

**Report of the Chief Executive**

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| <b>APPLICATION NUMBER:</b> | <b>21/00443/FUL</b>  |
| <b>LOCATION:</b>           | <b>Hill Top Farm Blake Road Stapleford NG9 7HP</b>   |
| <b>PROPOSAL:</b>           | <b>Retention of entrance gates, perimeter fencing, pathway and driveway retaining wall</b> |

The application is brought to the Committee at the request of Councillor D K Watts as the proposal is for minor development in the Green Belt.

**1 Executive Summary**

- 1.1 The application seeks planning permission to retain 2.2m high perimeter fencing, gates to the entrance and retaining wall to the driveway.
- 1.2 The site contains a farmhouse and agricultural buildings and has a small wooded area and gardens. The site is located entirely within the Green Belt and a small part sits within Windmill Hill Prominent Area for Special Protection.
- 1.3 The main issues relate to whether the development would have an unacceptable impact on the Green Belt and the Green Infrastructure Asset, whether the design would have an unacceptable impact on visual amenity, whether there would be an impact on neighbour amenity and whether there would be an impact on highway safety.
- 1.4 The benefits of the proposal are that the enclosures provide security for both the application site and the neighbouring properties and enhances highway safety by providing an off street waiting area. This is given significant weight. The negative impacts are that the proposal is inappropriate development in the Green Belt, and development within a Green Infrastructure Asset. However, on balance it is considered that the very special circumstances demonstrated outweigh the harm to the Green Belt and that the design and siting of the perimeter fencing does not have a significant impact on Windmill Hill, a Prominent Area for Special Protection.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

## APPENDIX

1 Details of the Application

- 1.1 The application seeks to retain 2.2m high mesh fencing in green colour to the entire boundary of the site, including the part of the site that is currently part of a field. The fencing to the rear of the houses has been supplemented with Laurel hedging behind it. The remainder of the fencing, to the adjacent fields, would have screen planting in thorn quicks. A 1.5m path would run behind the planted areas for maintenance access. The perimeter fencing would provide security for the farmhouse, agricultural buildings and associated equipment within the site.
- 1.2 In addition to the fencing to the perimeter of the site, the application seeks to retain a large electronically operated sliding gate to the top of the access from the road. The gates are 2.2m in height and 2.9m high brick piers to either side, the latter not yet built, are proposed. A pedestrian gate in the same mesh fencing as the perimeter fencing is proposed to the left (north west) of the main gate.
- 1.3 A brick retaining wall is proposed to the north west side of the existing access leading up to the new gates. The brick piers between would have a maximum height of 1.8m with the wall between being a minimum of 1.2m and a maximum of 1.5m.

2 Site and surroundings

- 2.1 Hill Top Farm is located to the north and east of houses on Blake Road and has fields to the north and east of the site. As the name suggests, the site is located on higher ground than the surrounding housing, with the land rising toward the north east of the site. The access to the farm is to the south west from Blake Road, and leads to a two storey detached farmhouse and to a series of agricultural buildings. Within the curtilage and to the north west of the buildings there is a wooded area surrounding a large grassed area which it is understood was once used as tennis courts. The north east corner of the site encompasses part of the adjacent field and which is part of Windmill Hill, a Green Infrastructure Asset. There is a telecommunications mast located to the north east of the site, within the wooded area.
- 2.2 To the west of the application site there are detached bungalows (although some have accommodation in the roof), the rear elevations of which face the site and the rear gardens forming the common boundary. These properties are mostly at a lower ground level than the application site (approximately one metre at the point of the boundary). These properties have relatively small gardens measuring between 6.5m to 8m in length and have a variety of enclosures to the common boundary (some having none or relying on planting).
- 2.3 To the south of the site and south east of the access, the house types change to semi-detached bungalows and semi-detached two storey dwellings as the properties continue southwards. Again, these properties are at a lower ground level but tend to have longer gardens the further south east they go. Two storey detached dwellings to the head of Gainsborough Close back onto the remainder of the southern boundary of the site. Again, there is a variety of enclosures to the common boundary.

2.4 The entirety of the site falls within the Green Belt.

3 Relevant Planning History

3.1 Aside from planning permissions in relation to telecommunications equipment within the site, and an application currently being considered for a replacement mast and antennas (reference 21/00601/FUL), there is no relevant planning history for the site.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 3: The Green Belt
- Policy 10: Design and Enhancing Local Identity
- Policy 16: Green Infrastructure, Parks and Open Space

4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, Design and Amenity
- Policy 28: Green Infrastructure Assets

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt Land
- Section 15: Conserving and enhancing the natural environment

5 Consultations

5.1 29 properties either adjoining or opposite the site were consulted, a site notice was displayed and a press notice published. The consultation period expired on 27.08.21. Nine responses were received, 3 objections, 1 observation and 5 in support/no objection

Grounds of objection:

- There has been felling of trees and digging up of undergrowth during (bird) breeding and nesting season (considers this needs permission) – Notts Wildlife Trust and Notts Wildlife Crime Officer (police) contacted
- Since work has been carried out, no badgers or hedgehogs have been seen, and bird numbers have declined
- Work already underway prior to the submission of the application

- Noise during works to cut down trees/erect fencing, and fires on the site
- Will be storing buses on the property
- The fence is unattractive and gives a feeling of enclosure, which is more apparent in winter when trees are not in leaf
- Once the hedge beyond the fence grows, will block out light into the garden
- Concerned regarding the eventual height of the hedging and the trees planted behind it as this would be quite daunting

Observations:

- Work has already been completed so has been done without approval
- No objection but should provide provision for movement of wildlife such as hedgehogs, foxes and other small mammals

Support/no objection:

- The fence to rear of property is of an open construction, green and unobtrusive
- Enhances security to rear of property backing onto the site

6 Assessment

6.1 The main issues for consideration are whether the development would have an unacceptable impact on the Green Belt and the Green Infrastructure Asset, whether the design would have an unacceptable impact on visual amenity, whether there would be an impact on neighbour amenity and whether there would be an impact on highway safety.

6.2 **Principle**

6.2.1 The principle of the erection of fencing and other boundary enclosures to secure a site is acceptable, subject to the details below. Planning permission is not required for enclosures which are 2m or below in height from ground level where it is not directly adjacent to the vehicular highway, and where enclosures are proposed adjacent to the vehicular highway, planning permission is not required for enclosures which are 1m or below in height.

6.2.2 There are no Tree Preservation Orders on or adjacent to the site, nor is the site within a conservation area. As such removal of trees would not require planning permission.

6.3 **Design**

6.3.1 It is considered that the fencing, gates and retaining wall are acceptable in terms of design and visual impact. The fencing around the perimeter of the site is lightweight and coloured green so as to blend in with the landscaping beyond. The main gate is set back from the public highway and is not visually intrusive. The retaining brick wall, to the left side of the drive, would provide an attractive entrance to the access.

6.4 **Impact on Green Belt and Green Infrastructure Asset (Windmill Hill)**

- 6.4.1 The application site is entirely within the Green Belt boundary and the fencing is not technically an exception to inappropriate development as it does not fall into any of the categories identified in the NPPF.
- 6.4.2 Paragraph 147 of the NPPF 2021 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
- 6.4.3 The site is located on the edge of built development, to the west and south, and the edge of open fields, to the north and east, and is within a tree'd setting aside from the agricultural buildings to the south east of the site.
- 6.4.4 The NPPF does not identify the erection of a boundary enclosure as an exception to inappropriate development in the Green Belt. The fencing has been erected to the perimeter of the site and is within the applicant's ownership. It is considered that taking into account the size, colour and openness of the style of the 2.2m high fencing around the perimeter of the site, it is considered that the fencing, which would be seen in the context of the tree'd areas to the north and east and against the backdrop of domestic properties to the south and west, does not result in any additional harm to the openness of the Green Belt and that very special circumstances have been demonstrated by virtue of the security that they provide for the applicant. The fencing is therefore considered acceptable in terms of its impact on the Green Belt.
- 6.4.5 To the north east corner of and shown to be within the site, there is part of a field which falls within the Windmill Hill – Prominent Area for Special Protection (Policy 28 of the Part 2 Local Plan – Green Infrastructure Asset). Windmill Hill is a hill comprising a prominent area of attractive landscape which provide a distinct and permanent landmark near the edge of the Greater Nottingham conurbation. It is considered that, as the part of the field to be enclosed represents a very small part of Windmill Hill, and is directly adjacent to the agricultural buildings and the tree'd area beyond, that the fencing would not have a significant impact on the Green Infrastructure Asset given its context, being viewed against the backdrop of the trees, and would be well within the site such that views from the public domain would not be harmed.

## 6.5 Neighbour Amenity

- 6.5.1 The fencing to the perimeter where it is located on or adjacent to the common boundary with the housing on Blake Road and Gainsborough Close is green mesh fencing, typical of the kind used to enclose school grounds and playing fields. As it is of an open design and coloured green to blend in with the surrounds, it is considered that the fencing, which although appearing higher from the gardens of Blake Road due to levels differences, would not have a significant impact on neighbour amenity in terms of loss of light or outlook, and would have far less

impact than an alternative fence of solid construction such as close boarded timber fencing.

6.5.2 The fencing would enhance security to the rear of the properties surrounding the site, to the benefit of the occupants.

## **6.6 Access and Highway Safety**

6.6.1 Prior to the installation of the main gates, a single leaf gate was sited to the start of the access, where it abuts Blake Road. The removal of this gate and construction of the retaining wall with the new gates set quite a way back along the access would enhance highway safety as it would allow for vehicles to be able to wait within the site for gates to be opened rather than waiting on the public highway.

## **6.7 Other Matters**

6.7.1 Works have been commenced without the benefit of planning permission, however this is not a criminal offence and is not considered to prejudice the determination of the application now submitted.

6.7.2 Felling of the trees and digging up of undergrowth in itself does not require planning permission and as none of the trees are protected by Tree Preservation Orders and the site is not within a conservation area, the owner of the site has the right to remove any trees or undergrowth. Any harm to protected species would be a matter for the police to investigate and consider prosecution where deemed appropriate. It is understood from comments received that the Police Wildlife Crime Officer and the Notts Wildlife Trust have visited the site. In any case, any action to be taken would not be a material planning matter to consider.

6.7.3 Any planting on the site whether to screen the fencing or for any other purpose, would not need planning permission and as such any impact that the planting of trees and hedging may have on neighbour amenity would not be a material planning matter.

6.7.4 Excessive noise and noise outside of reasonable times of the day / week can be reported to the Environmental Health team for investigation, as can any burning of waste which is causing a nuisance, and would not be a reason to refuse or amend the application.

6.7.5 Boundaries to gardens backing on to the site are varied, with some being of solid construction and others absent. The through movement of fauna is therefore already constrained in part and in any case, a boundary enclosure of 2m or less could be constructed without planning permission and could be of a more solid construction, thereby inhibiting movement of fauna even further. Notwithstanding this, the free movement of fauna is not specifically controlled by adopted policy and cannot, therefore, be a material planning matter which carries any significant weight.

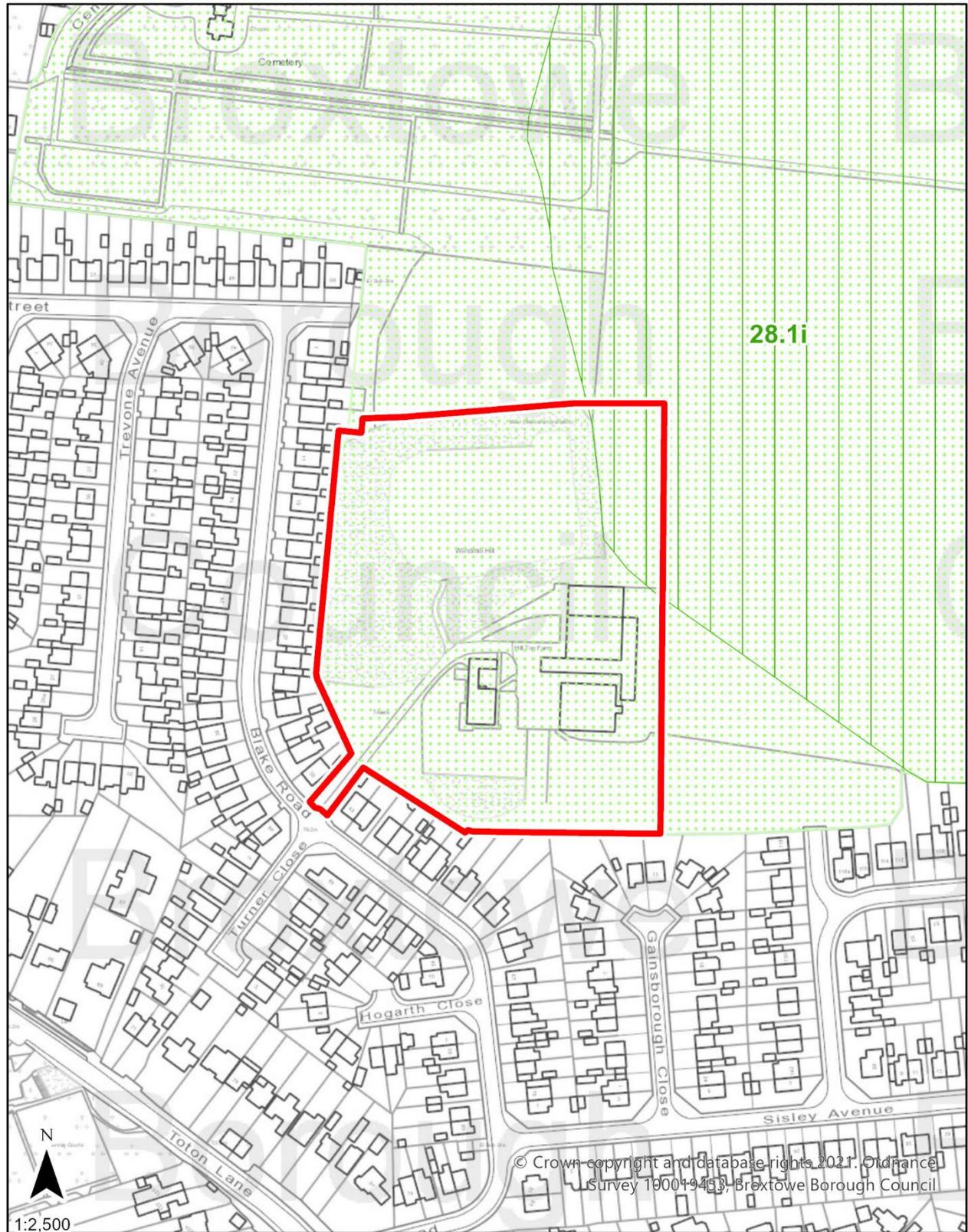
7 Planning Balance

- 7.1 The benefits of the proposal are that the enclosures provide security for both the application site and the neighbouring properties and enhances highway safety by providing an off street waiting area.
- 7.2 The negative impacts are that the proposal is inappropriate development in the Green Belt, and development within a Green Infrastructure Asset. However, on balance it is considered that the very special circumstances demonstrated outweigh the harm to the Green Belt and that the design and siting of the perimeter fencing does not have a significant impact on Windmill Hill, a Prominent Area for Special Protection.

8 Conclusion

- 8.1 Due to the nature of the proposal it is not considered that the proposal would have a significant detrimental impact upon the character or openness of the Green Belt, the Prominent Area for Special Protection, residential amenity or highway safety. There are no other issues which need to be considered as part of this application. It is recommended that the application be approved subject to conditions.

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| <b><u>Recommendation</u></b>  |  |
| <b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b> |  |
| <b>1.</b>   | <b>The development hereby permitted shall be carried out in accordance with the site location plan and drawings numbered 21022.01, 21022.02, 21022.03, 21022.04 and 21022.05 received by the Local Planning Authority on 18.06.21.</b><br><br><i>Reason: For the avoidance of doubt.</i> |
|   | <b>NOTES TO APPLICANT</b>  |
| <b>1.</b>   | <b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>   |
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**Legend**

- Site Outline
- Green Belt
- Town or District Centre
- Local Green Space (Prominent Areas for Special Protection)

Photographs



Access from Blake Road. New gate can be seen to the rear, with existing gate to the foreground. The retaining wall is to be built to the left side



New gate, showing area to the left for pedestrian gate



Fencing as installed to the rear of houses on Blake Road, looking south



Fencing to east boundary, adjacent to the fields

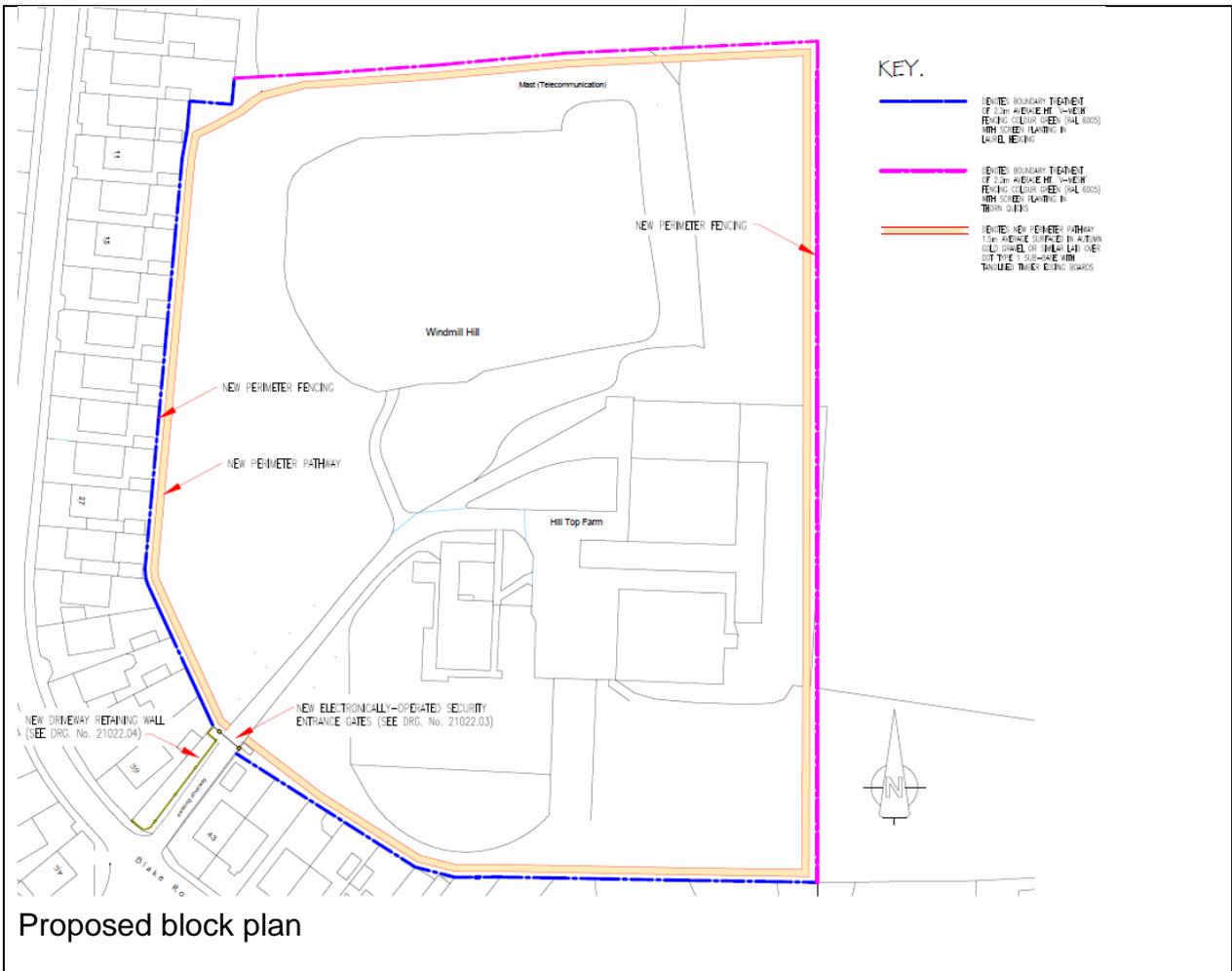


Fencing to fields east of the agricultural buildings

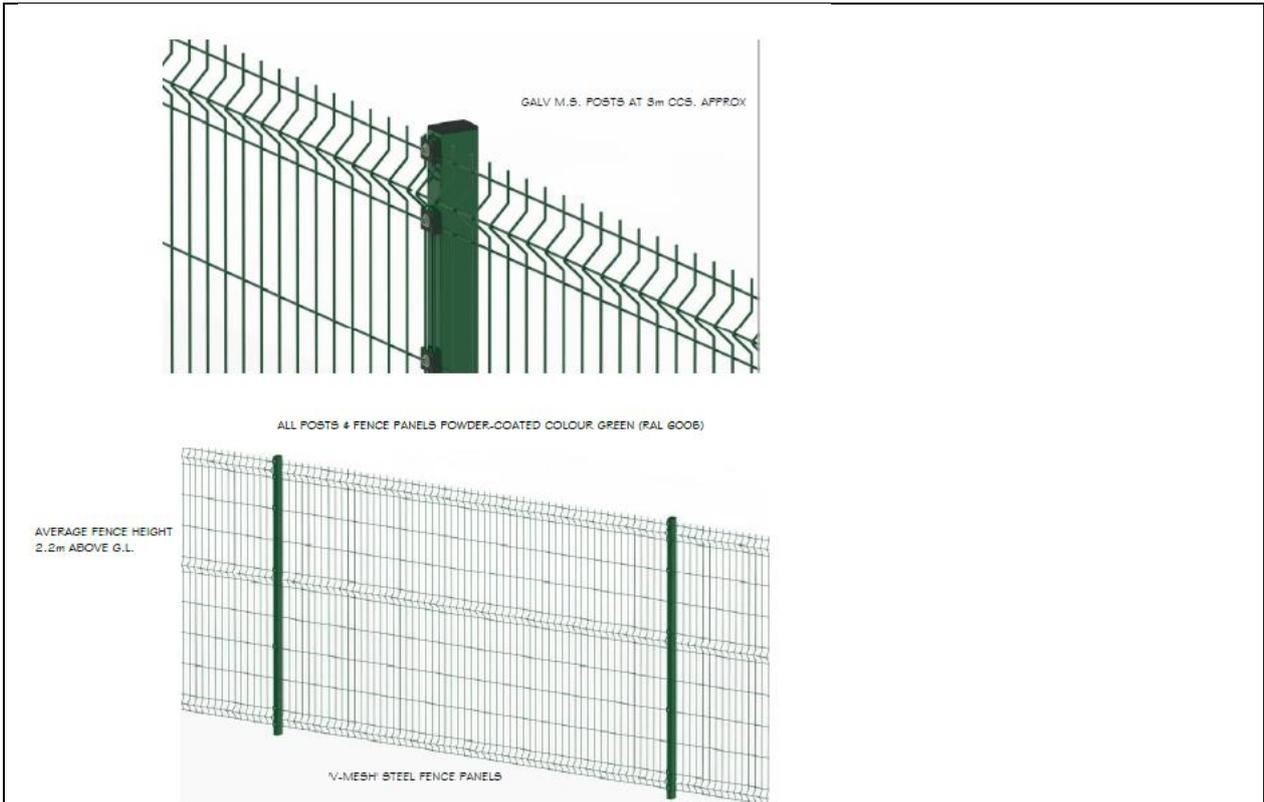


Aerial view of the site, courtesy Google

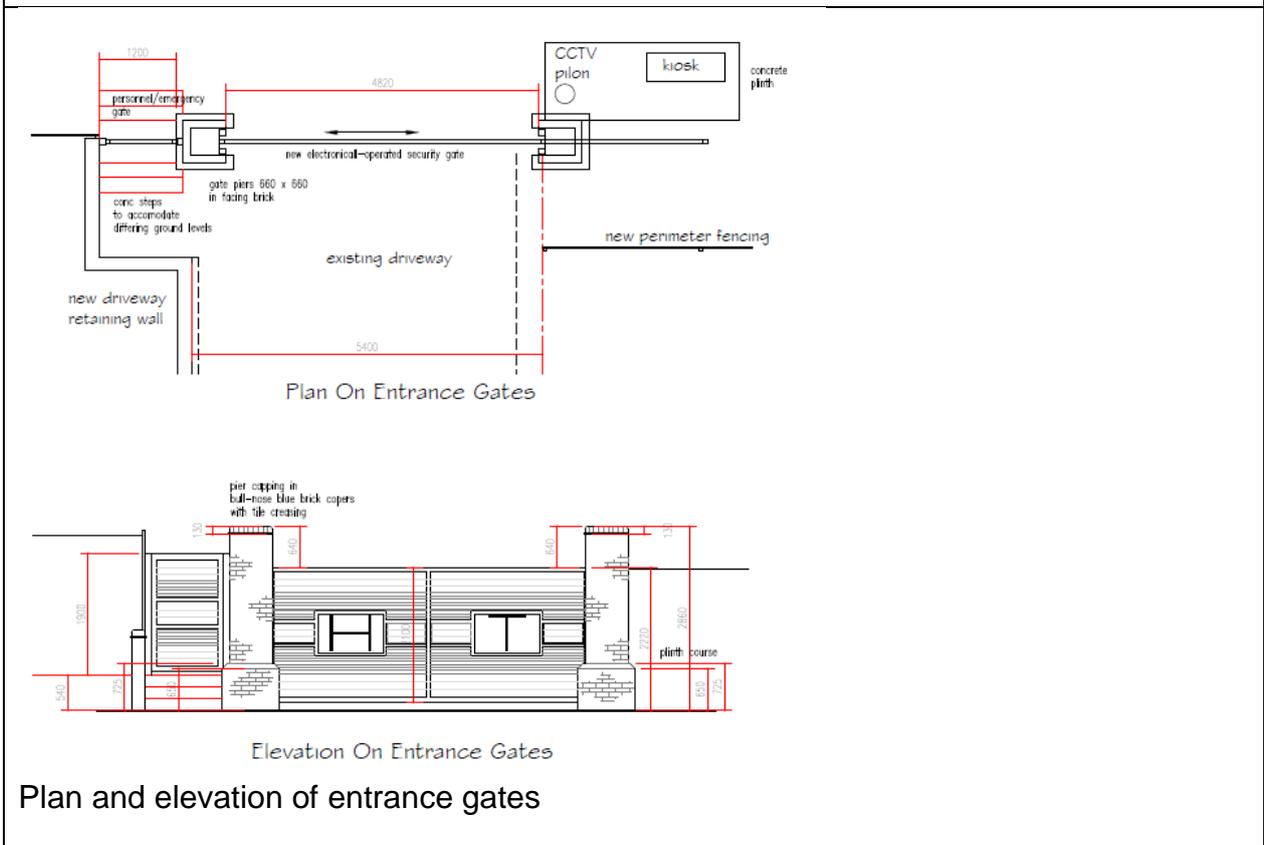
**Plans (not to scale)**



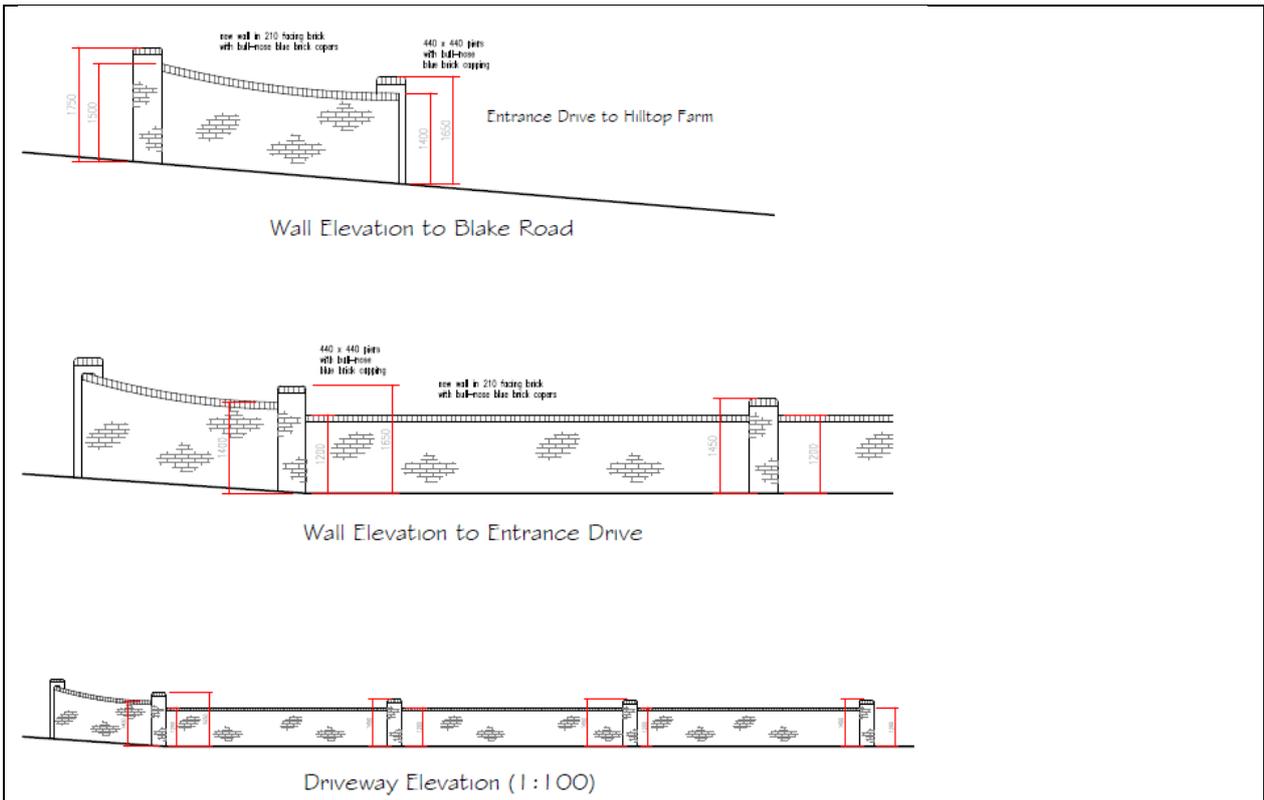
Proposed block plan



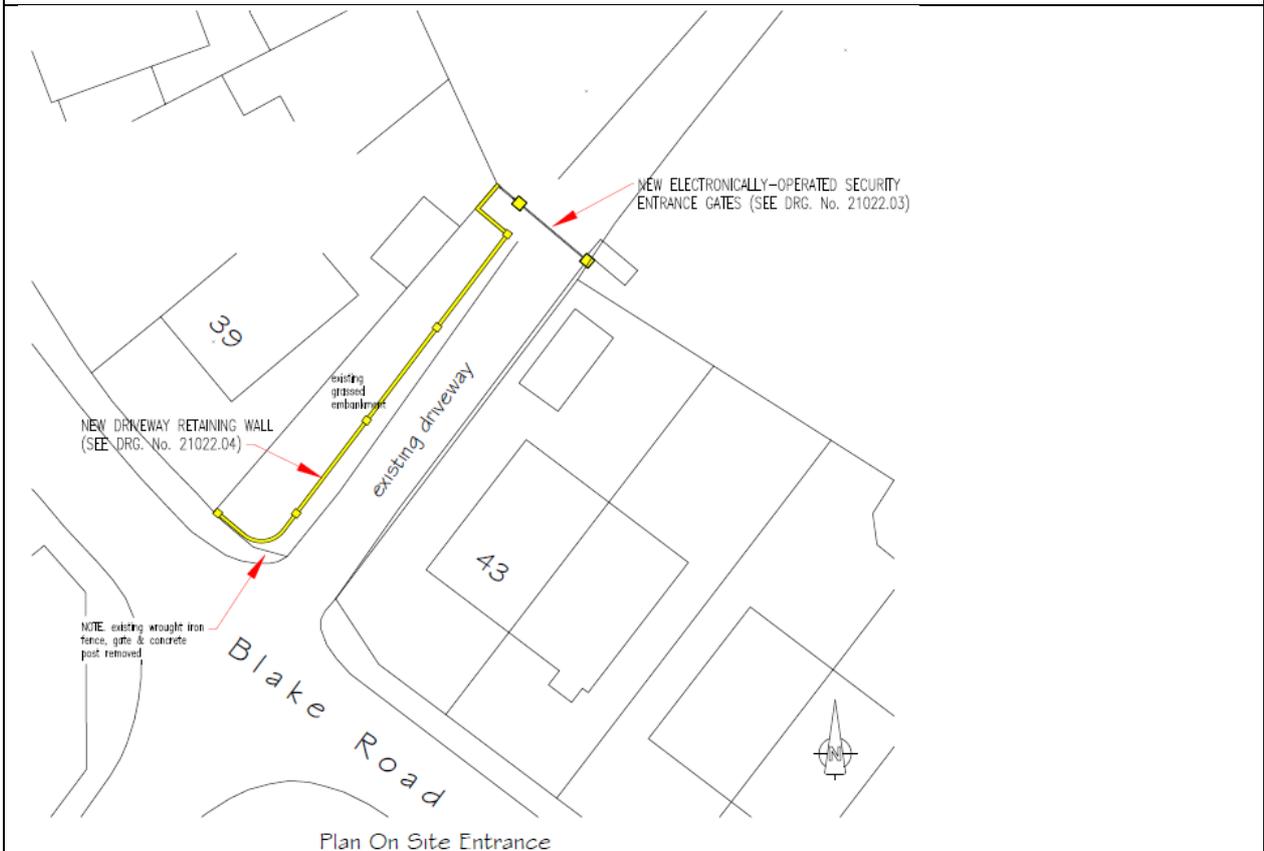
Example of style of perimeter fencing as installed



Plan and elevation of entrance gates



Details of retaining wall



Plan showing position of retaining wall and entrance gates