

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>19/00333/FUL</b>
<b>LOCATION:</b>	<b>SOUTHFIELDS FARM, COMMON LANE, BRAMCOTE, NOTTINGHAMSHIRE, NG9 3DT</b>
<b>PROPOSAL:</b>	<b>CONSTRUCT 5 DWELLINGS (REVISED SCHEME)</b>

This application shall be determined by the Committee as the Committee considered a similar scheme recently and would constitute a material departure from policy.

1 Executive Summary

- 1.1 The application seeks permission to demolish the agricultural buildings on site and construct five new houses with attached garages. This is a revised application from the previously submitted application for seven dwellings which was refused in March 2019 at planning committee (see history section).
- 1.2 The site is set within the Nottinghamshire Green Belt where there is a presumption against inappropriate development and development should not be approved except in very special circumstances.
- 1.3 The main issues relate to whether or not the very special circumstances have been demonstrated which outweigh the harm of the proposed dwellings to the Green Belt including the impact on openness, if there would be harm to the character and appearance of the surrounding Green Belt, the fall-back position and whether there would be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal would mean five additional family homes replacing large agricultural buildings which have deteriorated in appearance over recent years. However, the construction of new houses within the Green Belt would not fall into any of the categories for appropriate development in Green Belt as listed in the NPPF (2019) and 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.
- 1.5 The applicant has put forward the case that conversion works for five dwellings and an employment reuse of the building on site could be undertaken under permitted development and that this would lead to more vehicle movements and more disturbance to neighbours compared to the current proposal. It is also considered by the applicant that the current application proposal relates to a reduced built form and a visual improvement. These points are considered by officers to fall short of demonstrating very special circumstances necessary to approve inappropriate development in the Green Belt.
- 1.6 The Committee is asked to resolve that planning permission be refused for the reason specified in the appendix.

## APPENDIX

1 Details of the Application

- 1.1 The application seeks permission to demolish the agricultural buildings on site and construct five, two storey dwellings with attached garages. Each dwelling will have 4 car parking spaces consisting of two spaces on the driveway and two in the garage. At ground floor level, each dwelling will have a kitchen/dining room, living room, either a WC or shower room and some dwellings will have a utility room and/or office. At first floor level, each dwelling will have four or five bedrooms, a bathroom and either two or three en-suites. Each dwelling will have a private garden. The dwellings will reflect a traditional design and will have gable roofs and be constructed from red bricks to match the nearby barns which have been historically converted into residential dwellings and slate roof material. A mixture of brick detailing, conservation style roof lights, chimneys and side hung timber garage doors are proposed. The layout of the proposed dwellings loosely resembles a 'horseshoe' shape.
- 1.2 The ridge height of the dwellings will range from a minimum height of 8m to a maximum height of 9.3m. The attached garages will have gable roofs and will be a maximum height of 5.7m.
- 1.3 A Design and Access Statement, Geo-Environmental Survey, Protected Species Survey and plan indicating off-site highway improvements (F18099/03 Rev A) were submitted as part of the application.

2 Site and surroundings

- 2.1 Southfields Farm is located north of Common Lane in Bramcote within the Nottinghamshire Green Belt and the site area is 0.4ha. There are two large agricultural buildings and a grain silo within the farm yard. The site is generally used for storage with access from Common Lane to the south west. Immediately south of the site is Southfields Farmhouse and three brick barn conversions which comprise 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 History3.1 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.
- 3.1.7 An application to construct seven dwellings, including associated access road, garaging, parking and landscaping (18/00628/FUL) was refused permission in March 2019 at planning committee.

### 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 Relevant Policies and Guidance

### 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 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: Green Belt
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 17: Biodiversity

## 4.2 **Saved Policies of the Broxtowe Local Plan (2004):**

4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E8: Development in the Green Belt
- Policy E29 Contaminated Land
- Policy T11: Guidance for Parking Provision

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

4.3.1 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 Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 17, 19 and 31 but has suggested changes to other policies, including Policies 8 and 15. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 17, 19 and 31 can now be afforded moderate weight, with Policies 8 and 15 being afforded limited weight.

- 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 31: Biodiversity Assets

## 4.4 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 11 – Making effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 13 – Protecting Green Belt Land

## 5 Consultations

5.1 **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.

5.2 **Council's Environmental Health Officer:** no objection subject to a precommencement condition in relation to contaminated land

5.3 **Council's Tree Officer:** raises no objection.

5.4 **Council's Waste and Recycling Manager:** raises no objection and has advised on the requirements for waste and recycling. Advises that a refuse vehicle would not drive over a bridleway or enter a private road (if the road into the site is

unadopted). Therefore, refuse bins would be required to be placed within 10m of Common Lane on collection day.

5.5 **Nottinghamshire County Council as Highways Authority:** **Awaiting comments**

5.6 **Severn Trent Water:** no comments received.

5.7 A site notice was posted and three neighbouring properties were consulted. No responses were received.

## 6 Assessment

6.1 The main issues for consideration are whether or not the proposal is appropriate development in the Green Belt, the design and appearance of the dwellings and whether there will be an unacceptable impact on neighbour amenity.

### 6.2 **Principle and Green Belt**

6.2.1 Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that '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. 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 into any of the categories of appropriate development in Green Belt as listed in the NPPF and 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 A statement of Very Special Circumstances (VSC) has been submitted within the Design and Access Statement and can be summarised as follows:

- The proposal of residential dwellings is in the same use class approved under Class Q (18/00270/PMBPA) and offers a 16% reduction in built form on the site
- Visual enhancement by the replacement of the inappropriate buildings on site formed by corrugated sheets which are large in scale and mass
- A prior notification application has been approved under Class R for 500m<sup>2</sup> of commercial space (see history section)
- A prior notification application has been approved under Class Q for five dwellings (see history section) and this scheme will be for the same amount of dwellings with a more appropriate 'farmstead' arrangement and design.

6.3.2 In response to the above, the calculations for the reduction in built form of 16% have not been provided and therefore cannot be verified. Assuming the built form has been reduced by this amount, agricultural structures such as those on the site are commonly seen within rural locations such as this and retain the character of

the open countryside. It is considered that the current application is an improvement on the earlier proposal for seven dwellings due to the reduced number of dwellings from seven to five, improvements to the design and materials of the individual dwellings and a more rural layout with the dwellings arranged in a horseshoe shape to create a farmyard effect. However, the proposal of domestic dwellings with their associated domestic paraphernalia would still be significantly different to the current farm buildings in terms of appearance and location which despite the improvements to the scheme from the previous refusal would still introduce additional domestic residential development into a mainly rural environment.

- 6.3.3 Furthermore, assuming the cumulative volume of the new dwellings would be 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 five new dwellings. The site is currently read as one single space and the proposal of subdividing this land for the purpose of five dwellings would amount to an encroachment into the countryside. Formalised gardens, 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.
- 6.3.4 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.
- 6.3.5 The report does not assess or comment on the difference between the visual appearance of the agricultural buildings compared to more residential 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.
- 6.3.6 During the course of application ref: 18/00628/FUL, the applicant previously highlighted that the Council cannot demonstrate a five year housing land supply which is acknowledged. 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 five 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.

- 6.3.7 The agent has stated that the land is previously developed and therefore constitutes appropriate redevelopment in accordance with the NPPF. 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. The application site is not classed as previously developed land.
- 6.3.8 The agent refers to Policy E8 of the Broxtowe Local Plan "Development in the Green Belt" stating that this policy enables extensions and additions provided that it does not result in disproportionate additions over and above the size of the original building and that with this policy as the proposed built form represents a 16% reduction from the buildings currently on site. However, part f of policy E8 refers specifically to extensions, alterations or replacements to existing dwellings not agricultural buildings. Therefore, this argument is not relevant to the current proposal.
- 6.3.9 To conclude, it is considered that very special circumstances have not been demonstrated and the proposal of five 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 stated in the previous application which was refused in March 2019 (18/00628/FUL), that the fall-back position should be afforded significant weight in determining the application. The applicant referred to recent case law (*Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314) which was addressed in the previous application and has been included 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 previously 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) could be afforded significant weight in determining the application. However, in relation to the aforementioned case as referenced by the applicant, whilst it is acknowledged this case is for a like for like replacement of dwellings, the appeal site was not located in a Green Belt location. This proposal fails the relevant NPPF tests for appropriate development in the Green Belt. It is also relevant that the fall-back position is for the conversion of agricultural buildings, and was 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 6.3.3). Therefore, the use of this argument for this application does not provide sufficient planning weight to enable the determination of this application positively. Three 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 was previously suggested by the applicant that the disturbance and amount of traffic created by changing the use of the farm under Class R (storage and office uses proposed) would be significantly greater than that caused by seven dwellings. Although it could be accepted that there would be more traffic generated if developed under Class R in comparison to the traffic created from seven dwellings, this does not overcome the principle of the proposal constituting inappropriate development in the Green Belt. To conclude, it is considered that the fall-back position can only be afforded limited weight.
- 6.4.4 A reference was made by the applicant in the previous application that was granted approval of 14 new build dwellings to replace farm buildings within Gedling Borough Council (reference 2016/0306) and has been referred to again in this application. The agent has expanded on this point and believes this scheme is a visual improvement on the existing buildings which could improve the visual appearance of the countryside as was suggested within the Gedling application. Furthermore, it has been stated that both the Gedling application and this application are both next to existing residential development and that supporting the scheme would not set a precedent due to the specific circumstances that relate to the site. Whilst it is accepted the decision of Gedling Borough Council was to grant permission for 14 houses in the Green Belt, this application is at a different site for a different amount of houses and has been determined by a different local authority. It is accepted that whilst National Policy clearly sets out the parameters for what constitutes inappropriate development in the Green Belt, it is not uncommon for different authorities to take a differing view on this. To conclude, it is considered the example of this application does not set a precedent in relation to this application which has to be determined on its merits in line with Broxtowe Borough Council policy.



6.4.5 The applicant previously highlighted that the case law within paragraph 6.3.3 did not benefit from the 'fall-back' position and that in paragraph 6.3.6 this relates to mobile storage containers and not permanent buildings. Furthermore, the case referenced in paragraph 6.4.2 was decided by The Court of Appeal. 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.

## 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), four 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 nor 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 remaining. It was concluded the proposed development constituted inappropriate development in the Green Belt.

6.5.5 An application to construct seven dwellings, including associated access road, garaging, parking and landscaping (18/00628/FUL) was refused permission in March 2019. It was concluded that the proposal would constitute inappropriate development in the Green Belt and would have an unacceptable impact on openness. Furthermore, it was concluded the dwellings represented a suburban character which was out of keeping with the rural character of the surrounding area.

6.5.6 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. The other schemes proposed were refused as it was considered that they constituted inappropriate development in the Green Belt, with one additionally refused on highway grounds and one additionally on the suburban design.

6.5.7 The applicant previously argued that section 6.5 refers to refused planning applications where planning policies would have changed since the decision was made. Whilst it is accepted that a substantial amount of time has elapsed since some of these planning applications were determined, 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 26m to the nearest residential property) that there would not be an unacceptable amount of overlooking or detrimental impact on the privacy of surrounding neighbours. Plots 1 and 5 do not have windows in the first floor south elevation and there is an intervening path then the rear gardens of Hayloft Barn and Dairy Barn beyond this. Plot 5 is 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 During discussions with the applicant and agent, a number of amendments were requested in regards to the design of the dwellings. It was suggested that the height of the dwellings should be reduced to reflect the previous scheme which had overall heights ranging between 6.9m and 7.3m and that the eaves should have a small overhang. However, the height has not been amended as the agent stated that it is set by the practical heights of floor levels and that the roof pitch is reflective of the same angle as the original farmstead buildings and changing this would unbalance the character of the farmstead design. Furthermore, the agent stated that reducing the eaves height would be an uncommon feature for a building in this farmstead area. It was advised to reposition the first floor windows lower from the eaves and incorporate a brick header above each window which has been incorporated. It was advised for further farmstead detailing to be included in the elevations of the dwellings which has been incorporated. The plans were amended to incorporate a mixture of different roof materials which the agent has stated reflects the hierarchy of farmstead buildings within Nottinghamshire. Slate, rosemary tiles and red clay pantiles are proposed.

6.6.4 During the course of the previous application (18/00628/FUL), a number of concerns were raised by officers in relation to the design and that the dwellings would have been more suitable in a suburban setting. Furthermore, it was raised that the layout of the dwellings represented a uniform, suburban layout. However, it is considered this application has largely addressed these concerns. Whilst it is considered the amendments detailed in paragraph 6.6.3 are subtle, it is considered they are sufficient to reflect more rural character. It is considered the dwellings more closely represent the character of converted farm buildings which reflects the character of

the converted farm buildings to the south of the site. The proposal of brick detailing, a variance in height between the garage and main roofs, timber, side hung garage doors, all contribute to a farmstead appearance. The courtyard style layout is considered to be a significant improvement from the previously refused scheme as this represents a more informal appearance that is reflective of farm buildings and ancillary outbuildings. Furthermore, it is more reflective of the informal layout of the converted buildings to the south of the site.

6.6.5 It is considered the overall design of the dwellings is a significant improvement from the previously refused scheme. The layout represent a more informal appearance, the design is more reflective of farmstead buildings, in particular, the buildings to the south and the scale of the development has been reduced in size by two dwellings. Whilst it is acknowledged there has been a number of requests to the agent to amend the design that have not been incorporated into the scheme, it is considered this would not warrant a refusal in relation to the design.

6.6.6 The plans state a mixture of red facing bricks, slate roof material, rosemary roof tiles, red clay pantiles and timber framed windows will be used. However, if permission was granted, further details of the materials would be required and could be addressed with a pre-commencement condition advising samples are provided in advance of the development starting.

## 6.7 Highways

6.7.1 An off-site highways plan has been provided with this application which was submitted with application (18/00628/FUL). The plan shows three passing places in which cars can pass each other along Common Lane. The applicant has stated that the intention is to upgrade the surface of the road between the end of the tarmac on Common Lane and the site entrance.

## 6.8 Contamination

6.8.1 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.

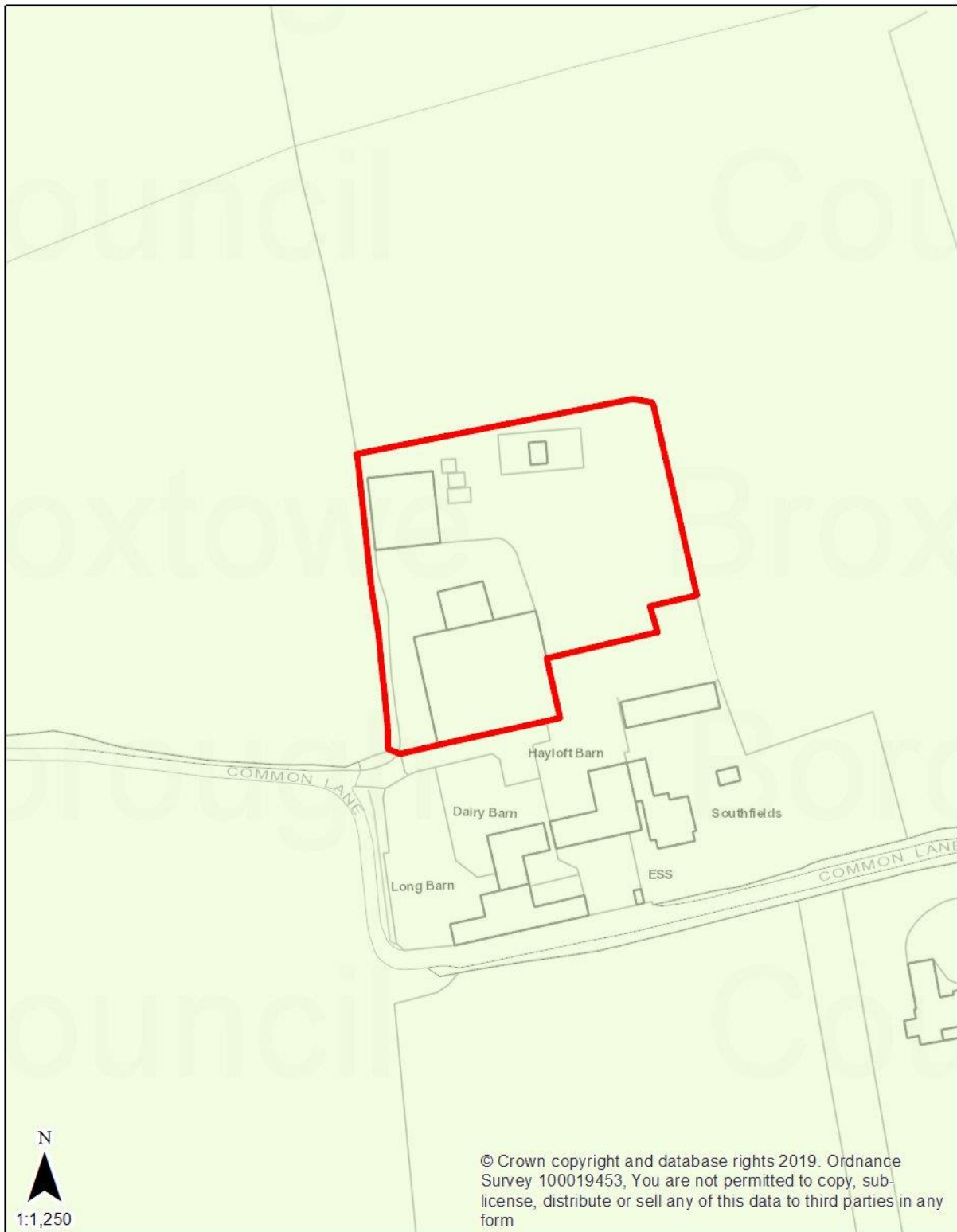
7 Planning Balance

7.1 The benefits of the proposal are that it would provide five additional homes and would support short term benefits such as jobs during the construction of the proposed dwellings. However, although it is acknowledged that this revised scheme is a reduction in two dwellings and is acceptable in relation to reflecting a more rural design, it does not overcome the principle of the application representing inappropriate development in the Green Belt. On balance, it is considered that the benefits of five houses contributing to the Council’s five year housing supply are not outweighed by the harm to the openness that characterises the Green Belt.

8 Conclusion

8.1 To conclude, it is considered the proposal of five 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. The NPPF is clear that the conversion of buildings (including residential) is acceptable but that demolition and rebuild would constitute inappropriate development. Therefore, it is concluded that the proposal of five new dwellings by definition would be harmful in the Green Belt. It is considered that no very special circumstances have been demonstrated which would clearly outweigh the harm to the Green Belt. Furthermore, notwithstanding the improvement in the design and reduction from the previous scheme from seven to five dwellings, no evidence has been provided within this application that suggests the prior approval permission under Class R or Class Q would be implemented. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 ‘Protecting Green Belt Land’ of the NPPF 2019.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be refused subject to the following reason:</b>	
	<b>The application site lies within the Nottinghamshire Green Belt and the proposal of five 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 8 of the Draft Part 2 Local Plan (2018) and Section 13 of the National Planning Policy Framework (NPPF) 2019.</b>



**Legend**

-  Site
-  Green Belt (Local Plan)

**Photographs**

View of Common Lane to the south of entrance to site



View of site entrance facing north east



View of properties to the south of site



View of site facing north west



View of site facing west

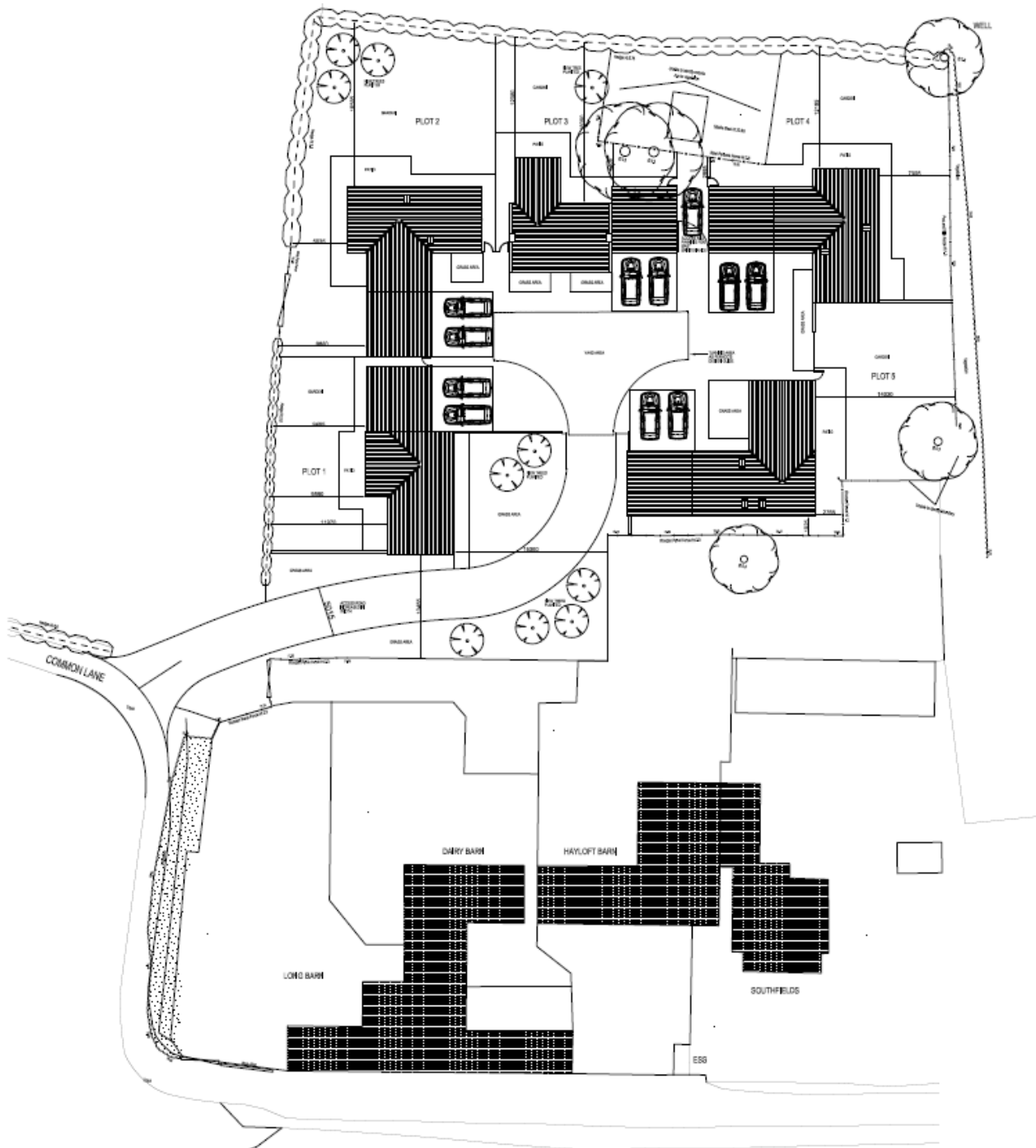


View of site facing north west

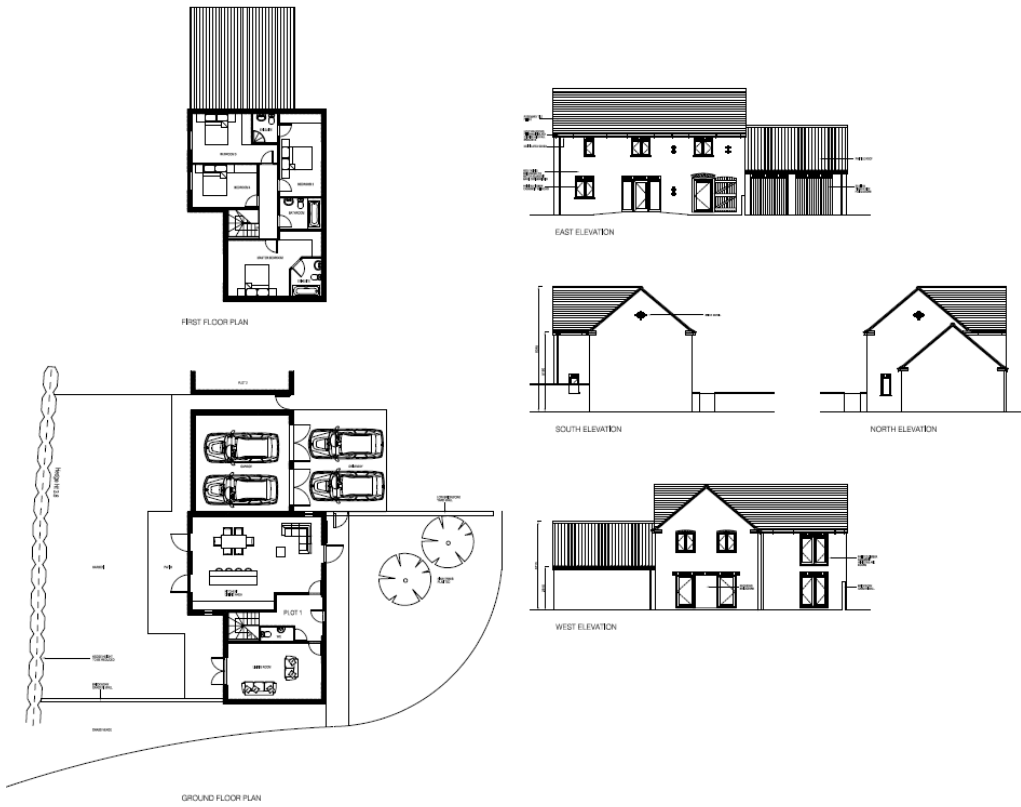


Plans (not to scale)

Block Plan



Example of dwellings (Plot 1)



Example of dwellings (Plot 3)

