



Appeal Decision

Site visit made on 9 January 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/N3020/W/23/3323060

**Old Manor Farm, Lowdham Lane, Woodborough, Nottinghamshire
NG14 6DJ**

- 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 Arran Bailey and Family against the decision of Gedling Borough Council.
 - The application Ref 2022/0761, dated 27 June 2022, was refused by notice dated 28 November 2022.
 - The development proposed is residential redevelopment of former farm complex comprising the replacement of an existing dwelling, non-traditional former agricultural buildings and caravan storage building with 4 'self-build' dwellings and 1 agricultural worker's dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, the Council has granted prior approval for an upward extension to the existing dwelling. Both main parties have been invited to comment upon this material change in circumstances. I have taken these comments into account in reaching my decision.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

4. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the Framework;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) 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 development.

Reasons

Whether inappropriate development

5. Paragraph 154 of the Framework states that the construction of new buildings is inappropriate in the Green Belt. There are a limited number of exceptions to this, which include (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and (g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy LPD 14 of the Gedling Borough Part 2 Local Plan 2018 (P2LP) also supports replacement buildings in the Green Belt, provided they are in the same use as the existing building, the existing building has not been substantially extended, and the replacement building would have a floorspace no more than 50% larger than the original building. This policy, together with paragraph 154(d) of the Framework, is only relevant to the replacement dwelling aspect of the proposal. It is common ground that replacing the existing agricultural worker's dwelling with a smaller one on the proposed plot 2, would not be inappropriate development in the Green Belt and I have no reason to reach a different view on this matter.
7. PDL, as defined by Annex 2 of the Framework, specifically excludes land that is or was last occupied by agricultural or forestry buildings. Prior approval has been granted to convert the two former agricultural buildings on the site into four dwellings. I am advised that pre-commencement conditions have been discharged and that works have commenced. However, whilst I noted that some recent minor building operations have been undertaken to one of the agricultural buildings, these would not amount to a change of use, or prevent the building from being used for agricultural purposes. Furthermore, the implementation of a prior approval consent does not secure it in perpetuity. The approved works must be completed within three years of the consent. Until the conversion of the agricultural buildings to residential use has been completed and occupied, these would not constitute either existing dwellings that could be replaced, or PDL.
8. Even if the implementation of the conversion works meant that the part of the site these buildings occupy was PDL, I note that only the proposed replacement agricultural workers dwelling on plot 2, would be sited within the area of the existing agricultural buildings and the red line boundary of the prior approval conversion consent. Plot 3 would be located substantially further forward on the open grassland area, which would not become residential curtilage to the conversion scheme, and which is clearly not PDL.
9. As Plot 1 on the proposed plans is currently occupied by an existing dwelling and its generous domestic curtilage, this part of the site would fall within the definition of PDL. However, as it is proposed to demolish and replace this with a new agricultural worker's dwelling on plot 2, its removal cannot also be used to justify the new self-build dwelling on plot 1. Notwithstanding this, the proposed dwelling on plot 1, despite being slightly taller than the existing one, would not be materially larger than it, having regard to their footprints and volumes. I have not been provided with floor area calculations, but even if the floor area of the proposed dwelling on plot 1 was 50% larger than the original dwelling, in conflict with Policy LPD 14, the one for one replacement of the

existing dwelling with the proposed plot 1 dwelling (and not the proposed plot 2 dwelling), would not have a greater impact on the openness of the Green Belt and would accord with paragraph 154(g) of the Framework, when considered in its own right.

10. The southern end of the site has planning permission to be used for caravan storage. Although no such business appeared to be operating at the time of my visit, this area of the site, including the associated building upon it, would comprise PDL. Whilst I have not been provided with a plan identifying what extent of the site has planning permission for caravan storage, or advised of any restrictions as to the number or type of caravans that can be stored, the evidence before me suggests that the whole of the proposed plot 5 and the rear garden area of the proposed plot 4, has previously been used for this purpose. This part of the site clearly has the capacity to store many caravans, spread over a large area of land, and when in use would undoubtedly have some impact on the openness of the Green Belt, both visually and spatially.
11. Based upon the evidence before me, it appears that the proposed dwelling on plot 4 would be sited on undeveloped greenfield land and not the caravan storage area. Consequently, it would not fall within the exception at paragraph 154(g) of the Framework. Even if the whole of plot 4 was PDL, the proposed permanent two-storey dwelling would have a greater visual impact upon the openness of the Green Belt than the caravan storage area, given the limited size and height of caravans, and the fact that the number and type of caravans on site at any one time would vary.
12. The caravan storage area and building on the proposed plot 5 is also PDL. Although the proposed dwelling on this plot would be significantly taller than the existing building, it would be smaller in terms of footprint and volume, resulting in an increase in openness on this part of the site.
13. I therefore conclude that a substantial part of the site is not PDL and that the proposal, when assessed as a whole, would have a greater impact on the openness of the Green Belt than the existing dwelling and caravan storage areas, including the caravan storage building. Consequently, it would be inappropriate development in the Green Belt, which would result in moderate harm to its openness both visually and spatially.

Character and appearance

14. The northern boundary of the roughly triangular shaped site adjoins the built-up area of the village. It is accessed via a long private tarmac road, which runs along the eastern side of the site and terminates at the caravan storage area. This road also forms part of a public bridleway. There are modern bungalows to the side and rear of the existing dwelling, and modern two-storey houses to the rear of the large agricultural building. Land to the east, south and west of the site comprises large arable fields.
15. The existing buildings on the site are not of any historic or architectural merit. They are however typical of the type of buildings commonly found on agricultural sites across the countryside and are not unsightly. Despite being large in terms of footprint, the existing buildings are all relatively low in height, with low eaves levels and shallow sloping roofs. Their visual prominence is further reduced due to their siting on low level land, set back from the access road behind the large open green frontage area of grass and trees. The large

open frontage makes a positive contribution to the character of the rural area. The simplicity of the buildings, together with their limited height and space around them provides a gentle transition between the open fields and the more densely built-up area of the village, which is inset from the Green Belt boundary.

16. It is proposed to replace the existing low-level buildings and caravan storage areas with large, two-storey, detached houses, in large spacious plots. The exception to this would be plot 2, which would comprise a one-bedroom bungalow in a small narrow plot. Whilst I have no doubt there is a demand for smaller bungalows, the narrow plot width and lack of space around this property would appear at odds with the remainder of the proposed development.
17. The proposed dwellings would be of high-quality contemporary design and materials, intended to reflect the previous agricultural use of the site. The local area comprises a mixture of house types and styles, including other large modern and contemporary dwellings on the edge of the village. As such the general architectural style and materials proposed would not be harmful to the character and appearance of the area, subject to suitable scale and siting.
18. However, the two-storey dwellings, despite having flat roofs, would range between approximately 7 and 8 metres high. The design of the houses incorporates multiple tall narrow features, and this strong vertical emphasis would accentuate their height, resulting in a stark suburban appearance. This together with the siting of the dwellings on higher ground, closer to the access road and public bridleway, and on the part of the site that is currently largely open and undeveloped, would not reflect the scale and siting of existing buildings on the site or the adjacent detached bungalows that are also accessed from the private former farm access road.
19. Although the caravan storage use comprises a large area of crushed stone and an area enclosed by solid timber fencing, caravans are transient rather than permanent and the number of caravans stored on site would fluctuate. These are also low level and would be relatively well screened by existing buildings, structures and landscaping. There is also nothing before me to suggest the authorised caravan storage area encroaches into the open frontage of the site, with the exception of the informal access over it. Accordingly, the effect of this use on the character and appearance of the area is not comparable to that of the appeal proposal.
20. I therefore conclude that the proposal, due to the prominent forward siting of the houses on plots 3 to 5, the height and massing of the two storey elevations, and the loss of attractive open space across the site frontage, would result in moderate harm to the character and appearance of the area. This would be contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 (P1LP), which seeks to ensure, amongst other things, that new development is designed to reinforce valued local characteristics and has regard to local context. However, I find no conflict with Policy LPD 37 of the P2LP, which relates to housing mix as opposed to design. There is nothing before me to suggest the mix of housing proposed is unacceptable for this area.

Other considerations

21. Prior approval has been granted for the conversion of the two agricultural buildings on the site into four dwellings and for an upward extension to the existing bungalow. The volume of the proposed development would be approximately 20% less than that of the approved fallback schemes, and the footprint would be reduced by 48.5sqm, resulting in a reduction of built development on the site and an increase in spatial openness. These figures have not been disputed by the Council.
22. The Council does not consider that there is a realistic prospect of the conversion fallback scheme being delivered given the differences between the two proposals. However, there is nothing before me to suggest that the fallback proposals would not be viable and would not enhance the value of the site. Furthermore, the appellant purchased the site with prior approval for residential use, at a price that would have reflected that, and with the intention of developing it.
23. Despite the fact that the fallback conversion scheme would result in four smaller dwellings and gardens, implementing these schemes would still leave the caravan storage areas and building in place, which is PDL and could potentially also be converted, re-developed, or brought back into its lawful use, resulting in further dwellings and or commercial uses on the site. The upward extension to the existing dwelling would substantially increase its size and value, and I see no reason why this would not be undertaken.
24. I therefore consider that there is a very realistic prospect of the fallback options being undertaken if planning permission cannot be secured for a preferable scheme. The fallback option would have a greater impact on the spatial openness of the Green Belt than the appeal scheme, and I afford this material consideration significant weight.
25. The existing buildings are not unsightly and there is no evidence before me that their existing use causes any harm. Given the consents that are already in place it is unlikely that agricultural use would be reinstated. As the fallback scheme would also result in improvements to the appearance of the buildings on the site, and as the existing buildings on site are reflective of their former agricultural use and surroundings, I afford limited weight to their removal. As I did not see any significant areas of impermeable surfacing outside of the buildings, the replacement of this is also of limited weight.
26. Although the authorised caravan storage use does not appear to be operating at the present time, there were three touring caravans stored on the site at the time of my visit. I have not been advised of any reason why the former business use could not be reinstated, in addition to the upward extension of the dwelling and the conversion of the agricultural buildings. Whilst I do not consider the visual impact of the caravan storage area to be more harmful than the appeal proposal, the removal of this use would reduce the potential number of traffic movements along the private access road and public bridleway. I afford this safety benefit to users of the public bridleway moderate weight.
27. I am advised the new dwellings would be super insulated, would optimise passive solar gain and would have grass sedum roofs providing additional biodiversity benefits. I have not been advised how this compares to the fallback scheme or ordinary Building Regulation requirements and as such I afford

these benefits, which could be incorporated into a revised scheme, limited weight.

28. The replacement of the existing bungalow, which can be extended upwards, with the proposed plot 1 would result in improved separation from the neighbouring property. Likewise, the removal of the large agricultural building from the northern boundary would benefit occupiers of the dwellings behind it in terms of outlook. Replacing other buildings with new ones further away from the site boundary could also be beneficial in terms of maintaining boundary planting and watercourses. However, as such benefits could be achieved without encroaching quite so far forward into the undeveloped open green space at the front of the site, I afford this only limited weight.
29. I have not been provided with any evidence that replacing the existing agricultural workers dwelling with a smaller one would be beneficial, or indeed whether the replacement dwelling would need to be restricted to an agricultural worker given that there would no longer be a functional need for this following the redevelopment of the site. Whilst I note the applicants have acquired 40 acres of agricultural land with the site, and that they intend to employ a local person to manage this for them, given that there would be no farm buildings retained on site for storing farm machinery or produce, there would be no functional need for such a local person to live on the site to manage this. Moreover, replacing the existing dwelling with a one-bedroom unit, would restrict any future employee to a person with no family. As such I afford this matter limited weight.
30. Whilst the new build dwellings may be of superior design and construction to the conversion dwellings, they would make the same contribution to the Borough's housing stock. As I have already concluded they would be more harmful to the character and appearance of the area, I afford this limited weight. I acknowledge the support for self-build dwellings, but as no policy exceptions apply for self-building in the Green Belt, I afford this limited weight.
31. I acknowledge the economic benefits in terms of using local trades to deliver the development, but the fallback scheme would also be delivered by smaller companies as opposed to by a national housebuilder. As such this carries very little weight.

Other Matters

32. The absence of any objections from consultees and local residents, and the absence of other harms, for example to the living conditions of neighbouring residents, trees, wildlife or highway safety, are neutral matters that weigh neither in favour nor against the proposal.
33. My attention has been drawn to other examples of contemporary dwellings approved in the Green Belt in the same borough. However, as my concern is with the scale and siting of the new dwellings, and the loss of previously undeveloped open green space across the site frontage, as opposed to their contemporary design, these examples do not lead me to any different conclusions on the main issues.

Planning Balance and Conclusion

34. Paragraphs 152 and 153 of the Framework are clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.
35. The proposal is inappropriate development in the Green Belt, which would result in moderate harm to its openness. The proposal would also result in moderate harm to the character and appearance of the area. I must give substantial weight to any harms to the Green Belt.
36. I have afforded significant weight to the fallback position of both the conversion scheme and the upward extension, which have a realistic prospect of being delivered and spatially, would result in a greater loss of openness of the Green Belt than the appeal scheme. I have also afforded varying degrees of weight to the other benefits of the proposal.
37. However, the conversion of the existing low rise farm buildings, and the extension of the existing bungalow, all of which are set back from the road, would be less visually prominent in the Green Belt and would result in less harm to the character and appearance of the area.
38. Taken together, the other considerations would not therefore clearly outweigh the harm to the Green Belt, and any other harm resulting from the proposal. Accordingly, very special circumstances do not exist to justify the development and it would not accord with Policy 10 of the P1LP or the Framework.
39. For the reasons given above, the appeal is dismissed.

R Bartlett

INSPECTOR