

## Report of the Interim Chief Executive

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| <b>APPLICATION NUMBER:</b> | <b>25/00540/FUL</b>   |
| <b>LOCATION:</b>           | <b>Land To The North Of 25 Nether Green<br/>Eastwood<br/>Nottinghamshire<br/>NG16 3DW</b> |
| <b>PROPOSAL:</b>           | <b>Construct detached dwelling</b>  |

The application is brought to the Committee at request of Councillor Radulovic.

**1. Purpose of the Report**

- 1.1 The application seeks full planning permission for the construction of a two-storey two bedroom dwelling within the garden area of 25 Nether Green, shared off road parking and alteration of the existing vehicular access at 25 Nether Green Eastwood.

**2. Recommendation**

The Committee is asked to **RESOLVE** that planning permission be refused as it is considered that the proposal would have a detrimental impact on the openness of the Green Belt.

**3. Details**

- 3.1 The application seeks full planning permission to construct a detached two storey dwelling within the garden area of 25 Nether Green Eastwood. The existing access serving 25 Nether Green is proposed to be altered to accommodate the additional dwelling and the existing parking is to be altered to create 4 parking spaces, two for the proposed dwelling and two for 25 Nether Green.
- 3.2 The detached dwelling is proposed to be located to the north east of the plot behind Brinsley Brook, that runs through the site north to south, and access to the proposed dwelling is via a wooden pedestrian bridge spanning over Brinsley Brook. To facilitate the dwelling there would be removal of three buildings within the garden area.
- 3.3 The proposed dwelling is to be constructed using imperial handmade rustic red clay bricks, grey roof tiles with detailed brick arches over the head of the windows. The application has been submitted as a self-build so exempt from Biodiversity Net Gain.
- 3.4 The site lies within the Nottinghamshire Green Belt where Policy 8 of the Part 2 Local Plan states that applications for development in the Green Belt

will be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 154 of the NPPF states that the construction of new buildings as inappropriate in Green Belt unless exceptions apply, specifically limited infilling in villages. Infilling is defined as being where there is built development on each side of the site and not open countryside.

- 3.5 It is considered the site is not an infill parcel of land within a village and so the proposal to create a two storey detached dwelling with off road parking would not comply with paragraph 154 e) of the NPPF and Policy 8 of the Part 2 Local Plan.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7 Background papers

None.

**APPENDIX****1. Details of the application**

- 1.1 This application seeks permission to construct a two storey detached two-bedroom dwelling, with a ensuite/dressing room the size of a third bedroom within the garden area of 25 Nether Green Eastwood. The existing access for 25 Nether Green is proposed to be widened to provide access/egress onto A608 for both 25 Nether Green and the dwelling. The existing parking arrangement is to be amended to create four off road parking spaces, of which two are in line. It should be noted
- 1.2 The dwelling is sited to the north east of the garden area behind Brinsley Brook. The dwelling measures approximately 11.16m in length, 10.37m wide, 3.4m to the eaves and 6.97 to the ridge. There are two porches to the dwelling one to the south and one to the western elevations. There are no land level details provided with the application.
- 1.3 The dwelling will have two bedrooms and family bathroom to the first floor with a large ensuite/dressing room accessed off bedroom 1, the ensuite/dressing room is the size of bedroom 2. To the ground floor is proposed lounge area with bay window, porch leading to a utility area, second porch leading to a hallway and ground floor shower room and kitchen/dining room.
- 1.4 The application form states the roofing material will be imperial handmade rustic red clay bricks, Staffordshire blue/grey rosemary clay roof tiles.
- 1.5 The existing access is proposed to be widened to 5.8m and extend the dropped kerb to be 5.8m with a visibility splay of 47m in both directions. There will be four off road parking spaces within the site, two for the dwelling and two for 25 Nether Green.

**2. Site and surroundings**

- 2.1 The application site is sited on the A608, Nether Green, the main road between Eastwood and Brinsley. The pattern of development along the A608 are traditional dwellings, some of which are terrace dwellings, in a ribbon development arrangement.
- 2.2 To the south of the site lies 25 Nether Green, a traditional end terrace dwelling that has been extended to the rear with a single storey extension. There is a small patio area to the rear and Brinsley Brook cutting through the site separating the dwelling, patio area and parking area to the main garden area, the site.
- 2.3 The site is the main garden area used by 25 Nether Green and is accessed via a wooden bridge, the garden has several structures/shed, there are mature garden with trees, shrubs and hedges to the boundary. To the north and east

of the site are open countryside with land rising east, to the south is 23 to 25 Nether Green and to the west (beyond the A608) is open land/fields.

- 2.4 When approaching the site from the south, from Eastwood, there is a difference in the nature of development being more rural in nature with open field located behind mature hedgerows/trees.

### **3. Relevant Planning History**

- 3.1 In 2021 an application was approved by the Planning Committee, 20/00908/FUL approved 30 July 2021, for a single storey side and single storey rear extension to 25 Nether Green. This permission has since expired and not been implemented.
- 3.2 A further application was approved by Planning Committee for a two storey side extension, 22/00649/FUL approved 12 January 2023 and given a three year time limit to implement. This permission expires 12 January 2026 and has not been implemented .
- 3.3 On the 3 August 2023 an application was granted for prior approval for the construction of a single storey rear extension, extending beyond the rear wall of the original dwelling by 3.52m, with a maximum height of 4m, and an eaves height of 2.20m, 23/00495/PNH refers.
- 3.4 In 2024 planning permission was granted for a detached single garage to the north of the site, between the A608 (main road) and Brinsley Brook following the demolition of detached double garage by a lorry entering land to the north of 25 Nether Green as part of an accident. The extant permission has not been implemented and not annotated on any of the submitted plans. Planning permission expires 29 February 2027.
- 3.5 The applicant requested pre application advice regarding the potential for a dwelling on the garden land of 25 Nether Green, 24/10104/ENQ refers. The pre application advice was provided stating the Local Planning Authority considers a dwelling in the garden area as inappropriate development in the Green Belt and concerns raised regarding the position of the dwelling within the plot and the development along Nether Green.
- 3.6 25/00021/FUL is an identical application as the current application under consideration, for a detached dwelling within the garden area of 25 Nether Green. This application has been held in abeyance at the request of the applicant and at this time is undetermined. The applicant was advised the Local Planning Authority would not be in support of a detached dwelling within the garden area of 25 Nether Green.
- 3.7 25/00270/CLUP refers to a Lawful Development Certificate which was granted for the proposed lawfulness use for single storey outbuilding for uses ancillary to the main dwelling. The application form stated the outbuilding will be used

as a snooker room, home cinema, gymnasium, small secure tool store, and a garden room. The certificate was granted as the proposal complied with The Town and Country Planning (General Permitted Development) (England) Order 2015. The outbuilding has not been implemented but could be implemented.

#### 4. Relevant Policies and Guidance

##### 4.1 **Broxtowe Aligned Core Strategy 2014:**

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 8: Housing, size, mix and choice
- Policy 10: Design and Enhancing Local Identity

##### 4.2 **Part 2 Local Plan 2019**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 8: Development in the Green Belt
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground conditions
- Policy 21: Unstable Land
- Policy 31: Biodiversity Assets

##### 4.3 **National Planning Policy Framework (NPPF) 2024**

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a sufficient supply of homes
- Section 4 - Decision-making
- Section 11 - Making effective Use of Land
- Section 12 - Achieving well-designed places
- Section 13 - Protecting the Green Belt
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

#### 5. Consultations

5.1 **Broxtowe Borough Council - Refuse and Waste** - The Environmental Coordinator has assessed the information and has not raised any objection to the application subject to an informative to ensure the correct bin provision is provided and presented adjacent to the highway on bin collection days.

5.2 **Nottinghamshire County Council Highways Authority** - The Highways Authority has assessed the application on new build house, drawing no: D301-31/05/2024. The Highways Authority has suggested conditions and informatives.

- 5.3 **Ward Councillor Cllr B Bullock** - consulted and stated it appears the applicant is now planning to build a new dwelling rather than the games room that was previously suggested. The access to the site is poor and there are concerns regarding the shared parking arrangement. The applicant has been campaigning for quite some time for speed cameras on that stretch of road and at a point where the shared access would be created the road narrows and there is a slight bend which has resulted in quite a few accidents. Cllr Bullock is opposed to the application on the grounds of road safety and development in Green Belt.
- 5.4 **Eastwood Town Council were consulted** – no comments received on the application.
- 5.5 Two neighbours were consulted on the application and a site notice was displayed. There have not been any comments have been received.

## **6. Assessment**

- 6.1 The main issues for consideration are whether or not the principle of the development is acceptable in the Green Belt, whether access to and from the highway is acceptable, impact on the upon residential amenity, and the design of the proposal.
- 6.2 **Green Belt and Principle of Development**
- 6.2.1 The application site is situated within the Green Belt and therefore the principle of the development is subject to whether or not it complies with local and national Green Belt policy. Broxtowe's Part 2 Local Plan (2019) Policy 8 states that development in the Green Belt will be determined in accordance with the NPPF. Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence and inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.2.2 Paragraph 153 of the NPPF continues 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 resulting from the proposal, is clearly outweighed by other considerations.
- 6.2.3 Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt,



although one exception to this is the limited infilling in villages.

- 6.2.4 The site is not considered to be infilling within Eastwood or Brinsley, as there is only development on one side of the site, to the south, this being the dwelling and garden areas for 23 to 25 Nether Green. To the north lies an area of woodland and fields, to the east is open fields and the opposite side of the road is a mature woodland and then open fields. As such the development cannot be considered as 'infill' given the lack of built development to the north, east and west, within close proximity to the site..
- 6.2.5 It is noted the submitted documentation that the proposed dwelling is a custom/self-build development and this should be given significant weight in determination. There have been a number of appeal decisions where the Planning Inspector considered that the Local Planning Authorities did not grant enough plots for custom/self-build. Moderate weight should also be given to the provision of a single dwelling which contributes to the Council meeting its housing targets.
- 6.2.6 Whether there is sufficient very special circumstances to overcome the harm identified will be considered at the end of the report.

### 6.3 Amenity

- 6.3.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.3.2 To the south of the site lies 25 Nether Green, owned by the applicant. The existing vehicular access is located to the north of 25 Nether Green providing hardstanding for several cars. Given the position of the proposed dwelling and the existing dwelling to the south it is considered that the proposal would not have any significant impact on the living conditions of this dwelling in terms of loss of light, outlook or privacy, subject to a condition securing appropriate boundary treatments.
- 6.3.3 It is considered the proposal would not have any impact on the living conditions of 23-25 Nether Green.

### 6.4 Design and visual amenity

- 6.4.1 Policy 10 of the ACS section 2 states that developments will be assessed in terms of d) massing, scale and proportion and e) materials and style. Policy 17 of the Part 2 Local Plan part 4 a) states that development should be of a size and design that makes a positive contribution to the appearance of the area.
- 6.4.2 The proposed two storey dwelling is to be sited on the north east of the

garden with the habitable rooms windows on all elevations providing views towards open countryside and the garden area.

- 6.4.3 The submitted plans demonstrate a dwelling with traditional features such as arched windows detail, details at the eaves and details around the chimney stack. The proportions of the dwelling are that the dwelling is top heavy with the lower portion of the dwelling being 3.4m and the roof being 3.57m resulting the roof being the dominant feature. The closest dwelling is the row of terrace properties designed to follow the road and a traditional cottage arrangement that is modest in size and proportions.
- 6.4.4 The proposal seeks to use materials that would be in keeping with the area, but the design and bulk and massing along with the proportions would be out of scale with the traditional cottages to the south of the site.
- 6.4.5 The position of the dwelling being set behind Brinsley Brook would be out of character with the pattern of development, ribbon development. It is acknowledged that there are other dwellings set away from the highway, but these developments are either farms or barn conversions, for example barn conversion located west of the site on Cockerhouse Road.
- 6.4.6 The position of the proposed dwelling, being located north east of 25 Nether Green would be viewed as an incongruous addition within the streetscape, and would be considered out of character with the pattern of development within the area and as such fails to comply to Policy 17 of the Part 2 Local Plan and the NPPF.

## 6.5 Highways

- 6.8.1 Paragraph 116 of the NPPF states that development should only be prevented or 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.
- 6.8.2 An objection has been received by Cllr Bullock regarding the application specifically the intensification of the existing access and egress of the site. The concerns have been passed onto Highways Authority and that a speed survey has been requested to ensure the required visibility splays are adequate to enter and exit the site in a safe manor. At the time of writing the report the applicant is currently undertaking the survey and this will be reported in the late background papers.
- 6.8.3 The Highways Authority has assessed all the submitted information and has not raised any objection to the application submit subject to conditions regarding visibility splay and the standard conditions for residential developments.

## 6.9 Biodiversity Net Gain

- 6.9.1 The application is exempt from BNG requirements due to it being self-build application as specified in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

## 7. Planning Balance

- 7.1 The benefits of the proposal would be in the provision of one new dwelling, which would not have a detrimental impact on neighbour amenity. Subject to conditions, the dwelling would not have an impact on highway safety. Significant weight should be given to the provision of a custom-self build property.
- 7.2 Harm has been identified in respect of the development being inappropriate within the Green Belt, having a detrimental impact on the openness of the Green Belt and not being classed as an infill plot. The position of the dwelling south of 25 Nether Green is considered out of character with the area due to the siting being set away from the highway and as a result is considered out of character with the pattern of development within the area. The design and bulk and massing along with the proportions would be out of scale with the traditional dwellings within close proximity to the site.
- 7.3 It is considered that the benefits identified are not sufficient to be considered as very special circumstances to outweigh the harm caused by the inappropriate development and harm to the openness of the Green Belt and the site is not considered to be an infill site and therefore the application should be refused on this basis.

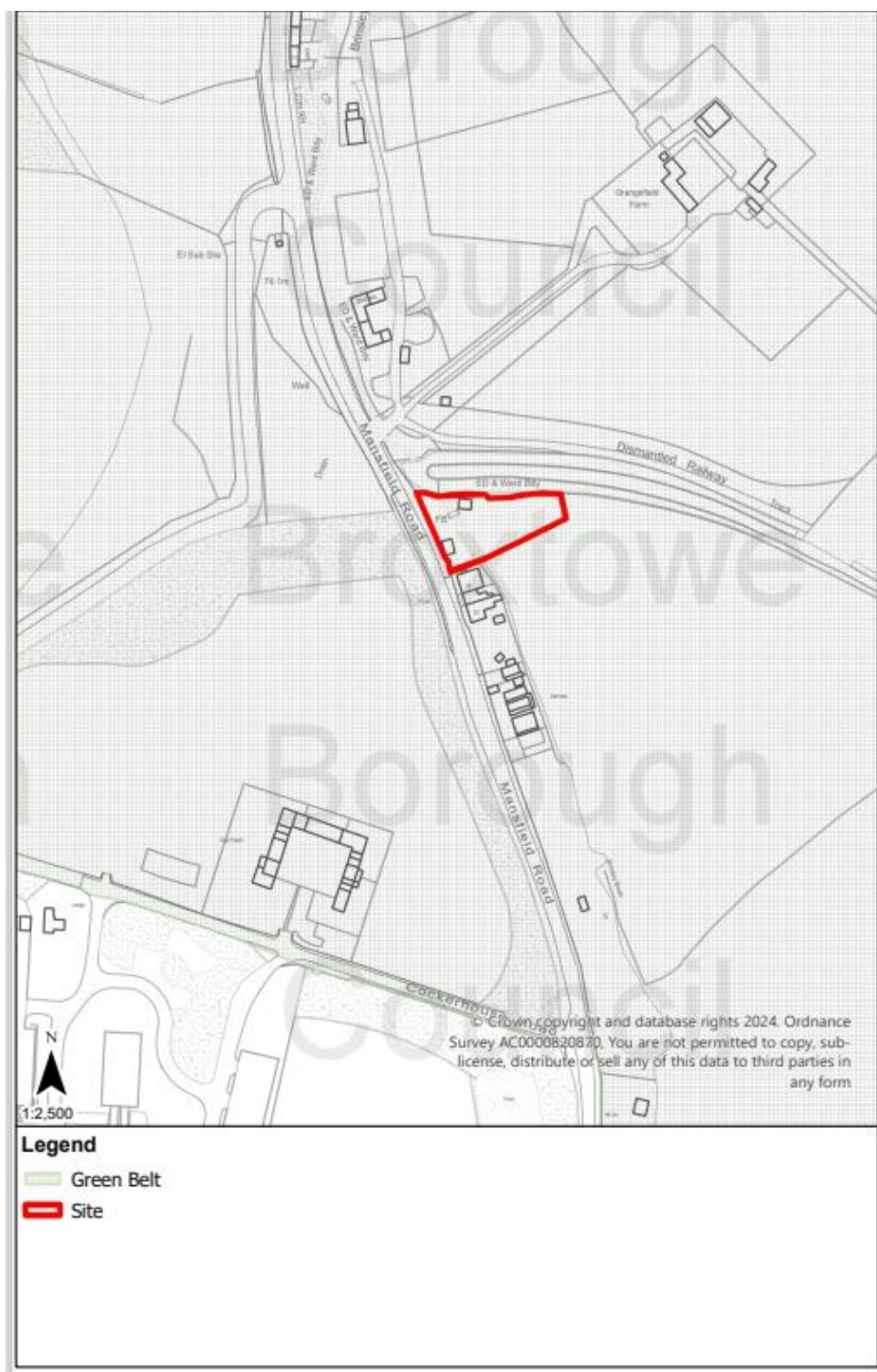
## 8. Conclusion

- 8.1 The proposal is considered to be inappropriate development that is harmful to the openness of the Green Belt.

| Recommendation  |   |
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| <b>The Committee is asked to RESOLVE that planning permission be REFUSED for the following reasons:</b> |   |
| <b>1.</b>   | <b>The site lies within the Nottinghamshire Green Belt, where in accordance with paragraph 152 of the NPPF, inappropriate development is by definition harmful and should not be approved except in very special circumstances. The proposal constitutes inappropriate development as the detached dwelling would not be classed as an infill development and as a result would have a detrimental impact on the openness of the Green Belt. There have been no special circumstances demonstrated and the proposal is therefore contrary to Policy</b> |

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|    | <b>8 of the Broxtowe Part 2 Local Plan (2019) the National Planning Policy Framework (2024) and there are no other material considerations that justify treating this proposal as an exception.</b>  |
| 2. | <b>The position of the proposed dwelling north east of 25 Nether Green is considered out of character with the area due to the context, where it would be viewed as an incongruous addition within the streetscape, and as a result is considered out of character with the pattern of development within the area and as such fails to comply to Policy 17 of the Part 2 Local Plan and the NPPF.</b> |
|    | <b>NOTES TO APPLICANT</b>  |
| 1. | <b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale, allowing an Extension of Time to overcome the objections from consultees.</b>   |

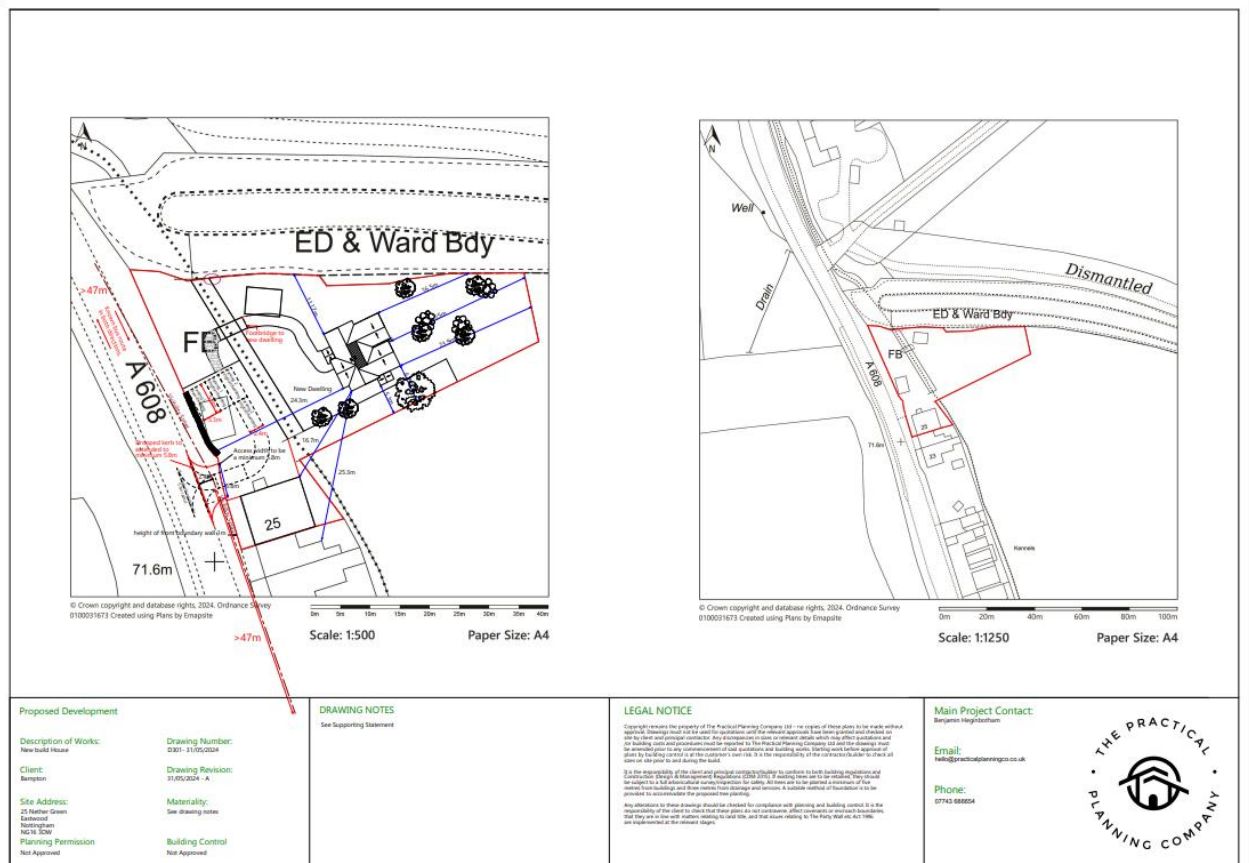
# Map



### Plans (not to scale)



Proposed floor plans, elevations and street scene



Proposed block plan, visibility splay and site plan