
Appeal Decision

Site visit made on 5 April 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/N3020/W/21/3285625

Land Between 37 and 41 Kighill Lane, Ravenshead NG15 9HN

- 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 S Hymas against the decision of Gedling Borough Council.
 - The application Ref 2020/0580, dated 16 June 2020, was refused by notice dated 20 August 2021.
 - The development proposed is the erection of one dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating any supporting plans as illustrative

Main Issues

3. The main issues are as follows:
 - 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 on openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate in the Green Belt

4. The appeal site comprises a strip of land located between No's 37 and 41 Kighill Lane. This road has a ribbon form of development to both sides of the road. From here, there is a gap between Kighill Lane and the main built form of the village of Ravensfield to the north, the bulk of which is predominantly contained between the roads of Chapel Lane to the east, Main Road to the north and the A60 to the west.

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate unless it meets one of several exceptions. Of relevance to this appeal is paragraph 149(e) – limited infilling in villages.
6. Policy 3 of the Greater Nottingham Aligned Core Strategies (adopted September 2014) (ACS) seeks to protect the Green Belt, and the purposes of including land within it, in principle. Similarly, Policy LPD15 of the Gedling Borough Local Planning Document (adopted July 2018) (LPD) broadly aligns with the Framework insofar as it states the construction of new buildings is not inappropriate, provided they are located within named villages and constitute infilling while also seek to protect the Green Belt and the purposes of including land within it, such as its openness.
7. The crux of the dispute between the parties is whether the appeal site is located within the village. The Framework does not define 'village'. On this matter, my attention is drawn to a court judgement¹, which determined that an 'on the ground' and common-sense judgement should be taken as to the physical extent of a village, while infill plots do not need to be confined to sites located within defined village boundaries. Clearly, this is a matter of planning judgement.
8. However, while it may not be the only determining factor, the established boundary of a village is a relevant and material consideration in determining whether or not a proposed development constitutes limited infilling in a village, among other things. To that end, the Council has provided me with the settlement boundary of Ravenshead as established in the LP. This demonstrates the appeal site, along with other dwellings on the south side of Kighill Lane, is located outside of the settlement boundary.
9. This would align with my own observations on the site visit. Despite the presence of an identifying sign near the junction of Kighill Lane and Mansfield Road, development between Kighill Lane and the areas within the settlement boundary to the north and northeast becomes much more sporadic and there is a significantly more transitional rural character here. This includes open playing fields and Kighill Farm.
10. Although I am informed of 7 approved developments in proximity of the appeal site, I have little substantive information on these before me. In any event, it would appear that these are located within the settlement boundary on the opposite side of Kighill Lane and more closely related to the built form of the village. Although the appellant claims the boundary as drawn is illogical, taking into account these approved developments would include future planned growth. However, it is not my role to redraw these boundaries and I have considered them in the context of both sides of the evidence before me.
11. My attention is drawn to an appeal in Solihull which involved an apparently similar case involving limited infilling in a village. However, I have little substantive information on this matter before me. Regardless, each proposal is assessed on its own merits, and the existence of another case which was approved does not convince me the scheme before me is acceptable on this basis.

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

12. Based on the above, taking into account the location of the appeal site and the physical characteristics of the area, it is my planning judgement that regardless of whether the proposal would constitute limited infilling, it would not be located in a village and would therefore not accord with exception paragraph 149(e) of the Framework.
13. In accordance with paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm is attributed substantial weight as per paragraph 148 of the Framework.

Openness of the Green Belt

14. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. My attention is again drawn to legal judgements² and I agree that the assessment of openness is layered and includes consideration of both visual and spatial aspects as well as the site-specific characteristics.
15. Inevitably, although the application was submitted in outline with little detail other than the location of the access, the erection of a dwelling, the ensuing domestication of the garden and hardstanding for vehicular access and parking would have a significant adverse impact on openness spatially given the lack of built form currently at the site.
16. At present, the boundary of the site along the road is largely screened by mature hedging. However, given the time of year this was not fully in leaf and views of the site were possible at the time of my visit, although I do understand that during summer this would be less prominent. Conversely, to allow access to the site, part of the hedge would require removal which would create further views for drivers and pedestrians along Kighill Lane. Therefore visually, there would be further reduction of openness.
17. For the above reasons, the proposal would increase the level of built development within the appeal site and would result in harm to the openness of the Green Belt both spatially and visually. As such, the scheme would conflict with the purposes of Green Belt policy, as stated in paragraph 137 of the Framework, to keep land permanently open. The Framework is clear in paragraph 148 that substantial weight is given to any harm to the Green Belt.

Other Considerations

18. Paragraph 148 of the Framework states substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
19. The proposal would add 1 dwelling to the Council's existing stock. The benefit to housing supply and economic benefits arising from one dwelling would be modest. This is particularly in light of the Council's current housing land supply position which is given as 6.32 years. I note that the appellant does not dispute this figure. Even in light of the aim of the Framework to significantly increase

² Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466 & R (Samuel Smith Old Brewery (Tadcaster) & Ors) v North Yorkshire County Council [2020] UKSC 3

the supply of housing I attribute some, albeit limited, weight in favour of the scheme.

20. I also note that there are no risks identified from flooding, and an absence of harm to the living conditions of occupiers of adjacent dwellings. However, an absence of harm in these matters would be neutral in the planning balance.

Green Belt Balance and Conclusion

21. I have found that the proposal would be inappropriate development in the Green Belt and that it would be harmful to the openness of the Green Belt. These matters carry substantial weight against the scheme.
22. Set against these, material considerations cited in support of the proposal carry limited weight and therefore do not outweigh the totality of the harm the scheme would cause. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
23. As such the proposal would conflict with policies LDP15 of the LP, Policy 3 of the ACS and Green Belt policy as set out in paragraphs 147 – 151 of the Framework. For the reasons given above, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR