



Appeal Decision

Site visit made on 20 July 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/P3040/W/21/3280777

Land West of Oldhill Lane, East Bridgford

Easting (x) 469461, Northing (y) 344384

- 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 Guy Phoenix against the decision of Rushcliffe Borough Council.
 - The application Ref 17/03020/FUL, dated 20 December 2017, was refused by notice dated 19 February 2021.
 - The development proposed is new dwelling with ancillary garage (incorporating sustainable building systems and renewable technologies).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address on the planning application form for the purposes of my decision. However, I have removed the postcode and have corrected the grid reference points given those provided by the appellant are inaccurate.
3. The description on the planning application form includes reference to the proposal being of 'architectural merit' with 'innovative and exemplar' features. Whether or not this is the case forms part of my assessment. I have therefore used the more concise description given on the Council's decision notice and the appeal form for the purposes of my banner heading above.
4. The appellant requested a written representations appeal but sought to submit a Computer Generated Image (CGI) flythrough video of the proposal. This has not been accepted as evidence on the basis that third parties, including members of the public, may not have had access to facilities to view the CGI and may have been prejudiced from seeing such evidence. In any case, the written evidence provided including the plans, together with my observations on site, have given me a thorough understanding of the proposal and its relationship with the site and surroundings. Consequently, the absence of the CGI flythrough has not been material to my findings.

Main Issues

5. The main issues are:
 - (i) whether or not 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;

- (ii) the effect of the proposal on the openness of the Green Belt; and
- (iii) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not inappropriate development in the Green Belt

- 6. Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2) confirms that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework.
- 7. The Government attaches great importance to Green Belts and the construction of new buildings is inappropriate in the Green Belt. The proposal does not fall under any of the exceptions set out at paragraphs 149 and 150 of the National Planning Policy Framework (2021) (The Framework). This is not disputed by the appellant.
- 8. The development would therefore be inappropriate development in the Green Belt having regard to Policy 21 of the LPP2 and the Framework.

The effect of the proposal on the openness of the Green Belt

- 9. Paragraph 137 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. Openness can have a spatial aspect as well as a visual aspect.
- 10. The site currently has a predominantly open character and no buildings occupy the area where the dwelling, its garage and its associated curtilage would be located. The footprint, height and volume of the dwelling and ancillary garage would undoubtedly affect openness from a spatial perspective as would other vertical features such as the boundary walls and steel gate.
- 11. Existing and proposed planting would filter views of the development. The contoured, green roofed garage design would also assist in assimilating the proposal into its surroundings. However, the visual effect on openness would still be perceptible to those using the Public Rights of Way (PROW) network in close proximity to the site, particularly from elevated views from the east and in glimpses through the site's boundary vegetation and proposed access points.
- 12. Overall, when the spatial and visual effects of the proposal are considered together, the proposal would have a moderate effect on the openness of the Green Belt.

Other considerations

- 13. Policy 3 (Spatial Strategy) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS) sets out amongst other things a settlement hierarchy to accommodate sustainable development and confirms that new housing will be directed in or adjoining the main built-up area of Nottingham as well as defined key settlements. Given the site's location in the Green Belt, remote from the nearest settlements, it would conflict with the spatial objectives of the CS.

14. The site is only accessible via an unlit, unmade track of considerable length. The nearest public transport, services and facilities in the wider area would not be easily accessible by foot or by cycle, particularly during periods of inclement weather or during hours of darkness. Therefore, it is likely that occupiers of the dwelling would be heavily reliant on the use of private motor vehicles. The very poor level of accessibility further persuades me that the proposal would not be sustainably located and this weighs further against allowing the proposal.
15. Notwithstanding the above, the countryside incorporates the Green Belt. Paragraph 80 of the Framework confirms that planning policies should avoid the development of isolated homes in the countryside unless one or more specific circumstances apply. In that regard, it is appropriate to consider whether the circumstances under paragraph 80 e) of the Framework apply in this instance.
16. The proposal has evolved through an extensive design process which has been informed by the advice of an independent design review service (DRS). The dwelling would comprise a distinctive over-lapping circular design and would include 'corten steel' clad facades with organic shaped tracery cut outs and a flat sedum roof. My attention has been drawn to an appeal decision at Yew Tree Lane, Rotherfield¹ in terms of how internal spaces can be important in considering the quality of the architecture. In that regard, the design of the proposed dwelling incorporates an imaginative internal arrangement with clusters of activity set around an enclosed courtyard which in turn would have an infinity pool to its western flank.
17. The 'Integrated Environmental Strategy', including amongst other things a high percentage of recycled materials within the building fabric, a multi-stranded approach to the provision of renewable energy technologies, along with the energy and water efficiencies envisaged is commendable. Furthermore, there would be an intrinsic link to the management of surrounding land through the fuelling of a backup biomass boiler from coppiced wood dried on site and harvested as part of ongoing management practices to the adjacent woodland.
18. When the dwelling is considered in isolation, the above design features are persuasive in terms of the dwelling being of a highly individual design reflecting the highest standards in architecture. Furthermore, I find that the dwelling's design would have the potential to raise standards of design more generally through the delivery of a programme of training and skills workshops which could be secured by condition.
19. I understand that the plans have been amended since the final comments of the DRS. However, some of the peripheral elements of the scheme which concerned the DRS, including the self-contained garage, the bin store and the large area of hardstanding remain. The design of the garage with contoured green roof would to a certain extent assist in assimilating it into the landscape. However, the additional planting aimed at giving the impression of an entrance through woodland would take time to establish. The stone walls, steel gate and cobblestone strips in the vicinity of the site entrance points would combine with the peripheral elements to allude to a more urban character. This would reduce the overall cohesiveness and quality of the scheme. Hence, I have reservations about whether the overall development could reasonably be considered as being 'truly outstanding'.

¹ Appeal Ref APP/C1435/W/19/3223513

20. Turning to the second limb of paragraph 80 e) of the Framework, the immediate setting is predominantly undeveloped and rural in character. There is a notable absence of domestic built form. The eastern portion of the appeal site is broadly flat and consists of bare unmade ground. It sits within an undulating landscape dominated by fields with the landform falling away towards the River Trent and its wooded embankment which lies to the west of the site. The nearest buildings to the site are stables to the opposite side of the adjacent access track. These stables are of a modest scale and simple form and are akin to structures often seen within a rural environment. These aspects of the site and the surrounding landscape are integral to the defining rural characteristics of the local area.
21. The appellant's Landscape & Visual Appraisal (October 2017) (LVA) illustrates that the site is appreciable to varying degrees from the surrounding network of public footpaths. Where the LVA identifies beneficial effects on the landscape, this largely relies on the proposal replacing a 'degraded car park / tipping site'. However, the open nature of the site and vegetation towards its boundaries correspond with the defining characteristics of the area. New planting could take place outside the scope of the appeal scheme. In these respects, the LVA does not persuade me that the development would significantly enhance the immediate rural setting.
22. The dwelling has been designed to nestle in with the adjacent tree canopies when viewed from elevated ground particularly in terms of its relative height and the autumn colour of the rusted corten steel. The basement level would be submerged into the sloped topography and additional planting is proposed. Even so, and as identified by the DRS, the dwelling would be a large and imposing building. I find that the development would be highly discernible in views from the higher ground on the PROW 'East Bridgford Bwy15', for example from 'Viewpoint 1' in the LVA.
23. The development would also be prominent to passers-by at the site access points further along this PROW. In views up the 'ramp to plant room', the dwelling would appear overly dominant at three-storeys in height. The dwelling's internal elevation facing over the courtyard would also be visible, revealing the domestic nature of the proposal. The dwelling would also be perceptible in glimpsed views through boundary vegetation, for example from PROW 'East Bridgford FP13' close to viewpoint 4 in the LVA.
24. I acknowledge that it is not the appellant's intention to screen the development. Indeed, the DRS recognised that the dwelling would be a striking and uncompromising approach to building in the landscape. However, in the above views, the architecturally distinctive dwelling together with the clear residential use of the site would appear incongruous within its immediate countryside setting. This would not be sensitive to the defining characteristics of the local area which means that it would not accord with the second limb of paragraph 80 e) of the Framework.
25. Therefore, even if I had been persuaded that the proposal met the first limb, overall the development would not be of the exceptional quality endorsed by paragraph 80 e). For these reasons, any positive weight I am able to attach to the architectural merits of the dwelling, including the sustainability measures incorporated, is substantially diminished.

26. Given my conclusions in respect of the second limb of paragraph 80 e) of the Framework, I also find that the proposal would not fit in with the overall form and layout of their surroundings. In that regard, the proposal would also conflict with the requirements at paragraph 134 b) of the Framework.
27. My attention has been drawn to an appeal decision at Sandal Grange Farm, Wakefield². While the Inspector in that instance acknowledged that a development of an exceptional design quality could well be capable of amounting to very special circumstances, they also found that the proposal in that instance would not be sensitive to the defining characteristics of the local area and was accordingly not of an exceptional quality.
28. I have seen that there is some third-party support for the proposal which includes suggestions that the proposal could assist in improving access to the river-side footpath, aid the security of the site which has experienced issues with fly tipping, as well as facilitating stewardship and maintenance of the wider site including the woodland on the embankment. In that regard, I have seen the appellant's woodland management plan including the extent of the management area included. However, I am not persuaded that the development of the site for residential purposes is the only way to effectively manage these issues. Furthermore, and in any event, such benefits would not outweigh the harm that I have identified.

Green Belt Balance and Conclusion

29. The development constitutes inappropriate development in the Green Belt. This is an adverse matter to which I afford substantial weight in the planning balance. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances.
30. I have also found that the development would have a moderate impact on the openness of the Green Belt.
31. In addition to the harm to the Green Belt, there would also be locational harm both in terms of the identified conflict with the spatial strategy for the area and due to the site's very poor levels of accessibility. Consequently, the proposal would not accord with the overall sustainable objectives of the development plan or the Framework.
32. I have concluded that the proposal would not meet the exception for isolated homes in the countryside at paragraph 80 e) of the Framework. The other considerations put forward in favour of the proposal carry only moderate weight.
33. In conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist. Consequently, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR

² Appeal Ref APP/X4725/W/19/3235581