
Appeal Decision

Site visit made on 13 April 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Saturday, 08 May 2021

Appeal Ref: APP/N3020/W/20/3263437

Land off Shelt Hill, Woodborough NG14 6DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Adrian Sykes (Skye Property Group Ltd) against the decision of Gedling Borough Council.
 - The application Ref: 2020/0534, dated 30 June 2020, was refused by notice dated 30 October 2020.
 - The development proposed is an outline application (access and layout committed) for the erection of nine dwellings (Rural exception site with five affordable and four self-build open market dwellings) (Departure from the development plan).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Adrian Sykes (Skye Property Group Ltd) against Gedling Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. The application was submitted in outline form, with all matters reserved apart from access and layout. I have therefore had regard to all other details on an indicative basis only.
4. The Council amended the description of the development from 'we bring forward a Rural Exception Affordable Housing Development, with an element of Self Build; all in accordance with our application documents' to an 'outline application (access and layout committed) for the erection of nine dwellings (Rural exception site with five affordable and four self-build open market dwellings) (Departure from the development plan)'. The revised description was also used by the appellant on the appeal form. I consider that the revised description represents a more succinct summary of the proposal and have therefore proceeded on this basis.

Main Issues

5. The main issues are:
 - whether the proposal represents an inappropriate development within the Green Belt;

- the effect of the development upon openness of the Green Belt;
- the effect of the development upon the character and appearance of the surrounding area;
- whether appropriate provision would be made for affordable housing and public open space provision; and
- if the development is inappropriate, whether the 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

Whether inappropriate development

6. The site is within the Green Belt. The National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this, which are listed in Paragraph 145 of the Framework. However, the development would not be utilised for agricultural or forestry purposes; would not be a replacement building; an extension; facilities for sports and recreation; or a limited infill in a village.
7. The proposed development would include an element of affordable housing. However, the Framework is clear that this would only meet the definition of a not inappropriate development where it accords with policies set out in the development plan (including policies for rural exception sites).
8. I have been directed towards Policy ACS8 of the Aligned Core Strategies Part 1 Local Plan (2014) (the Core Strategy). Amongst other matters, this requires that affordable housing sites and rural exception sites be located within, or adjacent to, rural settlements.
9. I have not been directed towards a definition of a settlement, and this term is not defined in the Framework. However, the appeal site features a field to one side and further fields are to the rear. Adjacent to the other side of the appeal site is a short terrace of dwellings. In front of the appeal site is a road and beyond that, there are several fields.
10. Therefore, based on the immediate surroundings, the appeal site cannot be accurately described as being in a settlement. By reason of there being a field in between the appeal site and the main body of the settlement of Woodborough, the proposed development would appear detached from the settlement.
11. Although the appeal site would be near to some other dwellings and would not be isolated from the settlement, this cluster of dwellings does not feature the array of facilities that would be typically found within a settlement. Therefore, the proposal would not be adjacent to a settlement. As such, the proposed development, as a rural exception site, would conflict with Policy ACS8
12. However, some of the dwellings would be self-built and therefore made available on market tenures. The provision of self-built, or market tenure housing is not listed in the Framework as potentially being a development that might not be inappropriate in the Green Belt. In consequence, taking the

development as a whole, it does not fall within any of the definitions of not inappropriate development as defined by the Framework.

13. I acknowledge that the appeal documentation suggests that the self-build dwellings would be made available on affordable tenures; however, the planning application documentation is clear that the self-build dwellings would be made available on market tenures. The amendment of tenures would amount to a significant revised scheme and therefore, I have proceeded on the basis of the information that formed the basis of the planning application.
14. Although the Framework does say that market housing can be delivered on rural exception sites, the provisions of Paragraph 145 are still of particular importance as this type of housing is excluded from the list of not inappropriate forms of development.
15. In reaching this conclusion, I have had regard to the potential demand for self-build accommodation within the locality. Whilst I have no reason to disagree with the appellant that such accommodation may be in need, this does not form part of the assessment as to whether a proposed development would be inappropriate in the Green Belt. Therefore, whilst I have had regard to Policy LPD37 of the Local Planning Document (2018) (the LPD), which amongst other objectives seeks to deliver a mixture of housing, this does not overcome my previous observations.
16. In addition, even if I were to agree with the appellant regarding the demand for affordable housing in the locality, the breaches of policy as previously identified would not be overcome.
17. I therefore conclude that the proposed development would be an inappropriate development within the Green Belt. The development, in this regard, would conflict with Core Strategy Policy ACS8 and the Framework. Amongst other matters, these seek to avoid inappropriate development in the Green Belt.

Effect on openness of the Green Belt

18. The proposed development would comprise up to nine dwellings. The development would also include driveways, vehicle access and manoeuvring areas.
19. By reason of the number of proposed dwellings, there would be a significant increase in the level of built form. In addition, the proposed development would also include roads, driveways, and parking areas. This would also contribute to an increase in the overall level of built form and a more engineered appearance at the site.
20. In addition, the development would include some boundary treatments owing to the need to delineate between private gardens, which would add to the overall level of built form within the development. Furthermore, as a residential scheme, occupiers would benefit from permitted development rights to construct several different types structures, such as extensions and outbuildings that would increase the overall level of built form. In addition, the presence of items of domestic paraphernalia cannot be discounted from time to time.
21. The appeal site is currently undeveloped and is predominantly grassed. In result, the proposed development would have an adverse effect upon the

spatial sense of openness that is an intrinsic feature of the Green Belt owing to the change in the nature of the appeal site.

22. In addition, the proposed development would be prominent given that it would be viewable from the road, which also includes a pavement, and the nearby residential properties. In result, the proposed dwellings and associated built elements of the development would be readily apparent when viewed from the surrounding area. In result, the physical sense of openness would also be eroded.
23. I therefore conclude that the proposed development would have an adverse effect upon the level of openness. The development, in this regard, would conflict with Policy LPD42 of the LPD and the Framework. Amongst other matters, these seek to ensure that new developments accord with Green Belt policy and that the openness of the Green Belt is maintained.

Effect on the character and appearance of the surrounding area

24. The appeal site currently consists of a field, surrounded by hedges. The appeal site is separated from the main built up area of Woodborough by a separate field. The site is also next to a terrace of dwellings. Other buildings within the immediate surroundings most commonly occur on an occasional basis and are close to the road. This gives the appeal site and its immediate environs a rural character.
25. Although the proposal was made in outline, layout has not been reserved for future consideration. Owing to the provision of an access road, the proposed dwellings would be set back from the highway edge with Shelt Hill, which would result in the proposed development being discordant.
26. This effect would be magnified as the proposed dwellings shown on the submitted plans as being self-build housing would be arranged in cul-de-sac form to the rear of the site. This would be divergent from the prevailing character of linear dwellings as the side elevations would face Shelt Hill. In result, the proposed development would have a particularly urbanising effect in contrast to the rural character of the appeal site and its surroundings.
27. Given the prominence of the appeal site, this adverse incongruous effect would be particularly strident and would erode the more rural character and appearance of the locality.
28. Whilst the design and palette of materials have been reserved for future consideration, this would not overcome the adverse effects arising from the increase in built form and adverse effects from the non-linear form of development that has been included as part of the proposed layout.
29. I note that there is a cul-de-sac relatively close to the appeal site. I do not have the full information regarding the planning circumstances of this development, which lessens the weight that I can attribute to it. Nonetheless, this development is located adjacent to the built form of Woodborough. Therefore, it is viewed alongside a more developed area. Furthermore, the appeal site is separated from this cul-de-sac due to there being a field in between the two sites. In result, the proposed development would not represent an extension of the built form of Woodborough.

30. My attention has also been drawn to a further cul-de-sac elsewhere within the vicinity. This comprises a variety of building types, but also does not have the same level of prominence. Therefore, it does not have the same adverse effects as the appeal proposal would have.
31. In consequence, the existing culs-de-sac does not have the same effect on the character and appearance of the surrounding area as the appeal proposal would have. Therefore, the presence of the existing development does not allow me to disregard my previous concerns.
32. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy LPD10 of the LDP. This policy, amongst other matters, seeks to ensure that proposals reinforce valued local characteristics.

Affordable housing and public open space

33. The proposed development would include an element of affordable housing. The appeal site is separated from the settlement of Woodborough.
34. Given that the tenure of a dwelling would relate to how the development is used, it would not be possible to impose a condition that would ensure that a portion of the proposed dwellings is made available for occupation on affordable tenures.
35. In addition, whilst gardens have been provided for occupiers of the proposed dwellings, these are unlikely to meet all the requirements of the future occupiers of the development in respect of outdoors recreation and play. In result, the development would likely increase the demand for outdoors recreation facilities. Given this increase in usage, an effect would be created that should be mitigated.
36. Although the appeal documentation includes a draft Section 106 Agreement. This agreement has been written in very general terms and does not specify the appeal site, the landowners or the relevant local planning authority. In addition, the Agreement states that some details are still to be agreed and has not been signed by the relevant parties.
37. In result, I am unpersuaded that the Section 106 Agreement is capable of taking effect in the event that I were minded to allow this appeal. Therefore, I do not have sufficient certainty that the development would secure an appropriate level of affordable housing and off-site public open space provision.
38. The Council has referred to Policy LPD36. This sets out the requirements for affordable housing on developments in excess of 15 dwellings. The proposed development would not meet this threshold. In consequence, I cannot give this policy a significant amount of weight.
39. However, the Framework is clear that affordable housing could be a not inappropriate development in the Green Belt. The same distinction does not apply to market housing. Therefore, in the absence of a suitable legal agreement before me, there is a likelihood that the tenure of the affordable dwellings could change to one of market housing. As such, the proposed development would not be acceptable in this regard.

40. I therefore conclude that the development would not provide an appropriate mechanism for the securing of affordable housing and public open space provision. The development, in this regard, would conflict with Policy ACS19 of the Core Strategy; Policy LPD21 of the LPD; the Affordable Housing Supplementary Planning Document (2009) and the Supplementary Planning Guidance for Open Space Provision (2001); and the Framework. Amongst other matters, these seek to ensure that new developments meet the reasonable cost of required new infrastructure; provide open space; and to secure affordable housing provision.

Other considerations

41. Given that I have found that the proposal would be inappropriate development in the Green Belt, it is necessary to consider whether such harm is outweighed by other considerations, so as to amount to very special circumstances.
42. The proposed development intends to provide some affordable housing. The proposed development would also deliver self-build units. The proposal would therefore deliver additional housing within the area. If I were to agree with the appellant regarding the past delivery of housing within the locality, I would find that these benefits would be tempered by the lack of an enforceable legal agreement to secure the provision of affordable housing and the provision of off-site open space that would be utilised by the occupiers of both the market and affordable housing.
43. Therefore, in the absence of a suitable legal agreement and certainty regarding the infrastructure that should be secured by it, I can only give the increase in housing supply a moderate amount of weight.
44. The proposed development would generate some economic benefits arising from the construction process, in addition to some support for local businesses and services. However, such benefits are likely to be small-scale and, in some cases, of a time limited duration. In consequence, I can only give this a small amount of weight.
45. The proposed development would include some car recharging points. Although this would be of some benefit, this would be small by reason of the likely level of usage. Consequently, this can also only be given a small amount of weight.

Other Matters

46. There is some debate as to whether the Council can demonstrate a five-year housing land supply. Furthermore, there is also some debate as to whether new homes within the area have been delivered at the appropriate rate.
47. However, even if I were to agree with the appellant and conclude that there was not a sufficient supply, I would observe that Paragraph 11(d) of the Framework is not invoked in situations where harm to the Green Belt would emanate. This is set out in footnote six.
48. Therefore, the appellant's views regarding the current housing land supply position and the delivery of new housing within the area do not overcome my conclusions in respect of the main issues.

49. I note concerns raised by the appellant regarding the way the Council considered the planning application. However, in assessing this appeal, I have limited my considerations to the planning matters before me.

Planning balance and conclusion

50. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
51. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
52. The other considerations I have identified individually and collectively carry a limited weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
53. The proposal would also harm the character and appearance of the area and would not secure appropriate provision of affordable housing and off-site open space provision. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR