

Report of the Chief Executive

APPEAL DECISION

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

APPEAL ALLOWED

The application was recommended for the granting of planning permission at Planning Committee on 1 September 2021. The Committee resolved to refuse planning permission for the following reasons:

1. The entrance gates and perimeter fencing, by virtue of their design, scale and location, are considered inappropriate development within the Green Belt and no Very Special Circumstances have been demonstrated, contrary to Policy 3 of the Broxtowe Aligned Core Strategy (2014), Policy 8 of the Broxtowe Part 2 Local Plan (2019) and Section 13 of the National Planning Policy Framework (2021).

The Inspector considered the main issues were whether the entrance gates and perimeter fencing are inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (NPPF); the effect of the entrance gates and perimeter fencing on the openness of the Green Belt; and if the entrance gates and perimeter fencing are 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.

The Inspector considered that, in terms of openness, the design of the fence, being of lightweight materials and coated in green colour, would allow for views through and would not be significantly impeded, and the colour would blend in to the landscaping behind, and, on two sides, would be adjacent to existing boundary treatments and outbuildings of properties on Blake Road and Gainsborough Close. The entrance gates, whilst quite substantial, are set well back from the road and when viewed from the road would be seen in context with the two residential properties either side of the driveway and as a result the gates are not visually intrusive. Whilst, when closed, the gates do prevent views from the street into the site, views of the Green Belt are already severely restricted by the existing dwellings. In this respect, the Inspector concluded that whilst the presence of the gates and fence have resulted in a reduction in the openness of the Green Belt in visual terms, given the backdrop of the surrounding residential buildings, the lightweight design of the fencing and the set back of the gates from the road, the resulting harm is limited.

The Inspector noted that there could be a fall-back position should the gates and fencing be no higher than 2m, they could be erected without planning permission and there would be no control in terms of design and materials, which could have a greater impact on the openness of the Green Belt.

In respect of whether Very Special Circumstances exist, the Inspector concluded that whilst the proposal would cause harm to the Green Belt by way of inappropriateness and reduction in openness, which was afforded substantial weight, and potential harm to the living conditions of neighbours, which was afforded limited weight, the security and highway safety benefits together with the fall-back position identified above clearly outweigh the totality of the harm identified and as a consequence, the Very Special Circumstances necessary to justify the proposal exists.

No significant concerns were raised by the Inspector in regards to amenity.

The Inspector upheld the appeal, subject to a condition requiring the development to be carried out in accordance with the approved plans.

Hill Top Farm, Blake Road, Stapleford NG9 7HP



8/5/2022, 3:53:04 PM

- Green Belt
- Site

1:1,500
 0 0.01 0.03 0.05 mi
 0 0.02 0.04 0.08 km

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