



Appeal Decision

Site Visit made on 8 July 2021

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 27th July 2021

Appeal Ref: APP/P3040/D/21/3270443

The Old Rectory, Tollerton Lane, Tollerton, Nottinghamshire NG12 4FW

- 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 S Beer against the decision of Rushcliffe Borough Council.
- The application Ref 20/03072/FUL, dated 4 December 2020, was refused by notice dated 24 February 2021.
- The development proposed is the construction of a 3 bay garage with a study above.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development was amended before the application was determined by the local planning authority to 'construction of a 2 bay garage with a study above'. It is on the basis of this amended proposal that I have determined the appeal.
3. On 20 July 2021 a revised National Planning Policy Framework ('the Framework') was issued replacing the version of the Framework published in 2019. However, it does not change national Green Belt policy in relation to the proposed development.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal is inappropriate development for the purposes of development plan policy and the Framework;
 - the effect of the proposal on the openness of the Green Belt; 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 very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. Policy 4 of the Local Plan Part 1: Rushcliffe Core Strategy (2014) ('Core Strategy') insets the most densely developed part of Tollerton from the Green Belt. The appeal property though is located to the north in an older part of the settlement which is within the Green Belt. As a result, the proposed development is subject to local and national Green Belt policy.

6. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the exceptions the paragraph identifies to this is the extension of a building, which does not result in disproportionate additions over and above the size of the original building. Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) advises that applications for development within the Green Belt will be determined in accordance with the Framework.
7. The proposed garage would be located well away from the house by the front entrance gate. As a matter of fact and degree, I find that its position and the extent of its separation from the house would be such that it would constitute a separate building, rather than an extension to the dwelling. As the proposed building would not fall within any of the other exceptions identified by paragraph 149 of the Framework, it would therefore constitute inappropriate development. Such development, by definition, would be harmful to the Green Belt as described in paragraph 147 of the Framework.
8. In 2015 permission was granted for the same garage with study above in this location. This permission lapsed without being implemented due to the personal circumstances of the appellant. The reasoning of the Council at that time in the delegated officer report on the application was that it did not constitute inappropriate development and that dense tree cover would screen the development meaning that it would have no impact on the surrounding countryside.
9. The scheme in 2015 was assessed against the development plan and the version of the Framework that was in place at that time. The Green Belt policy of the Framework in relation to such buildings is the same today as it was then. Moreover, where development plans predate the Framework and their policies are in conflict with it the Framework advises that greater weight should be attached to national policy. As a result, for the reasons given in relation to this main issue and in relation to openness below, it is clear that the assessment of the scheme in relation to these matters that occurred in 2015 was incorrect. Consequently, the fact that a permission had previously been granted for the proposed development does not change my findings in relation to inappropriateness or openness.
10. Taking all these matters into account, I therefore conclude that the proposed extension would be a disproportionate addition over and above the size of the original building, contrary to policy 4 of the Core Strategy, policy 21 of the Local Plan Part 2: Land and Planning Policies and paragraph 149 of the Framework. The proposal would therefore constitute inappropriate development which, by definition, is harmful to the Green Belt as described above.

Openness

11. Paragraph 137 of the Framework advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It also advises that the essential characteristic of Green Belts is their openness and their permanence.
12. The scale and bulk of the proposed twin garage, with a study and a steeply pitched roof above, just within the site by the entrance gate would result in a significant quantum of development and loss of openness in front of the dwelling. This loss of openness would be readily visible when travelling along

the Tollerton Road in a southerly direction, when walking along the public path in front of the house to access the church or when visiting the property.

13. The proposal would therefore also result in material harm to openness. This additional harm adds further weight against the proposal.

Other Matters

Heritage Assets

14. The Old Rectory is a Grade II listed building dating from the seventeenth century. The significance of this building is architectural and historical. The statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The elements of its setting that contributes to its significance is its relationship to the neighbouring Grade II listed church, Tollerton Hall, its immediate plot and Tollerton Road.
15. As the proposed garage building would not impinge on views of the Old Rectory from the driveway or Tollerton Road, and there is very limited visibility between the location of the proposed garage and the church and Tollerton Hall, the proposal would not cause any harm to the setting, special interest or significance of neighbouring heritage assets.

Other considerations

16. I have found that the proposal would be inappropriate development in the Green Belt and thus should not be approved except in very special circumstances. It is therefore necessary to consider the other considerations in favour of the appeal, to determine whether there are any material considerations which would amount to very special circumstances that would outweigh the harm by reason of inappropriateness, and the harm that I have identified to openness.

Design of the proposed garage and study building

17. The proposed building has been well designed and would be constructed from materials sympathetic to the area. As a result, it would complement the character and appearance of other buildings in the locality. However, the absence of harm in this regard is a consideration of neutral rather than positive weight in favour of the proposal.

Other nearby garages within the Green Belt

18. In support of the appeal reference has been made to a number of other nearby houses within the Green Belt where garages have been constructed. However, I have not been provided with information regarding the circumstances of these developments. In several of the examples the garages are far closer to the houses they serve than in the appeal before me. As a result, they may well have been considered to be an extension to the house rather than a new building and so would not have been considered inappropriate development. Others that are set further away from the house, such as the timber clad garage next to the war memorial, appear to have been in place for a significant number of years and so may well not have been subject to Green Belt planning constraints when they were constructed.

19. As a consequence, in the absence of further information regarding the circumstances of these developments, the existence of these other garages is a matter to which I attach minimal weight in favour of the proposal.

No garage available at the house that can be used for car storage

20. Following conversion of part of the twin garage by the main house to a residential use the dwelling has no accessible garage for the storage of cars. Whilst a garage for car storage is desirable, it is not a necessity. As a result, this is a matter to which I attach limited weight in favour of the appeal.

Conclusion

21. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt as described in paragraph 147 of the Framework. I have also found that there would be material harm to openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Clearly, therefore the degree of harm caused would be significant and I attach substantial weight to the totality of harm caused.
22. I find that the other considerations put forward by the appellant fall well short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to paragraph 147 of the Framework, policy 21 of the Local Plan Part 2 and policy 4 of the Core Strategy.

Ian Radcliffe

Inspector