

Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	22/00337/FUL
LOCATION:	4 Foundry House, Newtons Lane, Cossall
PROPOSAL:	Change of use from hardstanding forming part of the curtilage of the host dwelling house, to a vehicle brokerage / sales (re submission)

APPEAL DISMISSED**RECOMMENDATION BY OFFICER - REFUSE****REASON(S) FOR REFUSAL –**

1. The site lies within the Nottinghamshire Green Belt where in accordance with paragraph 147 of the NPPF inappropriate development is by definition harmful and should not be approved except in very special circumstances. The proposed development does not meet any of the exceptions to inappropriate development as set out by paragraphs 149 and 150 of the NPPF 2021. The proposal is therefore contrary to the Broxtowe Part 2 Local Plan 2019 Policy 8 and the NPPF paragraphs 147 and 148, and no very special circumstances have been demonstrated to treat the proposals as an exception to these policies.
2. The proposed access, located in close proximity to neighbouring properties 1-3 Foundry House, would result in an adverse impact upon the living conditions of neighbouring properties by virtue of noise relating to comings and goings of staff, customers and deliveries to the site. The intensification of the use is also likely to lead to conflict between, vehicles, horse riders and pedestrians along a long private road resulting in an increased danger to users of the public footpath. Furthermore, there would be associated noise and disturbances resulting from the storage of vehicles in this location. As such, the proposal is contrary to Policy 17 - Place, Design and Amenity of the Broxtowe Part 2 Local Plan and paragraph 130 (f) of the National Planning Policy Framework 2021.

LEVEL OF DECISION: DELEGATED

The inspector considered the main issues included whether the proposal constituted inappropriate development in the Green Belt; the impact on the openness of the Green Belt; the effect of the proposal on the living conditions of occupiers of existing neighbouring properties; whether the proposal would have an unacceptable impact on highway safety; and, if the development is inappropriate development, whether there are very special circumstances required to justify the development.

REASONS

The Inspector noted that the proposed material change of use is not a use like outdoor sport, recreation or a cemetery (as listed as an example in paragraph 150 e) of the NPPF). The Inspector considered that the proposal constituted inappropriate development in the Green Belt.

The Inspector noted that changing of the use of the domestic curtilage would have no impact on the spatial or visual openness of the Green Belt or the purposes of including land within it.

The Inspector noted that the proposal resulted in an unacceptable impact on the living conditions of existing properties.

The Inspector considered that the proposal would not create any unacceptable highway safety concerns.

CONCLUSION

The Inspector concluded that the very special circumstances required to justify the proposed development do not exist.