



Appeal Decision

Site visit made on 25 September 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2024

Appeal Ref: APP/P3040/W/24/3342989

**Land At Former Stackyard, Church Gate, Clipston On The Wolds,
Nottinghamshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Clipston Developments Limited against the decision of Rushcliffe Borough Council.
 - The application reference is 23/02186/OUT.
 - The development proposed is outline planning application for the erection of two detached dwellings (all matters reserved aside from means of access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved, except for access. I have considered the appeal on this basis, treating details relating to matters other than access as being for illustrative purposes only.
3. On 30 July 2024, the Government published a consultation on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation", alongside a Written Ministerial Statement (WMS) entitled "Building the homes we need". I have had regard to these as material considerations, albeit noting the Framework text is in draft and subject to change, which limits the weight to be afforded to it at this stage.

Main Issues

4. The appeal site lies within an area of Green Belt. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the provisions of the Framework;
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the site is in a suitable location for residential development, having regard to the spatial strategy for the area and accessibility to services and facilities, and;

- If the proposal would be 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 it.

Reasons

Whether Inappropriate Development

5. The Government attaches great importance to Green Belts. Paragraph 154 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development but it lists certain forms of development which are not regarded as inappropriate. Those considered relevant in this case are e) limited infilling in villages and g) limited infilling or the partial or complete redevelopment of previously developed land.

Limited Infilling in Villages

6. The Framework does not define 'limited infilling' and there is no definition set out in the development plan policies put to me. However, a straightforward interpretation of the term 'infilling' is development that would occupy a gap between two buildings or developments within a built-up frontage.
7. The appeal site is located at the corner of Church Gate and Wolds Lane and forms part of a larger undeveloped field that extends to the south. To one side are agricultural buildings and a yard used for external storage which fall within the appellant's control. To the opposite side is Wolds Lane, which contains a mix of dwellings and agricultural buildings. Dwellings also exist to the opposite side of Church Gate, facing the site. In these respects, the proposal would be surrounded by existing development on three sides.
8. The Council is nevertheless critical of the proposed depth of the dwellings into the site due to their indicative tandem arrangement, but the rearmost dwelling would extend beyond the adjacent agricultural building by only a small margin and would be a similar depth to the buildings at Hall Farm to the west. Moreover, the proposal would be well short of the southerly extent of development along Wolds Lane. Therefore, I am satisfied that the proposal would constitute infill development.
9. The proposal for two dwellings would be limited in number and the indicative dwelling and plot sizes would be comparable to existing properties surrounding the site, such that the scale of the development would also be limited. Consequently, I am satisfied that the proposal would constitute a form of limited infill development.
10. I turn to whether the proposal would be within a village. As above, neither the Framework nor the development plan provide a definition of 'village' for the purposes of assessing development in the Green Belt. Having regard to relevant case law,¹ whether the proposal falls within a village is ultimately a matter of planning judgment based on the facts on the ground.
11. Clipston on the Wolds (hereafter Clipston) is a small settlement, centred on the junction of the three roads where the appeal site is located. It includes three large farmsteads, each with several agricultural buildings over sizable

¹ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council EWCA Civ 195 - 9 February 2015

footprints. However, between the farms, the number of dwellings otherwise very limited and beyond the settlement are expansive agricultural fields forming part of the open countryside.

12. Blackberry Farm opposite the appeal site on Wolds Lane includes a farm shop selling a variety of farm produce and provisions, but there are no other facilities to meet the needs of residents, nor any public transport options. Reference is made to Clipston historically having a church, but none now exists. From my observations, Clipston is a settlement of very modest scale with minimal facilities. Its size and function is more akin to a hamlet than a village.
13. I have had regard to the arguments advanced by the appellant in support of Clipston being a village. References to Domesday records, Wikipedia entries, naming conventions or signage, while noted, are not decisive considerations, particularly as the assessment established through case law is what is observed on the ground. Indeed, the appellant's own evidence is somewhat contradictory in that it refers to hamlets having a 'max of several dozen residents' and includes a Wikipedia article that lists the population of Clipston at just 50 in 2001.
14. Moreover, the appellant refers to villages having a typically 'more developed infrastructure' and 'more amenities' compared to hamlets. This tallies with the Oxford English Dictionary definition of a village cited by the Council of '*an inhabited place larger than a hamlet and smaller than a town, or having a simpler organization and administration than the latter.*' The limited size of Clipston and the lack of amenities and other infrastructure such as a school or church indicate it is a hamlet rather than a village. I am also not persuaded by the fact that Clipston has a parish council, as a parish is an administrative entity not necessarily contiguous with a particular settlement or which may encompass more than one settlement.
15. The appellant further argues that 'hamlet' is not excluded from the description of a village under the Framework. However, the exception at Paragraph 154(e) refers only to villages, and given the above analysis which distinguishes a village and a hamlet, I do not agree that, having found Clipston to be a hamlet, that it gains support under this exception to inappropriate development in the Green Belt.
16. I have noted various appeal decisions cited by the appellant. The decision at *Stanton On The Wolds*² related to a long cluster of ribbon development in turn forming part of a larger settlement. At *Gotham*,³ there was no dispute that the site formed part of a village and the site was contiguous with existing development. At *Knowle*,⁴ the site was located in a ribbon of development extending out from 'two of the borough's larger and more sustainable settlements.' The circumstances of these proposals are not analogous to the appeal before me and do not alter my considerations on the proposal.
17. I have also had regard to other appeal decisions cited by the Council and interested parties. Again, while noting the Inspectors' considerations in each case, the particular circumstances of each are different and I have ultimately

² APP/P3040/W/19/3229372

³ APP/P3040/W/19/3224712

⁴ APP/Q4625/W/17/3188046

reached my conclusions on the specific assessment of the facts on the ground in this case.

Limited infilling or the partial or complete redevelopment of previously developed land

18. The Framework defines previously developed land as '*land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*' The definition however excludes land that is or was last occupied by agricultural or forestry buildings and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
19. In this case, I saw no evidence of substantial, permanent structures within the site area defined by the red line. The history of the site is clearly stated to have been agricultural in nature and any structures, if they existed, are no longer in situ and any remains have blended back into the landscape. As such, I find that the proposal would not meet the definition of previously developed land under the Framework, and criterion g) is not therefore met.

Conclusions on Inappropriate Development

20. For the reasons set out, I conclude that the appeal site does not lie within a village. Therefore, the proposal would not amount to limited infilling within a village within the meaning of criterion e) of Paragraph 154 of the Framework. Nor would it constitute redevelopment of previously developed land under criterion g). No other exceptions are argued. Consequently, the proposal would constitute inappropriate development within the Green Belt.

Openness and Green Belt Purposes

21. 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. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
22. The appeal site is an undeveloped parcel of land that is in a natural state. Reference is made to past use as a stackyard, but I saw no evidence of any activity associated with this use within the area of the appeal site denoted by the red line (as opposed to the adjacent farmyard and buildings which fall outside of the appeal site). The site forms part of a larger field extending to the south that continues to the open countryside, as does a public right of way that extends past the site along Wolds Lane. The undeveloped site has both a spatial and visual openness that forms part of the rural surroundings of Clipston.
23. The construction of two dwellings on the site would result in built development where there is presently none. Although details of the dwellings are only indicative at this outline stage, they would inevitably add visible massing, alongside accompanying domestic features such as hard landscaping, parking areas and boundary treatments. This would lead to a demonstrable loss of openness in both spatial and visual terms. In reaching a view, I have had

regard to appeal decisions cited by the appellant⁵, but from the available evidence the circumstances of these cases are not directly comparable. Moreover, the effect on openness is necessarily a judgment based on the specific characteristics of a given site, and I have assessed the proposal on its own merits.

24. With respect to the purposes of the Green Belt, given my findings above that the proposal would not amount to infilling within a village, the proposal would lead to encroachment of development into land forming part of the undeveloped countryside and would impact on this related Green Belt purpose.

Character and Appearance

25. The proposal is in outline, with all matters relating to the scale, layout, landscaping and external appearance of the dwellings reserved. Indicative plans show two dwellings in a tandem arrangement with a multi-bay open garage structure between them, all set around a shared courtyard.
26. The proposal would infill the space to the top end of the field. However, as noted above, the development would largely align with the depth of the built form on the southern side of Church Gate, and would not exceed the southern extent of development along Wolds Lane. In this respect, the development would be relatively well contained and would not noticeably extend the built envelope of the settlement into the open countryside. Consequently, there would be negligible effect on the wider, agrarian landscape around Clipston.
27. The site is described as a 'prominent corner plot location' by the Council, but I saw the site is subject to limited views across it from the surrounding roads due to the height and density of boundary hedgerows. Consequently, while it maintains a sense of openness from an absence of built form, it makes a more limited contribution to the streetscene and is not an area of public open space. I am not persuaded that there would be inherent harm from its development in terms of it being replaced in the streetscene by suitably designed dwellings, given the established built form surrounding the site.
28. I recognise that the dwellings would be visible on approach to Clipston along Wolds Lane, but from this viewpoint, which would be filtered by intervening hedgerows, they would be seen amid the existing built form and not as outlying or visually conspicuous development, particularly if designed to reflect the scale of surrounding buildings. Moreover, given the organic layout of Clipston with dwellings of varying plot sizes and orientations, I am satisfied that a tandem layout, if pursued, would integrate with the existing built form and would not be harmful. Indeed, the variety of building forms, including large agricultural buildings means I am also satisfied that suitable external designs could be achieved that respect the rural character and appearance of the settlement and avoid a harmful urbanising effect.
29. For these reasons, I conclude that the proposal would preserve the character and appearance of the area, in accordance with Policy 1 of LPP2, which requires, amongst other things, development to be sympathetic to the character and appearance of the neighbouring buildings and the surrounding area, and to have no significant adverse effects on landscape character.

⁵ APP/Y3615/W/22/3298341 and APP/Y3615/W/22/3298390; APP/V1505/W/22/3296116

Location for housing

30. Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (the LPP1) sets out the spatial strategy for the borough. Clipston is not identified as a settlement for growth in the hierarchy. The policy states that beyond the named settlements in the hierarchy, development in 'other villages' will be solely to meet local housing needs. The explanatory text at Paragraph 3.3.17 states that local needs will be delivered through small scale infill development or on exception sites. Paragraph 3.10 of the LPP2 adds that development to meet local needs at 'other villages' will be limited to small scale infill, exception sites and allocations in neighbourhood plans.
31. Policy 3 does not specify which settlements qualify as 'other villages' and no other definition has been put to me. However, in the Green Belt assessment above, I have found Clipston is not a village in scale or function. Therefore, I find it does not meet the small scale infill criterion at Paragraph 3.10. It is also not promoted as an exception site and is not allocated in a neighbourhood plan. Consequently, the proposal would not provide for local needs in other villages as defined in the development plan and therefore Policy 3 does not support it as a suitable location for housing.
32. The Council also refers to the poor accessibility of the appeal site to services and amenities. The farm shop close to the appeal site offers a decent range of items, but it is not of a scale that would fully meet the needs of residents. Moreover, it is the only facility within the settlement.
33. The nearest facilities are otherwise in Cotgrave some 2km away. I saw this route is particularly narrow along Gilliver Lane and Cotgrave Road is subject to a 50mph speed limit. The route does not have footpaths or lighting until the built-up area of Cotgrave. The length and conditions of this route are not conducive to regular use by pedestrians or cyclists, and consequently occupants of the proposed dwellings would be almost wholly reliant on the private car for most journeys to work, shopping, leisure and education. In this respect, there would be conflict with Policy 14 of LPP1, referred to by the Council but not forming part of its reasons for refusal, which seeks to reduce the need to travel, especially by private car, by securing new developments of appropriate scale in the most accessible locations following the spatial strategy in Policy 3.
34. For these reasons, I find that the proposal would fail to accord with the spatial strategy of the Borough set out under Core Policies 3 and 14 of LPP1 in terms of the location of new housing development and reducing reliance on the private car. The Council also refers to Policy 39(2)(b), but this refers to employment developments and is not directly applicable to the proposal.

Other Considerations

35. The proposal would provide additional housing for the borough. This would align with the key aim of the Framework of boosting the supply of housing nationally, an aim given further importance and impetus in the recent WMS. Even so, the small scale of the development, and the absence of an evidence of a housing land supply shortfall in Rushcliffe, means I afford no more than limited weight to the benefit of housing in this case.

36. There would be economic benefits from the construction of the dwellings and future contributions of residents to the local economy. However, these would attract only limited weight given the small scale of the development.
37. The Council did not refuse the proposal for other reasons, including neighbours' living conditions, highway safety, ecology, trees, flood risk and land contamination. I have noted comments from neighbouring residents in some of these matters, but on the evidence before me, I have not identified compelling reasons to depart from the Council's conclusions. An absence of harm in these matters means they are neutral considerations weighing neither for nor against the development.

Conclusion

38. The proposal would amount to inappropriate development in the Green Belt which the Framework indicates is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there are adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. The proposal would also not be in a suitable location for housing having regard to the spatial strategy and the proximity to services and facilities. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
39. I have not found harm in respect of effects on character and appearance. However, this is an expectation of all development and therefore is a neutral consideration in the overall balance.
40. As explained above, I give limited weight to each of the material considerations in support of the proposal, including the provision of housing, and conclude that, taken together, they do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. Though not formally cited on the decision notice, the proposal would therefore conflict with Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) (the LPP2) which sets out that applications for development on land within the Green Belt will be determined in accordance with the Framework.
41. The proposal would result in conflict with the development plan, taken as a whole. Material considerations in this case, in particular the Framework, do not indicate that permission should nevertheless be forthcoming in spite of this conflict. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR