



Appeal Decision

Site visit made on 3 April 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 16th April 2025

Appeal Ref: APP/P3040/W/25/3359613

Land off Bridegate Lane, Hickling Pastures, Nottinghamshire

- 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 Robert Oxby against the decision of Rushcliffe Borough Council.
 - The application Ref is 24/01510/FUL.
 - The development proposed is single storey 'self-build' dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site would be a suitable location for the proposal, having regard to local and national planning policy.

Reasons

3. The appeal site comprises a stable block and access to the northeast of the site which is currently being constructed, with the remainder of the site forming a grass field. The appeal site is surrounded by dense hedgerows and is located on the corner of Melton Road and Bridegate Lane in the small settlement of Hickling Pastures, with existing development located adjacent or opposite on three sides. Hickling Pastures is removed from the separate settlement of Hickling, although they are both located within the same parish.
4. Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy Adopted December 2014 (LPP1) sets out the spatial strategy for the area, directing development to the main built up area of Nottingham and Key Settlements. Rushcliffe Local Plan Part 2: Land and Planning Policies Adopted October 2019 (LPP2) allocates sites for development in smaller other villages. Hickling Pastures is not identified under LPP1 or LPP2 as a location where development is allocated. Policy 3 of LPP1 states that in other settlements, development will be for local needs only. The supporting text in both LPP1 and LPP2 state that local need will be delivered through small scale infill development, on exception sites or where they are supported through other development plan policies including Neighbourhood Plans.
5. However, Policy 22 of LPP2 relates to development within the countryside. Paragraph 6.10 of LPP2 states that Policy 22 will apply where development is located beyond the Green Belt, development allocations and outside the physical boundaries of a number of identified settlements. The appeal site is not located within the Green Belt and Hickling Pastures is not included in the list of settlements

identified by paragraph 6.10. The appeal site is therefore within the countryside for the purposes of the development plan and Policy 22 of the LPP2 applies in this case. Market housing such as that proposed is not identified under Policy 22 as a type of development that is supported in countryside locations.

6. Chapter 4 of the Hickling Parish Neighbourhood Plan 2011-2028 Adopted March 2022 (NP) provides a defined limit to development which identifies where development will be supported in Hickling. No limit to development is identified for Hickling Pastures. Therefore, the appeal site lies outside of any 'limits to development' as defined by the NP.
7. Policy H10 of the NP states that outside the Hickling Limits to Development, permission for housing development will be limited to that which meets at least one of a number of criteria, including A, the development of previously used (brownfield) land that is well-related to the settlement of Hickling Pastures, in principle, having regard to the other policies in the NP. A key consideration in this case is therefore whether the proposal would meet criterion A set out under Policy H10 of the NP.
8. Whilst I accept that the stables and access would constitute previously developed land, the significant majority of the appeal site, which currently has the characteristics of a grass field and which appears as such, would not constitute previously developed land. There is no evidence before me that suggests that the grass field has been used for equestrian activities, nor was there any evidence of that use during my site visit. There is also no lawful development certificate or any other substantive evidence before me that confirms that the grass field area has been used for anything other than agricultural land.
9. I acknowledge the definition of previously developed land set out in the National Planning Policy Framework (the Framework) which includes land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. Nevertheless, it also states that it should not be assumed that the whole of the curtilage should be developed. I also do not find, given the size of the grass field that the whole of the wider appeal site should be considered as falling within the curtilage of a relatively small stable block.
10. It is not put to me that the proposal would meet any of the other criteria set out under Policy H10 of the NP. Therefore, taking into account the absence of any clear evidence of previous or existing activities on the grass field area of the site which makes up the majority of the appeal site, I am not persuaded that the significant majority of the site should be regarded as previously developed land. As such, even if I were to find the appeal site well related to the settlement of Hickling Pastures, given my assessment above on the issue of previously developed land, I find that the proposal would be contrary to Policy H10 of the NP, as set out above.

Other Matters

11. The appeal proposal would contribute one smaller single storey dwelling to the housing supply. Economic benefits would result through the construction phase and in the longer term with future occupants supporting local services and facilities. These benefits would be limited given the scale of the proposal. The description of development suggests that it would be a self-build dwelling, however, there is no mechanism before me that would ensure that the

development would be a self-build dwelling as defined by the Self-Build and Custom Housebuilding Act 2015.

12. It is asserted that the proposal would respond appropriately to the character and appearance of the area, that it would be acceptable in terms of highway safety, that there would be no unacceptable harm to the living conditions of future occupiers, or existing neighbouring occupants and that it would be acceptable in terms of ecological impacts. Even if I were to agree, a lack of harm or policy compliance in these respects would be neutral considerations that would weigh neither for nor against the proposal.
13. I am referred to a scheme for residential development at Stanton on the Wolds granted by the Council and two appeal decisions within the same Council area. All three of those decisions were subject to different considerations to the appeal before me given they were all located within the Green Belt. They are therefore not directly comparable to the appeal proposal before me now and the policy context in which it must be considered.

Conclusion

14. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

G Dring

INSPECTOR