



Appeal Decision

Site visit made on 4 October 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/P3040/W/23/3316237

Springfields, Radcliffe Road, Holme Pierrepont, Nottingham NG12 2LF

- 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 Mohammad Daneshmanesh against the decision of Rushcliffe Borough Council.
- The application Ref 22/01563/FUL, dated 8 August 2022, was refused by notice dated 15 November 2022.
- The development proposed is erect storage shed.

Decision

1. The appeal is allowed and planning permission is granted for erect storage shed at Springfields, Radcliffe Road, Holme Pierrepont, Nottingham NG12 2LF in accordance with the terms of the application, Ref 22/01563/FUL, dated 8 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MDRR.A4.S1.01, MDRR.A4.S1.03A and MDRR.A4.S1.04.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. MDRR.A4.S1.04.
 - 4) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is continued.

Application for costs

2. An application for costs was made by Mr Mohammad Daneshmanesh against Rushcliffe Borough Council. The cost application is the subject of a separate decision.

Preliminary Matters

3. It has been confirmed in correspondence with the appellant that on the application form their surname was incorrectly omitted. The appellant's full name is taken from the appeal form. Likewise, the postcode for the site address on the application form was a duplicate of the appellant's address. The

correct post code for the site in the banner above is taken from the appeal form.

Main Issues

4. The main issues are:

- whether the appeal proposal would be inappropriate development in the Green Belt, and
- the effect of the proposed development on the character and appearance of the area.

Reasons

Green Belt

5. Policy 21 of the Rushcliffe Local Plan, Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2), Adopted October 2019, states applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework (the Framework).
6. 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 goes on to indicate that the construction of new buildings is inappropriate in the Green Belt, subject to a closed list of exceptions. One being 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.
7. The appeal site incorporates a storage yard, which includes a workshop building. This section of the site is enclosed by tall, blockwork walls. There is also a blockwork wall, with two openings, dissecting the appeal site in the location where the proposed storage shed would be sited. 'Building' as defined in section 336 of the Town and Country Planning Act 1990 as amended, includes 'any structure or erection'. The walls as described above are buildings under the definition provided in the 1990 Act.
8. The surrounding boundary wall would be extended upwards by a modest amount to form the walls of the storage shed and a mono-pitched roof would be formed. Doors would be installed within the existing openings. The scale of the proposed works is limited, and they would not constitute disproportionate additions over and above the size of the original building. Therefore, the appeal proposal would conform with the exception identified in paragraph 149 of the Framework.
9. Where a development is not inappropriate in the Green Belt, applying the exceptions identified in the Framework, it should not be regarded as harmful to the openness of the Green Belt. As the proposed development is not inappropriate development, as per paragraph 149 c) of the Framework, an assessment on the effect of the proposed development on the openness is not therefore required. Likewise, very special circumstances do not need to be demonstrated in order for the proposal to be considered acceptable in Green Belt terms.
10. The proposal would not be inappropriate development in the Green Belt. It would therefore comply with policy 10 of the Rushcliffe Local Plan, Rushcliffe

Local Plan Part 1: Core Strategy (LPP1), Adopted December 2014 and LPP2 policies 1 and 21. These policies indicate that development must have regard to local context, planning permission for extensions will be granted provided that there is no significant adverse effects on landscape character, and applications for development in the Green Belt will be determined in accordance with the Framework. Furthermore, it would be in accordance with paragraph 149 of the Framework for the reasons given above and paragraph 174 which indicates that planning decisions should contribute to and enhance the natural and local environment.

Character and appearance

11. The appeal site is an irregular shape and comprises two distinct areas of development. The section closest to the road includes a dwelling which is surrounded by a driveway and garden area. Next to the dwelling is a gated access which leads to a workshop and a more industrial area. Based on the evidence before me, this area was previously used to repair heavy goods vehicles. The existing workshop also benefits from planning permission to be extended.
12. The proposed siting of the storage shed is in a corner of the site, within the industrial area. The immediately surrounding development is more utilitarian in appearance. The proposed storage shed would also be sited near to the service station forecourt, which is also utilitarian in appearance.
13. The proposal would lead to a modest extension of the existing walls and the formation of a roof. This would lead to a small storage shed which would appear subordinate to the existing workshop. Furthermore, if the permitted workshop is constructed the storage shed would be dwarfed in scale.
14. Proposed block plan, plan no. MDRR.A4.S1.04, specifies that the walls would be fair faced blockwork and the roof would be concrete interlocking tiles with black plastic rainwater goods. These materials are largely reflective of those already on site and would assimilate with the industrial character.
15. The proposed development would not have a harmful effect on the character and appearance of the area. It would comply with LPP1 policy 10 and LPP2 policy 1 which indicate that all new development should reinforce local characteristics and planning permission for extensions will be granted subject to the proposal being sympathetic to the character and appearance of the surrounding area. It would also be in accordance with paragraph 130 of the Framework which indicates that planning decisions should ensure that developments are sympathetic to local character.

Conditions

16. The council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the Planning Practice Guidance and paragraph 56 of the Framework.
17. Conditions specifying a time limit to implement the permission, approved plans and materials for external surfaces are required in the interest of certainty.
18. A condition requiring a contamination assessment is not required as the scope of works would be unlikely to require a significant amount, if any, groundwater. It is therefore unreasonable to require a contamination assessment to be

undertaken. However, given the previous use of the site a precautionary condition requiring a risk assessment to be produced if contamination is found, is necessary.

Conclusion

19. For the reasons given above, the proposed development complies with the development plan when considered as a whole. Therefore, I conclude that the appeal should be allowed, and planning permission should be granted.

J Hobbs

INSPECTOR