



Appeal Decision

Site visit made on 2 February 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2023

Appeal Ref: APP/P3040/W/22/3306662

Elms Farm, Bassingfield Lane, Bassingfield NG12 2LG

- 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 Gerald Costello against the decision of Rushcliffe Borough Council.
 - The application Ref 21/01593/FUL, dated 2 June 2021, was refused by notice dated 2 September 2022.
 - The proposed development is described as: 'replace existing broken fencing to the front of the property and construct 2 garages with workshop and storage in the roof'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is understood that the works to construct a garage/workshop at the appeal site commenced around eight weeks prior to the receipt of the application by the Council. The works continued during the determination period of the application.
3. The Council has highlighted a number of inconsistencies between the proposed plans and the garage/workshop that has been constructed at the site. However, I am required to base my decision on the proposed plans and not the development that now exists at the site. As such, all references to the 'proposed development' with regard to the workshop/garage relate to the proposed plans and I have determined the appeal on this basis.
4. The application also includes the erection of a fence. The details before me with regard to the fence are limited to a highlighted section of boundary on an Ordnance Survey based plan. I saw that a fence has been installed on site and that this was in the position marked on the proposed plan. In this sense, unlike the proposed building, this part of the appeal is retrospective. I have based my decision upon this plan but, in the absence of any elevation drawings or specific details of height and design, I have also taken into account what I saw on site.

Main Issues

5. The main issues are:
 - whether the proposed development 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 of the proposed development on the openness of the Green Belt;

- the effect of the proposed development on the character and appearance of the area; and
- whether the 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 Inappropriate Development

6. Elms Farm is a substantial detached dwelling located within extensive grounds and accessed via double gates and a driveway from Bassingfield Lane. The grounds are predominantly grassed with some mature trees. The residential properties at Elms Court back onto the site.
7. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 149 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions of this is 149. c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
8. There is a disagreement between the parties over whether the proposed development can be considered to be an extension to the existing dwelling for the purposes of paragraph 149 of the Framework. The courts have established that it would be unlawful to determine that an outbuilding should not be treated as an 'extension' for the purposes of paragraph 149. (c) solely on the basis that it is not linked to another building. Whether a detached structure could be considered as an extension of the existing building is consequently a matter of fact and degree.
9. I accept that the proposed development is intended to be used as a domestic building and that it would be sited in the extensive grounds of a substantial residence. The building would be subservient in terms of scale to the substantial main dwelling albeit still of a considerable size.
10. However, the proposed garage/workshop would be separated from the dwelling by a considerable length of its access road and parking area. In views of the building on the approach towards Bassingfield from the west, the appeal building, where visible, would appear a substantial distance from the dwelling. This level of separation would likely be emphasised by the dwelling being sited at a higher level and in a much more prominent position within the site.
11. Furthermore, due to its differences in design and materials, and the proximity of closer residential properties at Elms Court, the appeal proposal may not be immediately discernible to passers-by as related to the existing dwelling. Given the extent of separation from the main dwelling and having regard to the above, I am therefore not convinced that the appeal proposal would constitute an extension to Elms Farm with regard to paragraph 149. c).
12. Framework paragraph 149. d) sets out that the replacement of a building in the Green Belt would not constitute inappropriate development, provided the new building is in the same use and not materially larger than the one it replaces. The term 'building' is not defined in the Framework. However, the Town and

Country Planning Act 1990 defines a building as including any structure or erection, and any part of a building. Therefore, in the absence of any evidence to the contrary I conclude that the fence that forms part of the appeal application is a building.

13. I saw that the fence has been constructed at the site. The Council states that this is over two metres in height in places. This has not been disputed by the appellant. However, my impressions on site were of an imposing, solid structure of considerable length and height, that was noticeably taller than typical domestic boundary fences. I have not been provided with details of the broken fence that the appellant states existed previously, notwithstanding that the presence of this structure is disputed in comments from local residents. In the absence of this information, and, taking into account the scale of the fence that now exists, I cannot be certain that this is not materially larger than the fence that was replaced. I am therefore not convinced that the proposal would meet the exception at paragraph 149. d). The development would not meet any of the other exceptions at paragraph 149.
14. Consequently, the proposed garage/workshop and the fence would be inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 148 of the Framework, this is a matter to which I attach substantial weight.

Openness

15. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The substantial dwelling is highly evident on the approach towards Bassingfield from the west. There are open fields to the south and west.
16. Whilst less prominent than the dwelling, but still of a significant mass and height, the proposed building would likely be seen in these views set forward of a group of trees. Its distinctive roof and dormer windows, in particular, are likely to draw attention. Given the open nature of the grounds of Elms Farm and the degree of separation from the main building, the loss of openness resulting from the proposed building would be clearly evident in public views, from properties at Elms Court and from within the Grounds of Elms Farm.
17. The proposed garage/workshop would also be seen in views from the footpath along the Grantham Canal, from which, although limited by distance and trees growing along the banks of the canal, the loss of openness would also be apparent.
18. Whilst I accept that it is located within private grounds of a substantial residence, having regard to the above, the proposal would nonetheless result in the erection of a large building with a significant volume, height and massing that would inevitably reduce spatial and visual openness. This harmful loss of openness weighs against the proposal.
19. Given the substantial and solid nature of the fence that has been constructed at the site, and having regard to the evidence before me, it is also likely to have reduced openness.
20. As such, the proposed garage/workshop and the fence conflict with Policy 4 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) which together

seek to protect the Green Belt from inappropriate development and preserve openness.

Character and Appearance

21. Bassingfield is a small rural settlement surrounded by open countryside. Front boundaries to dwellings here are typically formed by hedges with occasional low red brick walls. The appeal site lies at the edge of the village where those domestic boundary features give way to hedgerows that enclose agricultural fields.
22. I am not provided with details of the fence that existed previously at the appeal site and therefore I cannot be certain of its prominence in the streetscene. The fence that has been installed is a solid structure of a significant height that extends for much of the boundary of Elms Farm with the highway verge. Despite its dark stained appearance, due to its height and solid nature it is an imposing and prominent structure in the streetscene. The Council states that the fence is over two metres high in places and this is consistent with my impressions on site which was of a boundary feature that was significantly in excess of the height of a standard domestic fence.
23. Moreover, as set out above, tall solid fences are not typical boundary features in Bassingfield, which is characterised by hedges and low brick walls. Furthermore, the fence extends close to the converted agricultural buildings that front Bassingfield Lane. There is an awkward junction here as the fence sits notably higher than the eaves of these buildings before stepping up in height after a short distance to the height of the remainder of the length of the fence. Overall, for these reasons, the fence is an incongruous form of development that is at odds with the prevailing rural character.
24. The Rushcliffe Residential Design Guide (2009) (the SPD) advises against the introduction of excessively high walls or fences. Whilst I am mindful that this is only guidance, it sets out that '*generally boundary walls or fence height should not exceed 1.8m including any piers*'. It states that anything in excess of this height may be obtrusive. The SPD also states that the introduction of inappropriate design features such as ornate metal railings and gates in a rural village street scene should generally be avoided.
25. The appeal fence is significantly in excess of 1.8 metres and is undoubtedly visually obtrusive. Its location in a rural village streetscene that is characterised by hedges and located close to open countryside has resulted in significant harm to the character and appearance of the area. The SPD reinforces my above assessment.
26. Local residents state that a hedge was removed to construct the fence. I have no information in that regard. I saw that hedge planting has taken place forward of the fence on a bank adjacent to the highway verge. Whilst I have no details of species that have been planted, their size, any means of protection, maintenance or replacements, I note that these details could be agreed through a planning condition, were I minded to allow the appeal.
27. Overall, for the above reasons, the fence has resulted in significant harm to the character and appearance of the area. There is therefore conflict with Policy 10 of the LP1 which seeks to provide new development that, amongst other things, has regard for local context and reinforces local valued characteristics.

There is also conflict with Policy 1 of the LP2 which together seek to provide new development where the scale, density, height, massing, design, layout and materials are sympathetic to the character and appearance of neighbouring buildings and the surrounding area. Similarly, there would be conflict with the SPD which guides that development proposals should relate to and respect the character of their context.

28. Conflict would also occur with paragraph 130 of the Framework which seeks to ensure new development proposals are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

29. Whilst the Council has commented on the brick piers and gates set well back from the access road, these are not included in the description of the development, nor are they referred to on any of the plans. I am therefore not convinced that these elements therefore form part of the scheme before me.
30. The processing of the application and the time taken to determination relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I sympathise with the appellant about the time taken to determine the application, I have nonetheless determined the appeal scheme with regard to its planning merits.
31. I have not been directed to any public benefits arising as part of the appeal scheme. However, I accept that the fence that has been constructed has improved the security at the appellant's property. Nevertheless, this is primarily a personal benefit rather than a public benefit. I have therefore given this limited weight.

Planning Balance and Conclusion

32. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
33. Given the substantial weight to be given to Green Belt harm combined with the harm to character and appearance, relative to the benefits of the proposed scheme, the harm that would arise would not be clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.
34. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR