii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Whether inappropriate development*

3. Policy 21 of the Rushcliffe Local Plan Part 2 2019 (LP) refers directly to national policy in respect of development in the Green Belt and therefore I shall determine this issue with regard to the revised National Planning Policy Framework (The Framework). Paragraph 145d) allows for the replacement of a building in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces.
4. The Council refers to a 'rule of thumb' percentage increase of 50% being applied to assess whether a new dwelling would be materially larger than the one it replaces. It is unclear whether this refers to a percentage increase in footprint or volume, or both. Irrespective however, the 50% figure is not set out in either local or national planning policy. Therefore, whether the proposed dwelling is materially larger than the existing dwelling is a matter of judgement for the decision maker.

5. The existing dwelling is of a relatively modest bulk and massing, owing to the fact that much of its first floor living accommodation is provided within its roof structure. Whilst there is an agreement between the parties that its maximum ridge height is 7.5 metres, this height is achieved above only part of the existing dwelling. Much of its ridge height, including most of that which can be viewed from along Tollerton Lane, is substantially lower than 7.5 metres. Therefore, the design of the existing dwelling and in particular its roof structure, minimises its visual impact within its surroundings.
6. By contrast, the proposed dwelling would have a maximum roof height of 8.925 metres, which would run along most of its front elevation facing Tollerton Lane and its rear elevation which will be readily visible from the open land which surrounds the appeal site. As a result of this, and the width of the proposal, it would have a significant visual effect on its surroundings, even noting the presence of the trees on the site, and it would form a dominant and bulky feature.
7. For these reasons, when compared to the existing dwelling that it would replace, the proposed dwelling would be materially larger and it would therefore fail to meet with the exception which is set out by paragraph 145d) of The Framework. Consequently, it would also fail to accord with Policy 21 of the LP.

### *Openness*

8. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
9. There is already a dwelling present, which has an impact on the openness of the Green Belt. However, for the reasons I have set out above, the proposal would substantially increase the bulk and massing of what is built on the appeal site. This would cause harm to visual openness, contrary to the specific guidance within The Framework and to Policy 21 of the LP.

### **Other Considerations**

10. There is an extant planning permission (reference 19/02568/FUL) to demolish the existing dwelling and to erect a replacement dwelling. However, the impact of the dwelling which has been approved on the openness of the Green Belt would be lesser than that which is subject to this appeal, as it would have a lower ridge height (at a maximum of 7.96 metres) and consequently a lower and less bulky roof structure. As there would be a lesser impact than the proposal subject to this appeal, the fallback position can carry only limited weight.
11. It is noted that the Council's Landscape Officer did not comment on the impact of the proposal on the Green Belt. However, it would usually be expected that a Landscape Officer would restrict their comments to the impact that the proposed landscaping would have in the context of the site on which it would be located, and not specifically against Green Belt policies. The absence of such a comment does not therefore weigh in favour of the proposed development.
12. The appellant outlines a number of economic, social and environmental benefits that would arise, including in terms of employment during construction, aiding

an effective housing market and improving environmental sustainability. However, the benefits resulting from a single dwelling would be limited, and it appears evident that the appeal proposal is not the only way in which such benefits could be achieved. These considerations therefore carry only limited weight.

13. I acknowledge that there were no objections from statutory consultees or members of the public, but this does not justify a harmful development. I can too therefore give this consideration only limited weight.

### **Conclusion**

14. The Framework at Paragraphs 143 and 144 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
15. The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
16. For the reasons given above, I conclude that the proposal conflicts with the objectives of The Framework which seek to protect the Green Belt and with Policy 21 of the LP. Therefore, the appeal should be dismissed.

*Graham Wraight*

INSPECTOR