

Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	22/00790/FUL
LOCATION:	Land south of 70 and 72 Sandy Lane, Bramcote, NG9 3GS
PROPOSAL:	Construct two detached dwellings

APPEAL DISMISSED

RECOMMENDATION BY OFFICER – REFUSE

REASON FOR REFUSAL

The proposed housing development, by virtue of the built development and the loss of habitats, would result in an unacceptable harm to a Green Infrastructure Asset and would result in the loss of a Biodiversity Asset (Local Wildlife Site). No benefits which clearly outweigh this harm have been demonstrated. Accordingly, the development is contrary to the aims of Policies 28 and 31 of the Broxtowe Part 2 Local Plan (2019), Policies 16 and 17 of the Broxtowe Aligned Core Strategy (2014) and Section 15 of the National Planning Policy Framework (NPPF) 2019.

LEVEL OF DECISION: DELEGATED

The Planning Inspector considered the main issue to be whether the benefits associated with the proposal would outweigh the harm or loss of a Green Infrastructure Asset and Local Wildlife Site.

REASONS

The Planning Inspector noted that whilst there were no concerns in respect of the design of the dwellings, they considered that the proposed dwellings, along with gardens and associated residential use of the site would introduce domestic activity, built form, hard landscaping, and associated domestic gardens. This would advance a material change away from the overgrown but fundamentally green, undeveloped, and natural part of the Prominent Area of Special Protection (Bramcote Ridge) to a suburban character. Part of the conservation value of the appeal site would be lost, resulting in harm to the Green Infrastructure Asset, and significant harm to the Local Wildlife Site due to the domestic use and overall increased use of the site and surrounds.

Other matters the appellant raised in respect of creation of community park (adjacent to the appeal site), removal of Japanese Knotweed on and adjacent to the site, and biodiversity net gain within the site would not outweigh the harm identified in the above paragraph.

CONCLUSION

The Planning Inspector concluded that the proposed development would conflict with the development plan taken as a whole and material considerations, including the

NPPF, did not indicate that the appeal should be determined other than in accordance with the development plan.

APPEAL COSTS

The appellant's claim for appeal costs were refused, as the Planning Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense by the Local Planning Authority, cited by the appellant, has not been demonstrated.