



Appeal Decision

Site visit made on 8 May 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2024

Appeal Ref: APP/P3040/W/23/3331088

Wood View, Oak Tree Court, Tollerton, Nottinghamshire NG12 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Karl White against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/00295/FUL.
 - The development proposed is to erect a 10m x 8m greenhouse and extend existing wooden outbuilding by 2m.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt; and,
 - if the proposal 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 the development.

Reasons

Inappropriateness

4. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. The appeal proposal includes a greenhouse which would be situated to the north of the dwelling. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances which are defined at Paragraph's 154 and 155 of the Framework.
6. Reference has been made to a number of exceptions, including that at paragraph 154 a) of the Framework which relates to buildings for agriculture and forestry. Although the greenhouse will be used for the growing of food and

seedlings, this would be to provide food for the Appellant's family and not for the farming of land. It would not therefore meet this exception.

7. The exception at paragraph 154 b) of the Framework has also been referenced, and more specifically the proposal being considered as an allotment. A single greenhouse, albeit close to vegetable growing areas would not fall within the definition of an allotment as set out by the Council. The proposed greenhouse, a new building that would be situated away from the original building would also not be an extension or alteration of a building, an exception defined at paragraph 154 c) of the Framework.
8. The proposal also includes an extension to an existing garden outbuilding. Although the Council indicated during consideration of the application subject of this appeal that there would not be an objection to such an extension, this was provided it was within the residential curtilage. The proposed extension of this existing outbuilding would however extend outside the curtilage into a paddock and result in the change of use of this area of land to residential purposes. The Framework states at paragraph 155 e) that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Although the size of the extension would be limited with a projection of 2m and it would not be on permanent foundations, this element of the proposal would encroach into an open area of land. This would result in a visual reduction in openness and by introducing development in an area that is currently free of development, there would also be a spatial reduction in the openness of the Green Belt. By spreading development into an open area of land forming part of the countryside, the proposal would contravene one of the purposes of the Green Belt, namely, to assist in safeguarding the countryside from encroachment.
9. I therefore conclude that the proposal would be inappropriate development. As such, it would be contrary to Policy 21 of the Local Plan Part 2: Land and Planning Policies and Paragraph 152 of the Framework which state, amongst other matters, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other Considerations

10. The appellant has made a reference to other sites in the Green Belt that have been granted planning permission. The Council has however set out that the circumstances of those developments differed from the appeal proposal as they related to the minor rounding off of land, where an emerging policy document was proposing the re-alignment of the Green Belt boundary to remove the land from the designated Green Belt. These referenced cases are not therefore comparable to the appeal scheme.
11. The appellant's home uses a range of sustainable technologies, and the proposal would support the residents of this group of properties in their sustainable living goals. Given the scale of the development, this matter attracts moderate positive weight in favour of the proposal.
12. Reference has been made to the pre-application advice that was sought from the Council and the time and cost that has been expended in applying for planning permission. This does not have a bearing on the planning merits of the case, and I am required to determine the appeal before me on its own merits.

Conclusion

13. I have found that the appeal proposal would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework says 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 is clearly outweighed by other considerations.
14. I have set out the other consideration and, for the reason I have given, this leads me to attach moderate weight to it in favour of the scheme.
15. With this in mind, the substantial weight I have given to the Green Belt harm is not clearly outweighed by this other consideration sufficient to demonstrate very special circumstances.
16. I have found that the proposal would conflict with the development plan read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude the appeal is dismissed.

F Rafiq

INSPECTOR