



Appeal Decision

Site visit made on 23 September 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/N3020/W/25/3366727

Rose Cottage, Goosedale Lane, Bestwood Village, Nottinghamshire NG6 8UJ

- 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 Mrs Julie Leivers against the decision of Gedling Borough Council.
 - The application reference is 2024/0510.
 - The development proposed is change of use from garage to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from garage to dwelling, at Rose Cottage, Goosedale Lane, Nottinghamshire NG6 8UJ in accordance with the terms of the application, Ref 2024/0510, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawing numbers: A101 (Site Location and Block Plan); A103 (Existing Floor Plans); A104 (Existing Roof Plans); A105 (Existing Elevations); A106 (Proposed Floor Plans); A107 (Proposed Dwelling Elevations); A109 (Proposed Site Plan) except in respect of the replacement car port shown on drawings A106 and A109 which does not form part of the permitted development.

Preliminary Matter

2. The application initially proposed the replacement of the existing car port, but this element was omitted from the proposal during the course of the application. I have considered the proposal on this basis and the description of development in the banner heading and formal decision reflects this amended scheme.

Background and Main Issue

3. The appeal relates to a detached garage standing in the grounds of a residential dwelling, Rose Cottage, located on Goosedale Lane, a rural lane leading from the B683 road between Bestwood Village and Papplewick. The proposal seeks to convert the garage to a separate dwelling.
4. The site lies within the Green Belt. The Council's reason for refusal does not refer explicitly to development being inappropriate in the Green Belt, but it cites conflict with Policy LPD12 of the Gedling Local Plan Document Part 2 Local Plan (July 2018) (the P2LP) which addresses the reuse of buildings in the Green Belt and the creation of new, isolated homes in the Green Belt.

5. Having regard to this, I consider the main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies, the provisions of the Framework and the effect on the openness of the Green Belt;
- Whether the proposal represents a suitable location for housing;
- 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

Green Belt

6. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless certain exceptions apply. One of these is (h)(iv) the re-use of buildings provided that the buildings are of permanent and substantial construction and where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
7. Part (a) of Policy LPD12 largely reflects this exception to inappropriate development, and in this respect I saw the garage to be of permanent and substantial construction. Moreover, with the omission of the initially proposed, larger carport, the proposal would not introduce any additional built form over and above the existing, with the two proposed patio areas having negligible visual or spatial impact. As such, it would not have an adverse effect on the openness of the Green Belt or the purposes of including land within it. It would therefore accord with the exception at Paragraph 154(h)(iv) and Policy LPD12(a).
8. However, Part (b) of Policy LPD12 goes on to set additional criteria, in particular (b)(ii), which requires that where the reuse of buildings within the Green Belt for residential purposes would result in the creation of new isolated homes in the countryside, the applicant will need to satisfactorily demonstrate that special circumstances exist to justify the development. These requirements are inconsistent with the Framework with regard to the extension of buildings in the Green Belt, but rather conflate Green Belt policy with the general approach to development in the countryside. The latter is a relevant consideration to the overall acceptability of the proposal, to which I turn below, but does not form part of the Framework test of whether the development would be inappropriate in the Green Belt. Consequently, I place greater weight on the Framework test, which is passed, and find that it is not necessary for the proposal to demonstrate compliance with the requirements of Policy LPD12(b)(ii) for the purposes of Green Belt policy.
9. For these reasons, I conclude that the proposal would not amount to inappropriate development in the Green Belt, and no conflict therefore arises with the relevant criteria of Policy LPD12 of the P2LP. As the proposal does not amount to inappropriate development, there is no requirement to assess if there are other considerations that amount to very special circumstances so as to justify the development.

Location for Housing

10. The Council's position is that the proposal would result in an isolated dwelling in the countryside. It cites conflict with the aforementioned criteria of Policy LPD12 (b)(ii) which, although drafted with reference to the Green Belt, actually reflect the approach to isolated homes in the countryside at Paragraph 84 of the Framework, with the same exceptions set out.
11. The appellant refers to the judgement in *Braintree*¹ in arguing the site is not 'isolated' in planning terms. This judgement established that 'isolated' in terms of the Framework refers to physical proximity to other dwellings and settlements, rather than a question of accessibility to local services, and is a matter of judgement for the decision maker. In this case, the dwelling would be adjacent to the existing dwelling, Rose Cottage, with a farmhouse further along the lane, and several other properties lining the lane towards the main road. In physical terms, the proposed development would not be significantly separated from the nearest development and, in my judgment, would not amount to an 'isolated home' for the purposes of the Framework. Consequently, it is not necessary to consider whether any of the exceptions at Paragraph 84, or Policy LPD12(b)(ii), would be met.
12. The Council has not otherwise cited conflict with any other development plan policy relating to the provision of housing development in the countryside. I recognise the general approach of the Framework to locate housing where it is most accessible to local services and particularly by sustainable modes of transport. However, sustainable development does not preclude any development in rural areas, and although journeys would be made by car, the site is a short drive to the many services in Hucknall and Bestwood Village. The environmental impact of car use would be low, and offset by the proposal making productive re-use of an existing building rather than constructing a new building from scratch. Accordingly, I conclude that the proposal would represent a suitable location for the proposed dwelling.

Other Matters

13. The Council has not raised concern in any other respect, including character and appearance, neighbours' living conditions, air quality and parking provision. I saw on site that the existing garage, built in red brick with a pitched roof and located within the grounds of Rose Cottage, already has a visibly domestic character that would be retained, with alterations limited mainly to fenestration changes to facilitate use as a dwelling. The two dwellings would also be sufficiently separated and orientated to ensure privacy for each occupant. Ample parking already exists on site and the Council is satisfied that provision of an electric vehicle charging point, now mandated by the Building Regulations, would address policy requirements relating to air quality.

Conclusion

14. On the main issues, I have found no conflict with the development plan, taken as a whole. The appellant contends that the Council is unable to demonstrate a five year supply of deliverable housing sites. However, given my conclusions against the development plan, it is moot whether the plan is out-of-date by reason of inconsistency of policies with the Framework or insufficient housing land supply, as

¹ *Braintree District Council v Secretary of State for Communities and Local Government & Others* ([2018] EWCA Civ 610)

application of the 'tilted balance' of Paragraph 11, in the absence of any identified harm, would still point to the proposal being supported. There are no other material considerations arising in evidence which indicate that the development should not be permitted.

15. Therefore, for the reasons set out, I conclude that the appeal should be allowed. This is subject to the standard time limit condition. To provide certainty, it is also necessary to attach a condition specifying the approved plans and that the replacement car port is excluded from the development permitted.
16. Finally, the Council has sought to restrict permitted development (PD) rights to extend the dwelling, add outbuildings, hard surfaces or boundary treatments. The Planning Practice Guidance states that conditions restricting the future use of PD rights may not pass the test of reasonableness or necessity and should be precisely defined. The Council's brief reason for the imposition of the condition is to protect the openness of the Green Belt. However, given my findings that the dwelling would not be harmful to the Green Belt, and having regard to the particular form and modest scale of the dwelling and site layout, I am not persuaded that there would be a demonstrable risk to the openness or purposes of the Green Belt from works under PD in this case. Therefore, I have not imposed the condition.

K. Savage

INSPECTOR