



Appeal Decision

Site visit made on 17 March 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/Q3040/W/24/3351814

178A Melton Road, Stanton on the Wolds, Nottinghamshire NG12 5BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Liam Walsh against the decision of the Rushcliffe Borough Council.
 - The application Ref is 24/01107/VAR.
 - The application sought planning permission for reserved matters application for 18/01206/OUT to seek approval for access, appearance, landscaping and scale of the development without complying with a condition attached to planning permission Ref 20/00707/VAR, dated 14 May 2020.
 - The condition in dispute is No 1 which states that:
"The development hereby permitted shall be carried out in accordance with the following approved plans: WB5/100/03/A (Landscape Plan), WB5/100/0, and WB5/100/02/A (Proposed Plans and Elevations), received on 23 March 2020."
 - The reason given for the condition is:
"For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies."
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Decision

1. The appeal is allowed and planning permission is granted for reserved matters application for 18/01206/OUT to seek approval for access, appearance, landscaping and scale of the development at 178A Melton Road, Stanton on the Wolds, Nottinghamshire NG12 5BQ in accordance with the application Ref 24/01107/VAR, without compliance with condition number 1 previously imposed on planning permission Ref 20/00707/VAR dated 14 May 2020, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. In light of the changes to the Framework, I have gone back to the parties to seek further submissions on this. As a result of the changes to the Framework, in particular the Green Belt, the Council have withdrawn their objection and no longer contest the appeal before me. However, I have considered the merits of the case.
3. The address in the banner heading and formal decision has been taken from the decision notice which has also been used on the appeal form as this is more accurate.

Background and Main Issues

4. Planning permission was approved in 2019 which was a reserved matters application for 18/01206/OUT seeking approval for access, appearance, landscaping and scale (Ref: 19/01607/REM). Construction commenced and in 2020 an application to vary condition 1 (plans) of permission 19/01607/REM was approved (Ref: 20/00707/VAR). The effect of this was to create a second planning permission. If the appeal was allowed a third permission would be created.
5. The main issues are:
 - whether the amendments would amount to inappropriate development in the Green Belt having regard to the Framework and any development plan policies;
 - the effect on the openness of the Green Belt; and,
 - whether any 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

Inappropriate development

6. The appeal site lies within the designated Green Belt. The appeal site was a former dairy, with associated buildings and structures. Permission for a new dwelling on the appeal site was granted in 2019 and works have commenced.
7. The dwelling which is now proposed would have a higher roof on the western gable of approximately 1 metre to accommodate a first floor above the kitchen and living room compared to the approved scheme. There would also be other minor amendments including fenestration alterations.
8. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are, however, not inappropriate. One such exception is limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt, as set out in Paragraph 154 g).
9. The proposed increase in height over and above the approved scheme would result in a visual and spatial reduction in openness. However, given the modest increase in height, the harm arising from the reduction in openness would be very limited and as such would not amount to substantial harm.
10. Given the above, the proposal would accord with the exception at paragraph 154 g) of the Framework and is therefore not deemed to be inappropriate development in the Green Belt. Consequently, there is no need for me to consider the effect of the proposal any further on openness or whether any very special circumstances exist.

Conditions

11. By allowing this appeal a new planning permission is created. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The Council have supplied a list of conditions which is based upon permission 20/007/07/VAR and these reflect those on the reserved matters application 19/01607/REM. I shall impose all those conditions that I consider relevant and in accordance with the tests set out in the Planning Practice Guidance. In the event that some conditions have been discharged, that is a matter which can be addressed by the parties.
12. I have amended the plans condition to take account of the revised plans. This condition is necessary for certainty.
13. A condition regarding external materials is necessary in the interests of the character and appearance of the area and to ensure an acceptable external appearance.
14. Given the sensitive nature of the location, a condition removing of permitted development rights is necessary in the interests of the character and appearance of the area.
15. A condition is also necessary to ensure no adverse effects on protected species.

Conclusion

16. For the reasons given above, the appeal is allowed and condition 1 is varied in accordance with the schedule attached to this letter.

T Bennett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, Proposed Plans Sections and Elevations LW2/100/02 and Proposed Plans Landscape Plan LW2/100/03.
- 2) The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.
- 3) Notwithstanding the provisions of Schedule 2, Part 1 Classes A to E (inclusive) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or rooflights other than those shown on the approved plans, no additional porches, and outbuildings without first obtaining separate planning permission to do so from the Borough Council.
- 4) If any protected species are found during construction then work should cease until a suitable qualified ecologist has been consulted. The reasonable avoidance measures recommended in the ecology survey in the outline application shall also be followed and there shall be no alteration to the measures taken without the prior written approval of the Borough Council. Any mitigation measures required shall be implemented in accordance with the survey to the satisfaction of the Borough Council.

****End of conditions****