

## Report of the Chief Executive

**18/00628/FUL  
CONSTRUCT SEVEN DWELLINGS, INCLUDING ASSOCIATED ACCESS  
ROAD, GARAGING, PARKING AND LANDSCAPING  
SOUTHFIELDS FARM, COMMON LANE, BRAMCOTE,  
NOTTINGHAMSHIRE, NG9 3DT**

Councillor J C Gould requested this application be determined by the Committee and if approved, the development would constitute a material departure from policy. This application was deferred from February's Planning Committee in order to allow members to attend a site visit.

**1 Details of the Application**

- 1.1 The application seeks permission to construct seven, two storey, detached dwellings on agricultural land within the Green Belt. At ground floor level, each dwelling will have a living room, kitchen, snug, utility room and WC and at first floor level will have either three or four bedrooms with a minimum of one en-suite and a bathroom. Each dwelling will have a mixture of hipped/gable/lean-to roofs and a minimum of three car parking spaces including either a detached or integral garage and private drive. Each dwelling would have a private rear garden. The dwellings will have a maximum height to ridge of 7.3m and maximum height to eaves of 5.4m. They will range from a footprint of 142m<sup>2</sup> to 224m<sup>2</sup> (including the garage). The application form states the dwellings will be constructed from bricks and clay pantiles.
- 1.2 Amended plans and additional information was received during the course of the application. The height of the dwellings was reduced, chimneys were added to all dwellings (excluding House Type C), double garage doors were separated into two single doors, a lean-to roof was added above the garage on House Type B, brick detailing was repositioned and the porch design was amended.

**2 Site and Surroundings**

North boundary of farm yard



View of north west of farm buildings from Burnt Hill



East boundary of farm yard



View of main shed



Southern view of entrance to farm yard



Southern boundary of site (rear of main shed)

2.1 Southfields Farm is located north of Common Lane in Bramcote within the Nottinghamshire Green Belt and the site area is 0.4ha in size. There are two large agricultural buildings and a grain silo within the farm yard. The site is generally used for storage. Access into the site is from Common Lane to the south west. Immediately south of the site is Southfields Farmhouse and three brick barn conversions which compromise dwellings: Hayloft Barn, Long Barn and Dairy Barn. The site is enclosed by a hedge, trees and vegetation. The fields to the north and south of the site are owned by the applicant.

### 3 Relevant Planning History

#### 3.1 Farm Site

3.1.1 An application to erect a lean-to store (94/04004/AGR) was granted prior approval in June 1994.

3.1.2 An application to convert the barns and outbuildings to seven residential units (01/00729/FUL) was refused permission in November 2001 (on site and to the south).

3.1.3 An application to convert the hay store to two dwellings and convert the grain store to garaging (03/00125/FUL) was refused permission in March 2003.

3.1.4 An application to extend and implement alterations to the farmhouse (03/00992/FUL) was granted permission in February 2004.

3.1.5 An application for Prior Notification under Class R - change of use from agricultural buildings to flexible commercial use (18/00279/P3MPA) was granted approval in June 2018. This related to two buildings on site, two parts of a large barn and one separate smaller barn, changing to an office (Class B1) and storage (Class B8) use.

3.1.6 An application for Prior Notification under Class Q - Change of use of agricultural barn to residential development comprising five dwellings (18/00270/PMBPA) was granted approval in June 2018. This related to part of the large barn.

### 3.2 South of the site

3.2.1 An application to develop the land to the south of Common Lane as a golf course with ancillary facilities (93 ha) (90/00811/FUL) was refused permission in September 1990.

3.2.2 An application to convert barns and outbuildings to form three residential units (01/00949/FUL) was granted permission in February 2002.

3.2.3 An application to convert the barns and outbuildings to the south of the site to form three residential units, including variation of condition 8 on the previous permission (01/00949/FUL) relating to the creation of additional windows (revised scheme) (04/00857/FUL) was granted permission in December 2004.

3.2.4 An application to construct a balcony (07/00339/FUL) was granted permission in June 2007 (building to south east of site).

## 4 Policy Context

### 4.1 **National policy**

4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

4.1.2 Paragraph 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 105 states if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

4.1.3 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be

sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.

4.1.4 Paragraph 134 states that the Green Belt serves five purposes which includes to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and limited infilling in villages.

4.1.5 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

## 4.2 **Broxtowe Aligned Core Strategy**

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

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 3 'The Green Belt' - summarises the purpose of the Nottingham and Derby Green Belt.

4.2.4 Policy 8 'Housing Size, Mix and Choice' - outlines that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes.

4.2.5 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

4.2.6 Policy 17 'Biodiversity' - explains that new development should provide new biodiversity features which protect and improve existing biodiversity features wherever appropriate.

## 4.3 **Saved Policies of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy E8 'Development in the Green Belt' - states that permission will not be granted for development except where it constitutes appropriate development.

4.3.3 Policy E29 'Contaminated Land' - explains that development of land which may be contaminated may not take place unless a site investigation to assess the degree and nature has taken place, details of remedial measures have been approved, there is no significant risk to health and safety to occupants of the land and there is no contamination to any surface water, groundwater or adjacent land.

4.3.4 Policy T11 'Guidance for parking provision' - new development will not be permitted unless appropriate provision is made for vehicle parking and servicing.

#### 4.4 **Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 10 no. representations in relation to Policy 8, 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policy 17, 4 no. representations in relation to Policy 19 and 7 no. representations in relation to Policy 31. Given that there remain outstanding objections to Policies 8, 15, 17, 19 and 31 with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.

4.4.2 Draft Policy 8 'Development in the Green Belt' - states that applications for development in the Green Belt will be determined in accordance with the NPPF.

4.4.3 Draft Policy 15 'Housing size, mix and choice' - developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met.

4.4.4 Draft Policy 17 'Place-Making, Design and Amenity' - states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area, integrates well into its surroundings, provides, or is close to community facilities, has sufficient, well-integrated parking and incorporates ecologically sensitive design, with a high standard of planting and features for biodiversity.

4.4.5 Draft Policy 19 'Pollution, Hazardous Substances and Ground Conditions' - development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.

4.4.6 Draft Policy 31 'Biodiversity Assets' - permission will not be granted for development that results in any harm to a Biodiversity Asset, unless the benefits of the development are clearly shown to outweigh the harm.

## 5 Consultations

5.1 Severn Trent Water has advised that foul sewerage would be subject to a sewer connection approval and that surface water is proposed to discharge into soakaways and therefore have no comments to make in regards to this.

- 5.2 Nottinghamshire County Council as Highways Authority has no objection subject to a precommencement condition that requires improvements to visibility are undertaken at the junction of Chilwell Lane/Common Lane, passing places are constructed on Common Lane, and the bend is widened on Common Lane.
- 5.3 The Environmental Health Officer has no objection subject to a precommencement condition in relation to contaminated land.
- 5.4 The Nottinghamshire Wildlife Trust has advised that the methodology used is satisfactory and there is no expectation the proposed development would have a negative impact on protected species providing the recommendations in the report are carried out.
- 5.5 The Environment and Business Development Manager has advised on the requirements for waste and recycling.
- 5.6 The Coal Authority advises if the application were to be granted permission, standing advice should be applied in the interests of public health and safety.
- 5.7 A site notice and amended site notice were posted and three neighbouring properties were consulted. Two responses were received, one objecting and one making observations in relation to the first set of plans. One objection was received in relation to the amended plans. Comments received can be summarised as follows:
- New dwellings should reflect the design and agricultural appearance of existing barns and farmhouse and not detract from these
  - Significant loss of privacy due to the gradient of the land
  - Should ensure that no existing properties are overlooked
  - Plot 4 will in particular cause a loss of privacy into main garden
  - Development would mean triple the amount of cars passing houses to the south of site
  - Access is difficult along Common Lane and three 'pinch points' need to be addressed for the safety of dog walkers and pedestrians.
  - No access for two cars when turning into Chilwell Lane, there is a long section passing the scout field with no passing point with poor visibility and at the bottom of the hill is a difficult corner with reverse camber which is blind and could be dangerous, especially in winter with ice
  - Increased highway safety concerns due to Common Lane being a single track, potential for collisions and damage to property
  - Common Lane is in a state of disrepair and an increase in traffic is likely to increase damage to road and cause risk to pedestrians and vehicles
  - Noise disturbance from traffic, in particular from the entrance into the site and from construction
  - Increased amount of dwellings will reduce the speed of connectivity for internet
  - Consideration should be given to effect of occupants living so close to a tall phone mast
  - The revised scheme still demonstrates a significant loss of privacy due to the gradient of the land.

## 6 Appraisal

6.1 The main issues to consider as part of this application relate to whether the proposal of seven dwellings constitutes appropriate development in the Green Belt, whether it would preserve the openness of the Green Belt and the potential very special circumstances relative to development in the Green Belt. Also relevant are amenity, design and highway safety.

## 6.2 Principle and Green Belt

6.2.1 This application proposes residential development on Green Belt land. The construction of new houses within the Green Belt is regarded as inappropriate and it is considered that the scheme would not fall under any of the criteria for appropriate development in Green Belt as listed in the NPPF and under Policy E8 of the Broxtowe Local Plan (2004). The scheme therefore constitutes inappropriate development which by definition is harmful to the Green Belt and should not be approved except in very special circumstances.

## 6.3 Very Special Circumstances

6.3.1 The applicant has submitted a statement of Very Special Circumstances (VSC) which can be summarised as follows below.

- the land is previously developed land and therefore constitutes appropriate redevelopment in accordance with the NPPF
- calculations have been provided that demonstrate the volume of the buildings on site would be reduced by 32.5% if replaced with the proposed seven dwellings and that the spacing between the properties mitigates the overbearing appearance of the site
- the openness of the site will be improved due to the removal of the dilapidated structures
- Landscape and Visual Impact Assessment (LVIA) concludes that the site is visually well contained and has a very small influence on the surrounding area
- Broxtowe Borough Council cannot demonstrate a five year housing land supply.

6.3.2 In response to the above, the NPPF states within the glossary under 'previously developed land' that land which is or was last occupied by agricultural buildings is excluded from this classification and this applies to the application site.

6.3.3 The calculations provided demonstrate there is a reduction in footprint, height and volume and from the information provided, the application would result in a reduction in the volume of buildings of approximately 10%. Although it is acknowledged the volume is reduced, agricultural structures such as those on the site are commonly seen within rural locations and retain the character of the open countryside. The proposal of domestic dwellings with their associated domestic paraphernalia would be significantly different to the current farm buildings in

terms of materials, appearance and location which would be detrimental to the character of this rural area.

- 6.3.4 Despite the cumulative volume of the new dwellings being less than the existing farm buildings, it is considered the openness of the site would not be improved by the replacement of dilapidated farm buildings with the seven dwellings proposed. The site is currently read as one single space and the proposal of subdividing this land for the purpose of seven dwellings would amount to an encroachment into the countryside. Formalised gardens, the amount of hardstanding, parking and the associated paraphernalia that accompanies residential dwellings would detract from the rural and agricultural character of this location. The harm that this can cause was considered in recent case law (*Gould v East Dorset District Council* [2018] EWCA Civ 141). In this case it was decided that the replacement of a detached workshop with a two bedroom holiday accommodation unit would prove harmful to the openness of the Green Belt despite a reduction in footprint. Although each application needs to be determined on its merits, this case supports the point that the reduction in size of buildings is not in itself reason to support inappropriate development proposals in the Green Belt.
- 6.3.5 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA describes the topography and main characteristics of the area and outlines key receptors and nearby points of interest such as settlements and Heritage Assets. The report also outlines Landscape Character Areas such as Bramcote Wooded Hills and the Beeston and Stapleford Urban Fringe. The report outlines that the development would have limited impact on these landscape areas and that visually, the impact would be minimal, particularly if existing hedgerows are maintained and supplemented. The LVIA outlines that suitable conditions requiring a landscape scheme and landscape management plan could be attached to mitigate the impact of the development.
- 6.3.6 The report does not assess or comment on the difference between the visual appearance of the agricultural buildings compared to more 'suburban' buildings in this location despite outlining that this area has a general 'arable farming character' to it. Furthermore, although the LVIA may conclude the visual impact is minimal; this does not outweigh the argument that the proposal represents inappropriate development within the Green Belt and the change in built form is significantly different.
- 6.3.7 It is acknowledged that the Council cannot demonstrate a five year housing land supply. In accordance with Section 2 of the NPPF, this means that for decision making, permission should be granted for applications unless there is a clear reason for refusal (including land designated as Green Belt) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered the provision of seven dwellings would not significantly contribute to housing supply so as to outweigh the harm caused to the openness of the Green Belt. In the case of *Neal and Sons v South Cambridgeshire District Council* [2016] ref: APP/W0530/W/16/3142834 the Inspector stated '*the provision of eight houses towards the Council' shortfall in its five year housing land supply should be afforded limited weight but would not, on its own constitute the very special circumstances necessary to outweigh the harm caused by the*

*inappropriate development in the Green Belt.* The same principle is considered to apply in respect of this application.

6.3.8 To conclude, it is considered that the applicant has not demonstrated very special circumstances and the proposal of seven dwellings would represent inappropriate development in the Green Belt that would have a detrimental impact on openness.

#### 6.4 Fall-back position

6.4.1 The site has received prior approval under Class R to change the use of two parts of a large barn and one separate smaller barn to a flexible commercial use (18/00279/P3MPA) and prior approval under Class Q to change the use of part of the large agricultural barn into five dwellings (18/00270/PMBPA) (see history section). The applicant has stated that this is a fall-back position that should be afforded significant weight in determining this application. The applicant has referenced recent case law (Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314) which will be discussed below.

6.4.2 An existing planning permission, permitted development rights and the existing use of a site are all examples of possible fall-back options that could be taken into account when deciding whether or not to grant planning permission. In the case of Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314, a barn was authorised to be converted into three residential dwellings subject to a combined floorspace limit of up to 450sqm under Class Q of the General Permitted Development Order 2015 (as amended). Thus meaning that including the existing bungalow on site, there could be four residential dwellings on site pursuant to prior approval being granted under Class Q. Planning permission was granted for four dwellings as the Council considered that use of permitted development rights would be visually detrimental to the site and that by granting planning permission, there was an opportunity for a more comprehensive and coherent redevelopment of the site. The appeal was made by a member of the public challenging the view the Council had taken on the fall-back position. The appeal was dismissed and it was concluded that the use of the fall-back position by Tonbridge and Malling Borough Council had been fairly applied and could be considered as a material planning consideration.

6.4.3 The applicant has argued that the fall-back position in regards to prior approval being granted under Classes Q and R of the General Permitted Development Order 2015 (as amended) can be afforded significant weight in determining this application. However, in relation to the aforementioned case as referenced by the applicant, the site was not located in a Green Belt location and the application was not for additional dwellings. This proposal fails the relevant NPPF tests for appropriate development in the Green Belt and the fall-back position is for a smaller residential scheme (five dwellings). It is also relevant that the fall-back position is for the conversion of agricultural buildings, and were this fall-back position to be implemented, this would not result in the same harm to the openness of the Green Belt or to the rural character of the area when compared to this application proposal (see paragraph 6.3.4). Therefore, the use of this argument is not significant enough in providing planning weight to determining this application positively. Two previous planning applications for dwellings have

been refused on this site and insufficient evidence has been presented by the applicant that suggests this application should be viewed differently. Furthermore, it has been suggested by the applicant that the disturbance and amount of traffic created by changing the use of the farm under Class R would be significantly greater than that caused by seven dwellings. However, no evidence has been provided to suggest there would be an increased amount of traffic associated with the site if developed under Class R in comparison to the traffic created from seven dwellings. Therefore, it is considered that the fall-back position can only be afforded limited weight.

## 6.5 History

- 6.5.1 Whilst it has been acknowledged that prior approval has been issued for five dwellings under Class Q and an industrial use under Class R of the General Permitted Development Order 2015 (as amended), three additional applications for residential development (relevant to this application) have been made in relation to this site which will be discussed below.
- 6.5.2 An application to convert the barns and outbuildings to seven residential units (01/00729/FUL) was refused permission in November 2001. It was concluded that the buildings would constitute inappropriate development within the Green Belt and that very special circumstances were not demonstrated. The design was considered to adequately conserve the character of the existing buildings. Furthermore, the application was also refused on the amount of traffic generated along Common Lane (narrow and unlit) and poor visibility at the junction with Chilwell Lane.
- 6.5.3 An application to convert barns and outbuildings to form three residential dwellings (01/00949/FUL) was granted permission in February 2002. This application was granted permission as the proposal was considered to be a sympathetic conversion that did not involve any extensions to the existing buildings and retained the original character of the buildings.
- 6.5.4 An application to convert a hay store to two dwellings and convert a grain store to garaging (03/00125/FUL) was refused permission in March 2003. It was concluded that the structures proposed for conversion to residential use were neither permanent, substantial or worthy of retention on the basis of any architectural or historical value and that the conversion would likely result in a small proportion of the original buildings left. It was concluded the proposed development constituted inappropriate development in the Green Belt.
- 6.5.5 To conclude, the only application that has received planning permission was for a scheme that sympathetically converted an existing building and did not extend the built form. Both the other schemes proposed were refused as it was considered that they constituted inappropriate development in the Green Belt, with one refused on highway grounds.
- 6.5.6 Whilst a substantial amount of time has elapsed since these planning applications were submitted, and planning policies have been updated and amended, the main principles of Green Belt policy remain the same and are still relevant in the determination of this planning application.

## 6.6 Amenity, Design and Layout

- 6.6.1 It is considered the dwellings provide an acceptable amount of amenity by providing sufficient outlook from primary rooms, an acceptable amount of garden space and acceptable separation distance from each other. It is considered the properties do not overlook each other to a detrimental level.
- 6.6.2 Whilst it is acknowledged the site is at a higher level than properties to the south, it is considered there is sufficient separation distance (minimum of approximately 27m) that there would not be an unacceptable amount of overlooking or detrimental impact on the privacy of surrounding neighbours. Plots 4 and 5 have south facing rear gardens and beyond this is an intervening path then the rear gardens of Hayloft Barn and Dairy Barn beyond this. Plots 6 and 7 are north of a stable which is not in residential use. It is considered there is an acceptable separation distance proposed between the new and existing properties.
- 6.6.3 It is considered the proposed design raises a number of concerns which were not addressed during the course of the application. The design of the dwellings are considered to be unsuitable for this rural location and would be more appropriate in a suburban setting. Dwellings within this location should respond to the existing character and be respectful of their setting and surroundings. Whilst it is acknowledged that a number of changes have been implemented to improve the design of the dwellings (see paragraph 1.2), this does not overcome the overall concerns raised. It was advised that the dwellings appeared large and boxy and the footprint should be reduced in size but the applicant did not agree and this change was not implemented. To conclude, insufficient amendments have been implemented to this development and the character of the proposed dwellings is not something typically seen in a location such as this, therefore the proposed dwellings would be incongruous in this setting and harmful to the character of the surrounding area.
- 6.6.4 The materials have not been stated on the plans, but on the application form, it is stated that bricks and plain clay tiles will be used. If permission was granted, further details of the materials could be addressed with a pre-commencement condition advising samples are provided in advance of the development starting.
- 6.6.5 The layout of the proposed dwellings is considered to be functional to serve the purpose of the dwellings and represents a uniform, suburban layout as opposed to a more unplanned/rural character that is more commonly seen with converted farm buildings. The layout would benefit from more variety in this rural location which responds to the character of the buildings to the south. It is considered there is an unnecessary amount of hardstanding which diminishes the appearance of the site. However, it is considered the layout of the development is not so poor as to warrant a reason for refusal.

## 6.7 Highways

- 6.7.1 The Highways Authority have raised no objection to the proposal but recommended a precommencement condition. The condition requires that improvements to visibility are undertaken at the junction of Chilwell

Lane/Common Lane, and passing places are created and a section of bend is widened on Common Lane. The applicant has provided information which suggests these matters can be addressed. The Highways Authority are satisfied with the information provided but have still recommended that the precommencement condition remains. This is to ensure that there is a real prospect of the works being carried out before development commences.

6.7.2 Whilst it is acknowledged that Common Lane is more reflective of a country lane, the Highways Authority have suggested a condition to improve the safety of this lane (outlined above) which is considered acceptable. The Highways Authority have not highlighted the state of the road and potential damage of additional cars travelling along it as significant issues. Any concerns with regards to highway safety or the state of the road should be directed to the Highways Authority.

6.7.3 It is considered the noise and disturbance created from additional traffic created by seven dwellings would not be to a detrimental level experienced by neighbours that would warrant refusal.

## 6.8 Consultation Responses

6.8.1 Severn Trent Water has advised that foul sewerage would be subject to a sewer connection approval and that surface water is proposed to discharge into soakaways and therefore have no comments to make in regards to this.

6.8.2 Environmental Health have recommended a pre-commencement condition requesting an investigative survey is carried out addressing potential ground and water contamination, potential for gas emissions and any associated risk to the public, buildings and/or the environment. A contamination report has been submitted to Environmental Health and a further request has been made for a remediation method statement. The pre-commencement condition would therefore still be required if permission was granted.

## 6.9 Protected Species

6.9.1 A protected species survey has been submitted in relation to bats and breeding birds. The report concludes that both barns are of low to negligible risk of supporting roosting bats and that no evidence of bats were found on site. In relation to breeding birds, the report concludes there is a potential for nesting birds within boundary vegetation and that a precautionary approach should be adopted to ensure any works remain lawful (which is provided within the report). The Nottinghamshire Wildlife Trust has advised that the methodology used is satisfactory and there is no expectation the proposed development would have a negative impact on protected species providing the recommendations in the report are carried out.

## 6.10 Other

6.10.1 The impact this development could have on the internet connectivity or the impact the existing telephone mast could have on future occupants are not planning matters that can be taken into consideration with this application.

6.10.2 A degree of noise and disturbance would be expected from construction works and anything that is considered to be excessive should be dealt with by Environmental Health.

6.10.3 The applicant provided an additional statement as a late item when this application was reported to February's Planning Committee. The statement includes that the case law within paragraph 6.3.4 did not benefit from the 'fall-back' position and that in paragraph 6.3.7 relates to mobile storage containers and not permanent buildings. Furthermore, the case referenced in paragraph 6.4 was decided by The Court of Appeal and paragraph 6.5 refers to refused planning applications where planning policies would have changed since the decision was made. A reference was made to an application that was granted approval for 14 new build dwellings to replace farm buildings within Gedling Borough Council (reference 2016/0306). In response to these comments, it is considered that the report clearly identifies the fundamental concerns with this application and has referenced relevant case law. The process of recommending a refusal of this application has been done so in line with national planning policy and the Council's policies, and it is considered the case law referenced within the report supports this.

## 7. Conclusion

7.1 To conclude, it is considered the proposal of seven dwellings would constitute inappropriate development and therefore by definition would be harmful to the Green Belt. Furthermore, it is concluded there would be an unacceptable impact on openness which is the essential characteristic of Green Belt. It is considered that no very special circumstances have been demonstrated which would clearly outweigh the potential harm to the Green Belt. Additionally, the design of the proposed dwellings fails to adequately conserve the rural character of the surrounding area and subsequently reduces the openness of the Green Belt. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategy 2014, Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 'Protecting Green Belt Land' of the NPPF 2018.

## Recommendation

**The Committee is asked to RESOLVE that planning permission be refused for the following reasons:**

- 1. The application site lies within the Nottinghamshire Green Belt and the proposal of seven dwellings would constitute inappropriate development and therefore by definition would be harmful to the Green Belt. Furthermore, it is concluded there would be an unacceptable impact on openness which is the essential characteristic of the Green Belt. It is considered that very special circumstances have not been demonstrated and there are no other considerations which would clearly outweigh the policy conflict and by definition, the harm to the Green Belt. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 10 of the Broxtowe Aligned Core Strategy 2014, Policy 8 of the Draft Part 2 Local Plan**

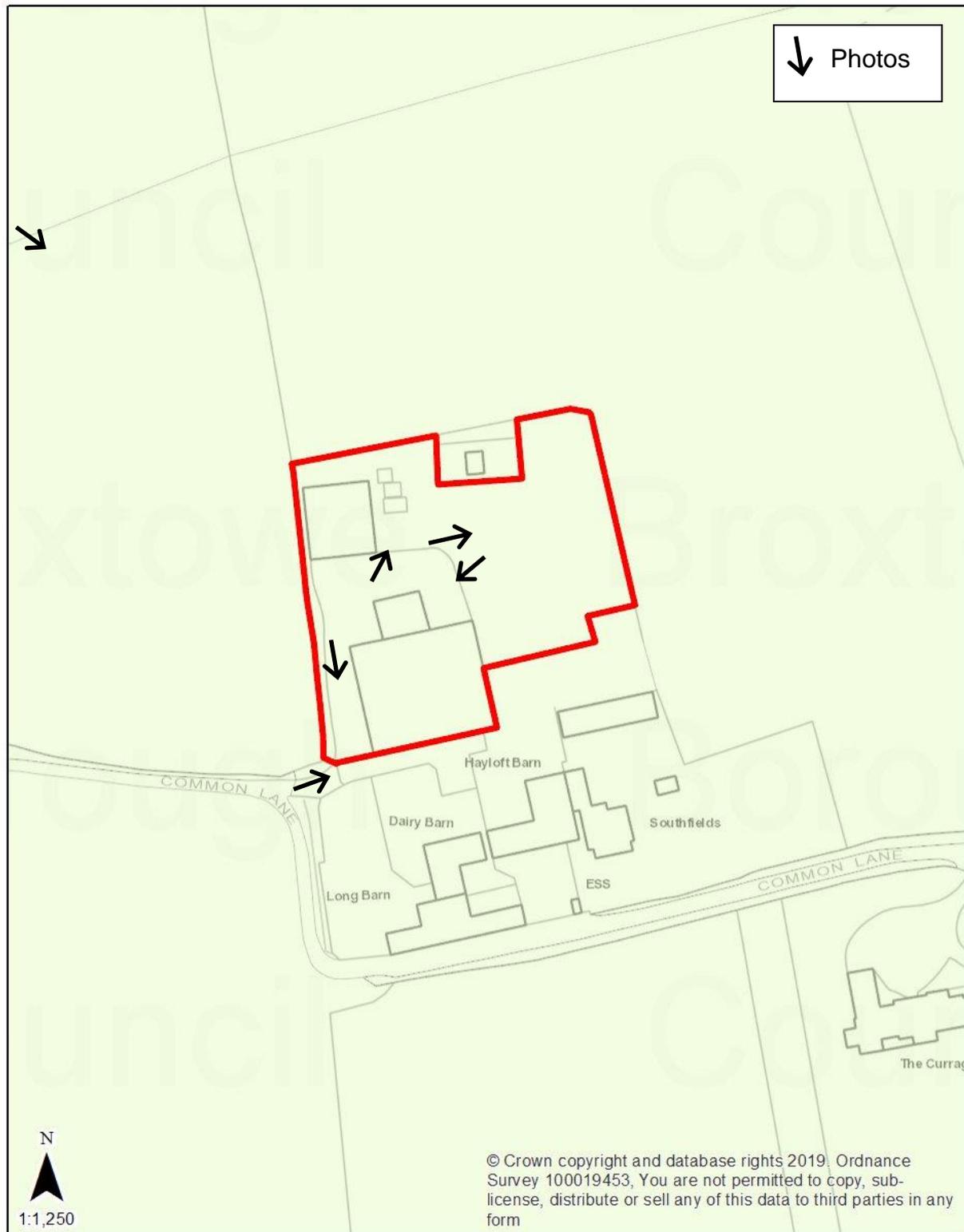
**(2018) and Section 13 of the National Planning Policy Framework (NPPF) 2018.**

- 2. The proposed dwellings represent a suburban character which is out of keeping with the rural character of the surrounding area. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 10 of the Broxtowe Aligned Core Strategy 2014, Policies 8 and 17 of the Draft Part 2 Local Plan (2018) and Section 13 of the NPPF 2018.**

**Note to applicant**

**The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.**

Background papers  
Application case file



**Legend**

 Site

 Green Belt (Local Plan)