

Appeal Decision

Site visit made on 31 July 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/P3040/W/24/3339878

Rushcliffe Golf Club, Stocking Lane, East Leake, Nottinghamshire LE12 5RL

- 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 Karen Armstrong of The Rushcliffe Golf Club against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/01664/FUL.
 - The development proposed is the erection of 3no. dwellings with associated vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the appeal site offers a suitable location for the proposed development having regard to the development plan policies that support sustainable development;
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether or not there would be suitable living conditions for the future occupants of the dwellings, in particular regard to outdoor space provision for the dwellings and ball-strike from the adjacent golf course; and,
 - 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 proposal.

Reasons

Whether inappropriate development

3. The site lies in the Green Belt. Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) (LPP2), requires that

development within the Green Belt is to be determined in accordance with the Framework.

4. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be agreed except in very special circumstances. Paragraph 154 of the Framework sets out that the construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions. Paragraph 155 explains that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness.
5. The proposed development, comprising 3 new detached dwellings with associated means of access, does not fall within any of the exceptions set out in paragraphs 154 or 155 of the Framework. Consequently, as undisputed by the main parties, the proposal would be inappropriate development in the Green Belt having regard to the Framework.

Openness of the Green Belt

6. Paragraph 142 of the Framework sets out that 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.
7. The appeal site is currently an unused area of land on the edge of the golf course with overgrown vegetation and a number of trees to the peripheries. There is a notable variance of land level across the site, with the land rising from the road level to the adjacent tee box level of the golf course by a considerable amount. The proposed development would occupy a considerable portion of the appeal site and necessitate considerable excavation into the land topography to accommodate the proposed dwellings. Each of the new dwellings would have a separate vehicular access and driveway area leading direct from Leake Road, which would involve the creation of new access points and clearance of vegetation to accommodate such.
8. Thereby, both spatially and visually there would be significant notable engineering and construction works which would change the appearance and use of appeal site as a result of the proposed new built form of three large dwellings and, due to vegetation clearance and management and the resultant domestic use of the land. This would harmfully affect the existing open character of the appeal site.
9. It is appreciated that the new dwellings would be set away from the well-vegetated site boundaries and they would be built into the slope of the land. Additionally, the proposed flat roofs would help to reduce the overall built mass and the dark coloration of the slate brick facades would reduce their overall visibility. These attributes of the development would make the buildings more recessive, but there would still be a reduction in the openness of the site and, by extension of this, to the Green Belt. Furthermore, the need for access driveway points, which would allow several glimpsed views of the development from the road and break up the continuous length of hedgerow along Leake Road, would make this impact even more apparent.

10. Although there are houses on the opposite side of Leake Road, the appeal site side of the road is undeveloped. The site is bound to its sides and rear by the golf course and agricultural grazing land, and there is significant vegetation and boundary hedgerow, which gives the area an appreciable open character. The introduction of a row of three dwellings would consequently introduce an element of urban sprawl, which would fail to preserve the openness of the Green Belt in this location.
11. In view of the above, the proposed development would cause harm to the openness of the Green Belt, both in spatial and visual terms. Thereby, the proposal would conflict with the Framework in this regard.

Whether a Suitable Location

12. The appellant asserts that the appeal site lies at the edge of East Leake, which is one of the key settlements identified for growth within the Borough under Policy 3 of the LPP1. Although, the site lies within the Green Belt and is not an allocated site identified within the LLP2. Also, while there is a row of dwellings along the opposite side of Leake Road and the embankment of the golf course surrounding part of the site, the appeal site does not lie within a built up area. Thereby, the site is not in a location where new housing development is intended as part of the key settlement policy provisions. In view of such, the proposal does not represent sustainable development as defined on the Rushcliffe Local Plan Part 1 Key Diagram, as referred to in Policy 3 of the LPP1.
13. While beyond the housing allocations in certain villages, including Gotham, paragraph 3.10 of the LPP2 sets out that, development to meet 'local needs' at 'other villages' will be limited to small scale infill development, exception site development and the allocation of land by Neighbourhood Plans to meet the needs that may be identified by local communities preparing Neighbourhood Plans. The appeal site and proposal has not been identified as such by the main parties.
14. I have not been provided with any substantive details in respect of the planning permission for 96 dwellings in Gotham village in May 2024. However, this referenced development is within the village, and so is not comparable to the appeal site, which is outside a village and within the Green Belt.
15. Thereby, having regard to the above, the proposal would be contrary to the spatial strategy for new housing within the Borough and consequently would extend built form outside any identified settlement.
16. The appeal site is not within walking distance or reasonable cycle distance of local services and facilities. Although, there is a bus route that runs along Leake Road in both directions, with bus stops in close proximity to the site. However, I observed that there would be a need to cross and re-cross Leake Road to get to the bus stop on the same side as the appeal site, as there is no connecting footway existing or proposed between the appeal site and bus stop. Also, from the timetable displayed there appears to be only one bus route running along Leake Road, between Beastmarket Hill in the City Centre and Loughborough (sometimes terminating at East Leake). It showed that this route has 2 or 3 bus services per hour passing along Leake Road

between 06.00 and 20.00 hours, reducing to hourly until 22.30 hours Monday to Saturdays, and an hourly only service on Sundays and Bank Holidays.

17. While there is some opportunity to use busses at certain times, the buses are not particularly frequent or accessible, particularly on Sundays and Public Holidays. Thereby, it is more likely that the future occupiers of the proposed dwellings would predominantly be reliant upon private vehicles to access services and facilities. Notwithstanding such, the accessibility to public transport does not in itself justify the development of a site which is not in line with the spatial strategy for new housing within the Borough.
18. In conclusion on this matter, the appeal site does not offer a suitable location for the proposal having regard to the development plan policies that support sustainable development. Thereby, for such reasons, the proposal conflicts with Policies 1 and 3 of the LPP1 and the Framework.

Character and appearance

19. The appeal site lies within the countryside, surrounded by open land, including grazing land to one side and the golf course to two other sides. While there is a linear form of housing on the opposite side of Leake Road, there is no built form or housing on the appeal site side of Leake Road. The appeal site is an enclosed site with significant trees, hedges, and other vegetation to its boundaries, providing an attractive green aspect to the site and its surroundings. The front boundary hedge is a particular feature within the local area, as it forms part of the wider golf course hedge, which continues for a significant distance along Leake Road. Thereby, the appeal site makes a positive contribution to the verdant rural character of the street scene along this part of Leake Road and the wider countryside surroundings of the local area.
20. The proposed development seeks to retain much of the boundary vegetation and supplement with new planting, as part of an overall landscape concept for the proposal. However, the proposed development includes the introduction of 3 new vehicular access points onto Leake Road, that would, through necessity, require removal of part of the front boundary hedge and some of the existing trees within the site. This would result in a total of four access points, with the existing retained sub-station access point, creating an incongruous number of breaks within a relatively short length of the attractive continuous road frontage hedgerow.
21. Even with the proposed retained, replacement and supplementary vegetation, which may partially diffuse views of the proposed dwellings, the proposal would still harmfully alter the character of the appeal site and its surroundings. The introduction of significant built form within the open verdant site would reduce the overall site coverage of vegetation. Also, even though the dwellings would be of a low, contemporary design, built into the land topography, and use sensitive and natural external materials, the proposed development would adversely affect the open spatial and visual character of the site, harmful to the verdant character of this part of the street scene.

22. The proposed contemporary, flat roof design with extensive use of glazing and slate brick facades of the new dwellings would not reflect the design of other nearby homes on the opposite side of Leake Road. The existing dwellings along Leake Road, although of varying designs, are distinctively of pitched roof design, with traditionally proportioned windows, chimneys, and are either constructed of red brick, or with render external finish. Comparably, while the design of the proposed dwellings would be of a commendable 'complete fabric first' approach and include the use of renewable energy solutions and high quality and sustainable materials, the external design, form, and general appearance of the new dwellings would not take cues from the design and appearance of nearby dwellings.
23. In addition, while the proposed dwellings would be set back from the road frontage, existing residential properties along this part of Leake Road tend to be set back much further than that proposed. Also, the building-to-plot ratio of the new dwellings would not be comparable to that of nearby dwellings, which have long narrow plots, rather than wider shallow plots, as proposed. The existing dwellings also exhibit a variety of designs and roof forms, yet the proposal would introduce a row of identically designed dwellings. Thereby, as the proposed design and appearance of the proposed dwellings would not be in keeping with that of properties found in the surrounding area, this would cause harm to the local character.
24. In view of the above, the proposed development would adversely affect the character and appearance of the surrounding area. This would be in conflict with Policy 10 of the LPP1, which sets out, amongst other matters, that all development must have regard to the local context including valued landscape/townscape characteristics. Also, it would be contrary to the provisions of Policy 1 of the LPP2, which requires amongst other things that the scale, density, height, massing, design, layout and materials of the proposal be sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. Consequently, for the same reasons, the proposal would conflict with chapter 12 of the Framework.

Living conditions

25. The proposed dwellings would not have conventional private garden areas. The proposed outdoor areas would include a mix of spaces, including areas situated between the side elevation of the dwellings and side boundary retaining walls, areas occupied by woodland and steep incline at the rear of the dwellings, ground level areas at the plot frontages that would be within the proposed landscaped areas, which is to contain a number of trees and vegetation, and areas on a roof terrace.
26. While such proposed outdoor areas would provide a combined considerable amount of outdoor space for each of the dwellings that the future occupiers could enjoy, there would be some constraints associated with each of these areas that would reduce the attractiveness and/or useability of such spaces. Due to a number of features within the proposed scheme, including the topography of the land; number and proximity of trees; other dense landscaping to be retained within the site; orientation of the proposed dwellings; and also, the proposed relationship of the outdoor spaces to the retained natural features, including the proposed dwellings and retaining

walls themselves, there would be considerable overshadowing to the proposed ground level spaces. Furthermore, the dense trees and landscaping concept would mean there would be limited opportunities for useable outdoor space for the future occupiers to use.

27. The proposed roof top terrace areas would likely provide more sunlit outdoor space for future occupiers to use, but these areas would by virtue of their fairly narrow, long, almost L-shaped spaces, limit opportunities for their use. Also, due to the proximity of the proposed raised roof top terrace areas to the golf course ground levels this could, notwithstanding intervening vegetation, allow stray golf balls to cause harmful ball-strike to people using the terraced outdoor spaces. The ball strike assessment¹ is not substantive in its content and, relies on the 15 metre deep woodland area to be retained and the potential increased growth of hedgerow. Thereby, this does not adequately demonstrate that there would be no harm caused to the living conditions of the future occupiers of the new dwellings from ball strike.
28. Furthermore, it would not be appropriate, nor reasonable, to include a condition requiring a detailed ball-strike report to be undertaken and any required mitigation identified therein to be put in place on the grant of planning permission. This is because the scheme and its acceptability in terms of living conditions and impact on the character and appearance of the local area, would need to be assessed as part of the overall design parameters of the scheme, otherwise mitigation may not be possible and/or the proposal may be unacceptable for other harmful reasons, including for example, the effect on the outlook of future occupiers of the new dwellings.
29. Having regard to the above, the proposed development would not provide a satisfactory living environment for the future occupants of the new dwellings, due to inadequate outdoor space for the occupants to enjoy and potential ball-strike from the adjacent golf course. Therefore, the proposal would be contrary to Policy 10 of the LPP1, which amongst other things requires development to be assessed in terms of the impact on the amenity of occupiers. There would also be conflict with the Framework, which sets out at paragraph 135 f) that developments should create places that are safe, and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Considerations

30. The proposed development would provide the finances to support the consented extension and the redevelopment and enhancement of the golf club facilities. In doing so, this would support golf as a sport in the local area and provide community benefits, by meeting the needs of the existing private golf club and its members. Also, the income and enhancement of the club facilities provided thereto, would generate opportunities to improve the existing facilities on offer at the golf club, supporting young player scholarships and other initiatives such as the DNBRC inclusion programme and gateway to golf, as referred to by the appellant.

¹ Appendix 1 of the appellant's final comments document, Ball Strike Risk Assessment, completed by the 2024 Chair of the Rushcliffe Golf Club Management Committee.

31. Such matters are commendable and the high costs involved of providing the extension and improved facilities are appreciated. Also, I do not have any substantive details to demonstrate that the enhancements to the club could not be achieved by other financial means, nor that the community and club enhancements and the new and extended initiatives sought at the club would not happen without the proposed development. Thereby, I give only some moderate weight to this consideration.
32. The proposal would, in supporting the extensions to the golf club and its facilities, improve the revenue stream for the club and also enhance employment opportunities and services within the local area. Although, as I do not have substantive evidence in respect of these matters, I give limited weight to such considerations.
33. I acknowledge that the proposal would include the clearance of overgrowth, and better management of this unkept area of the golf club. However, the appeal site, as existing, provides a positive verdant contribution towards the local landscape character and street scene. Also, that the proposal would comprise the efficient use of unutilised land does not reduce the visual or spatial harm I have found. Accordingly, such considerations do not weigh positively in favour of the proposal.
34. It is appreciated that the proposed development would be of a high architectural quality, unique compared to the established local context and design of existing dwellings found in the local area. Additionally, the proposed dwellings include the use of sustainable materials and energy efficiency measures in its construction, including the use of sedum type green roof covering, low carbon design, sustainable construction and 'off-grid inclusions' are commendable. Such design matters are generally supported by national and local planning policy, so long as they fit in with the overall form and layout of their surroundings. Thereby, I give some moderate weight to these considerations.
35. The appellant does not provide any substantive evidence to support their contention that there is an under-supply of housing in the Borough. Nevertheless, it is common ground that the proposal would help boost the supply of new homes in the Borough. The delivery of housing is a national priority, although the weight I can attach to the benefits in this particular case is tempered by the modest scale of the scheme and, that the Councils' evidence demonstrates there is 8.9 years housing land supply within the borough. Thereby, I give limited weight to this consideration.
36. The proposed dwellings are to be self-build properties. I appreciate the responsibilities of the local planning authority under Section 2A of the Self Build and Custom Housebuilding Act 2015, as amended. However, I have not been provided with any substantive evidence to demonstrate that the Council is failing to meet its responsibilities and duties in this regard. Also, the Council has an adopted Policy 13 of the LPP2 in respect of the delivery and criteria for self-build and custom homes. Thereby, while there is clear national and local support for self-build housing, given the evidence before me, including that there is no mechanism in place to secure that the dwellings would be self-build homes and, the criteria of Policy 13 of the LPP2, I give limited weight to this consideration in this instance.

37. The appellant asserts that the proposal would offer significant biodiversity enhancement of the appeal site. While full details of the proposed biodiversity net gain have not been provided, Policy 38 of the LPP2 sets out that, where appropriate, all developments will be expected to seek to achieve net gains in biodiversity and incorporate features that benefit biodiversity. Thereby, this is an expectation of all new development proposals, irrespective of whether they are in the Green Belt or not, and so, I give very limited weight to this consideration.
38. No objections have been raised in relation to highway safety, flood risk, ecology, archaeology, and aerodrome safety matters. However, the absence of such harm is a neutral factor in the planning balance. Also, the arguments that the development would be low density and that it would not set a precedent for other development nearby, do not carry any significant weight in favour of the scheme.

Green Belt Balance and Conclusion

39. I have found that the proposal is inappropriate development in the Green Belt. The development would also reduce the openness of the Green Belt. The harm caused to the Green Belt, by reason of inappropriateness and the loss of openness, attracts substantial weight. In addition, the proposed development would not be in a suitable location, contrary to the sustainable strategy for new development within the Borough. Also, I have found the proposal would have an adverse impact on the character and appearance of the area and the living conditions of the future occupiers of the new dwellings. Such harms add to the harm I have identified.
40. While I have given careful consideration to the arguments put forward, the benefits of the appeal proposal, even cumulatively, do not clearly outweigh the totality of the harm arising from inappropriateness and the other harms caused in this instance. Thereby, the very special circumstances required to justify the development have not been demonstrated, and so, the proposal does not accord with national and local policy, as set out in the Framework, Policy 4 of the LLP1 and Policy 21 of the LPP2, that protect the Green Belt.
41. Accordingly, I conclude the appeal should be dismissed.

C Billings

INSPECTOR