



Appeal Decision

Site visit made on 25 April 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2023

Appeal Ref: APP/N3020/D/23/3316323

1 Kirkby Road, Ravenshead, Nottinghamshire NG15 9HD

- 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 Gary Henson against the decision of Gedling Borough Council.
 - The application Ref 2022/0265, dated 3 March 2022, was refused by notice dated 20 January 2023.
 - The development proposed is erection of entrance gates and walls to existing vehicular accesses onto Kirkby Road and Nottingham Road.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of entrance gates and walls to existing vehicular accesses onto Kirkby Road and Nottingham Road at 1 Kirkby Road, Ravenshead, Nottinghamshire NG15 9HD in accordance with the terms of the application Ref 2022/0265 dated 3 March 2022 and subject to the following condition:
 - 1) Within three months of the date of this decision, the construction works to the wall to the Kirkby Road entrance shall be completed in strict accordance with drawing ref. KIRK 002 Rev B – dated February 2023.

Preliminary Matter

2. From my site visit, it appears the works have been largely completed.

Main Issues

3. The main issues in this case are:-
 - whether the development is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the development on the openness of the Green Belt; and
 - if the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. The Framework establishes that new building and certain other types of development are inappropriate except in certain circumstances, which are listed in Paragraphs 149 and 150.
5. Policy 3 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) (the ACS) is consistent with the Framework in that it seeks to protect the Green Belt from inappropriate development.
6. By way of case law, the term 'building' includes any structure or erection, therefore walls, gates and fences can reasonably be considered to be 'buildings' for the purposes of the Framework. The walls and gates do not fall within the exceptions set out in the Framework and are therefore inappropriate development which is, by definition, harmful to the Green Belt.

Openness

7. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visual aspects, so that both the visual impact of the proposals and the size of the proposals may be relevant.
8. The proposal would see new gates on the Nottingham Road entrance, with walls and gates to the Kirkby Road entrance. The gates are above the 2m height limit set out for what would be Permitted Development, and a section of the walls are adjacent to the highway where the 2m height limit drops to 1m.
9. The entrance gates are substantial but are set back from the highway and as a result are not visually intrusive. and when closed, seek to prevent views into the appeal site, especially from the Nottingham Road entrance.
10. The presence of the fence and gates has therefore resulted in a reduction in the openness of the Green Belt in visual terms. However, given the backdrop of large amounts of vegetation and the setback from the highway, the resulting harm is limited. Although they enclose a large area, the gates and walls in themselves have a very limited impact on openness in spatial terms. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight.

Other Considerations

11. With the entrance gates situated a good distance back from both entrances, any vehicles that are entering the site can wait in the driveway off the highway. Whilst no evidence has been presented that any highway safety incidents or accidents have occurred, I recognise that having vehicles clear of the highway is a benefit, especially at a busy traffic light junction. I therefore attach moderate weight to this benefit.
12. There are considerable works that could be done to the property under Permitted Development regulations. Given the relatively insignificant differences (slightly lower heights) between the proposals and what could be carried out, there would be a very similar impact on the Green Belt to this development. I therefore afford this option considerable weight.

Whether very special circumstances exist

13. The proposal would cause harm to the Green Belt by way of inappropriateness and a reduction in openness, which I afford substantial weight.
14. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Taken together, I find that the highway safety benefits together with the fallback position identified above clearly outweigh the totality of the harm identified. Consequently, the very special circumstances necessary to justify the proposal exist.

Conditions

15. As the works have been carried out, it is not necessary to impose the standard conditions. However, as the appellant has offered to amend the slope of the wall at the Kirkby Road entrance to mirror that at the Nottingham Road entrance, which would further reduce the overall impact. I will impose a condition stating that the works should be carried out to that amended plan reference within three months of this appeal decision.

Conclusion

16. I have found that the proposal would comply with policies 3 and 10 of the ACS and with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I conclude that, subject to the imposition of the condition, the appeal be allowed.

Paul Cooper

INSPECTOR