

---

# Appeal Decision

Site visit made on 26 April 2022

**by C McDonagh BA (Hons) MA MRTPI**

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

**Decision date: 24 May 2022**

---

**Appeal Ref: APP/W3005/W/21/3287176**

**Halfmoon Farm, Kingsway, Kirkby in Ashfield NG17 7FH**

- 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 David Hughes against the decision of Ashfield District Council.
  - The application Ref V/2021/0287, dated 13 April 2021, was refused by notice dated 24 August 2021.
  - The development proposed is the construction of 4 bed house.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description in the banner heading above is taken from the decision notice rather than the planning application form as this more concisely describes the proposal.

## Main Issues

3. The main issues are as follows:
  - whether the proposal would be inappropriate development in the Green Belt;
  - the effect of the proposal on the 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 Development*

4. The appeal site comprises an enclosed field located at the end of a private right of way branching off from the B6021 road. The field rises steeply to the south and is located adjacent a school and several dwellings. The proposal includes the erection of a detached dwelling with associated hardstanding and garden areas.
5. Paragraphs 149 and 150 of the National Planning Policy Framework (the Framework) outline various exceptions to the general position that the construction of new buildings in the Green Belt is considered inappropriate

development. Policy EV1 of the Ashfield Local Plan Review (LPR) (adopted November 2002) is broadly consistent with the Framework and outlines similar exceptions.

6. The appeal proposal would not fall into any of these exceptions and as such is inappropriate development in the Green Belt. I note the appellant does not dispute this.
7. 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.

#### *Openness of the Green Belt*

8. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.
9. The assessment of openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt. The appeal site presently comprises an open field which is largely devoid of built form aside from a few small outbuildings and a shipping container. Inevitably, the erection of a dwelling with associated hardstanding and domestic paraphernalia into this area would reduce openness spatially.
10. The proposal would be visible from along the access road and several dwellings to the north. Moreover, given its elevated position towards the southern end of the site where the topography rises, it would be visible from longer range views. Although I understand the aspirations of the appellant to maximise the views from the site, and the steps taken to aid in the assimilation of the dwelling such as building into the hillside, this would also reduce the openness of the Green Belt in visual terms.
11. 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.

#### *Other Matters*

12. I understand the appellant is dissatisfied with the Council's handling of the planning application. However, it is not my role to determine fault in that context and in determining the appeal I have had regard only to the planning merits of the proposal. The Council will have their own complaints procedure separate to the appeal process for this purpose.
13. The Council's officer report outlines concerns regarding the impact of the proposal on the character and appearance of the area, as well as a lack of detail with regards to ecological and heritage matters in the application documents. However, these concerns are not substantiated and do not form part of the reason for refusal as given in the decision notice. Given that I am

dismissing the appeal on other matters, I have not considered those issues further.

#### *Other Considerations*

14. Paragraph 148 of the Framework states that 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. I have not been presented with any other considerations which would weigh in favour of the scheme. However, the proposal would add a dwelling to the Council's existing housing stock alongside the inevitable contribution towards sustaining local services, as would temporary economic benefits by virtue of generating employment via construction. However, given the small scale of the proposal, I attribute limited weight to these considerations.
16. Although I understand the appellants aspirations to build their own home, this would be of private benefit and attracts little weight in favour of the proposal.

#### **Green Belt Balance and Conclusion**

17. 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.
18. Set against these, there are few material considerations cited in support of the proposal and these carry limited weight. They 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.
19. As such the proposal would conflict with Policy EV1 of the LPR 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