



Appeal Decision

Site visit made on 9 April 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/P3040/W/23/3332831

82 Cotgrave Road, Tollerton, Nottinghamshire NG12 4FY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs S Thompson against the decision of Rushcliffe Borough Council.
 - The application Ref 23/01114/OUT, dated 8 June 2023, was refused by notice dated 7 August 2023.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis, and I have taken the layout of development shown in the 'Proposed Block Plan' submitted with the application into account as indicative in relation to my consideration of the principle of the development on the appeal site.
3. The revised National Planning Policy Framework ('the Framework') was published on 20 December 2023 after the appeal had been made. However, as the changes that occurred are not material to this decision, the cases of the parties have not been prejudiced by not being able to comment on the revised Framework. I have therefore determined the appeal on the basis of the statements and comments that have been received.

Main Issues

4. The main issues in this appeal are:
 - whether the location of the proposed development would comply with the spatial strategy of the development plan;
 - whether the proposal is inappropriate development in the Green Belt for the purposes of development plan policy and the Framework; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Location of development

5. The development plan for the area includes the Rushcliffe Local Plan Part 1: Core Strategy ('Core Strategy') which was adopted in 2014 and the Rushcliffe

Local Plan Part 2: Land and Planning Policies ('LAPP') which was adopted in 2019.

6. Policy 3 of the Core Strategy has established a settlement hierarchy which focuses new development within the Borough on areas and settlements most able to accommodate it and on those settlements which most need regeneration. Classified as an 'other settlement' Tollerton is located in the third and bottom tier where the Core Strategy envisages that development will be for local needs only and in relation to market housing, such as the appeal proposal, will occur in the form of small scale infill.
7. In order to meet short-term housing targets, the LAPP modified this approach by allocating land for housing in some of the 'other villages'. Beyond this the approach of the Core Strategy of only supporting small scale infill within settlements not listed in the top 2 tiers of the settlement hierarchy remains. Usefully, paragraphs 3.9 and 3.10 of the LAPP explains that small scale infilling is considered to be the development of small gaps within the existing built fabric of a village whose development would not have an adverse impact on the pattern or character of the area. As the LAPP provides the detail as to how the Core Strategy should be applied, and the development plan should be read as a whole, I have used this definition in relation to the application of policy 3 of the Core Strategy.
8. The question which therefore arises is whether the proposed dwelling would comply with this definition. As a similar judgement is central to the second main issue, I shall deal with this matter in the following section.

Whether the proposal is inappropriate development

9. Policy 21 of the LAPP advises that applications for development in the Green Belt will be determined in accordance with the Framework. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 154 of the Framework advises that the construction of new buildings within the Green Belt should be regarded as inappropriate development other than for certain listed exceptions. The exception relevant to this appeal is limited infilling in villages.
10. In occupying an open gap between two buildings the proposal would constitute limited infilling. The question which remains is whether the appeal site is located within a village.
11. The justification for Policy 4 of the Core Strategy confirms that Tollerton is inset from the Nottingham-Derby Green Belt. As the justification for policy 21 of the LAPP notes, this means that the village is surrounded by Green Belt but does not form a part of it. On the basis of the appellant's statement, the appeal site has not been inset from the Green Belt. Nevertheless, it is an established principle when considering whether a site is within a village, that boundaries are not determinative and that decision makers should have regard to the situation on the ground.
12. On the basis of my site visit, it appears to me that the bulk of built development associated with Tollerton is focussed on residential streets close to the main A road which gives access to the southern side of Nottingham. Between this concentrated area of development and the appeal site is sporadic linear development along Tollerton Lane which contains some of the oldest buildings associated with the village. This eventually peters out shortly after Cotgrave Lane meets Tollerton Lane. The ribbon of development in which the

appeal site is to be found is located out of view approximately a few hundred metres away from this junction with fields and trees occupying the intervening gap on both sides of the road. As a result, the appeal site and the ribbon of development in which it is located are visually separate from Tollerton.

13. At approximately 2km distant, the services and facilities within Tollerton, such as the primary school, are located further than is reasonable to expect future residents of the proposed dwelling to regularly walk. With the national speed limit that applies to Cotgrave Lane between the appeal site and Tollerton Lane, and the absence of street lighting, all but the most confident would be deterred from cycling. Taking all these matters into account, I therefore conclude that the appeal site is visually and physically separate from Tollerton and is not located within it.
14. Given that the line of dwellings within which the appeal site is located is too small to constitute a village, the proposed development would not constitute limited infilling in a village. As a result, it would constitute inappropriate development. Such development would, by definition, be harmful to the Green Belt as described in paragraph 152 of the Framework.
15. As I have found that the appeal site is not located within the village of Tollerton, it is not located within the built fabric of this settlement. Consequently, its location would therefore also be contrary to policy 3 of the Core Strategy and the spatial strategy of the development plan.
16. Reference has been made to three other appeal decisions where it was found that application sites were located within a village. It is an established principle though that each case is determined on its merits. In one of the three cases the main parties agreed that the site was located within a village. In the other two, the sites were found to be ribbon development that was either a continuum of development extending out from the village centre or a broadly continuous run of development that extended out from a village. For the reasons given above, this is not the case here. As a result, reference to these decisions has not altered my findings on the first two main issues.

Other Matters

Access

17. The proposed development would make use of an existing access serving No 82. The access has adequate pedestrian and vehicular visibility splays and so would be a suitable and safe access for the proposed development.

Ecology

18. The Preliminary Ecological Assessment submitted at appeal stage has properly assessed the ecological value of the site and the risk that development poses. Subject to the implementation of its recommendations, there is no dispute that the proposed development would be acceptable in ecological terms in compliance with policy 17 of the Core Strategy and policy 38 of the LAPP which seek to prevent such harm. I agree with that position.

Other considerations

19. I have found that the proposal would be inappropriate development in the Green Belt. As a result, it should not be approved except in very special circumstances. It is therefore necessary to consider the other considerations put forward by the appellant in favour of the appeal, to determine whether there are any material considerations which would amount to very special

circumstances that would outweigh the harm by reason of inappropriateness and the harm in relation to the spatial strategy for the area.

The Framework

20. The Framework seeks to significantly boost the supply of housing land. It also notes that new housing in rural areas can help enhance or maintain the vitality of rural communities and support local services in nearby settlements. The proposed development would have some economic and environmental benefits: during the construction phase the development would provide employment; energy efficiency measures would be included that would reduce the carbon footprint of the dwelling; and, biodiversity on the site could be enhanced. However, as a single additional dwelling the difference that the proposed development would make would be minimal. As a result, I attach little weight to these considerations in favour of the appeal.

Accessibility of services and facilities

21. Bus services accessible from nearby bus stops provide access to services and facilities in the wider area. As a result, future occupiers would not be completely dependent on the motor car to meet their day to day needs. I attach some weight to this consideration in favour of the appeal.
22. Reference has been made to the proximity of the services and facilities within Cotgrave which are within a reasonable cycling distance. However, given the higher, non-residential speed limits that apply to Cotgrave Road, which is well used by vehicles, and the absence of streetlighting, cycling to this settlement is not a realistic option for most. For the reasons given in this paragraph, and in paragraph 13 above, the accessibility of services and facilities by bicycle from the appeal site is therefore a consideration to which I attach no material weight in favour of the appeal.

Other planning considerations

23. The proposed development would not result in any other harm to matters of acknowledged planning importance. However, the absence of harm is a matter of neutral rather than positive weight that weighs in favour of a proposal.

Conclusion

24. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt and contrary to policy 21 of the LAPP. I have also found that it would be contrary, and thus cause harm, to the spatial strategy of the development plan contained within policy 3 of the Core Strategy. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Clearly therefore the degree of harm caused would be significant and I attach substantial weight to the totality of harm caused.
25. I find that the other considerations put forward by the appellant fall far short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to policy 21 of the LAPP and the development plan and Framework considered as a whole. As a consequence, it would not constitute a sustainable development. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector