

**Report of the Chief Executive**

**Appeal Decision**

<b>APPLICATION NUMBER:</b>	<b>25/00474/PIP</b>
<b>LOCATION:</b>	<b>Ropewalk Farm Anchor Road Langley Mill Heanor Derbyshire NG16 3RU</b>
<b>PROPOSAL:</b>	<b>Construct two storey side extension</b>

**APPEAL DISMISSED**

**RECOMMENDATION BY OFFICER – REFUSAL**

**REASONS FOR REFUSAL –**

1. The application site lies within the Nottinghamshire Green Belt and the proposal of six dwellings would constitute inappropriate development and therefore by definition would be harmful to the Green Belt. In the opinion of the Local Planning Authority the site is not located in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF, and it is therefore considered the proposal would be contrary to paragraph 155 c) of the NPPF.

It is also considered that very special circumstances have not been demonstrated to justify the granting of permission in principle in this instance. The application is as such contrary to the aims of Policies 2, 3, 10, 14 of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and Policies 8 and 1 of the Broxtowe Part 2 Local Plan (2019).

**LEVEL OF DECISION: WRITTEN REPRESENTATIONS**

**Preliminary Matters**

- The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing led development. The permission in principle consent route has two stages. The first establishes whether a site is suitable in-principle and the second (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
- The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application, if permission in principle is granted. I have determined the appeal on this basis.

**Main Issues**

The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, including in respect of the development of grey belt land (with due regard to its location, the proposed land use and the amount of development); and
- Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether Inappropriate Development*

- The appeal site is in the Green Belt. Paragraph 155 of the National Planning Policy Framework (the Framework) sets out that the development of homes in the Green <https://www.gov.uk/planning-inspectorate> Appeal Decision 6002184 Belt should not be regarded as inappropriate where a number of criteria apply. Under the criterion of Paragraph 155(a), the Council accepts that the appeal site can be considered as grey belt land which would not fundamentally undermine the purposes of the Green Belt. Based on what I have seen and read I have no reason to disagree. The Council has confirmed that it does not have a 5-year housing land supply, and the proposal would therefore also comply with paragraph 155(b) of the Framework with regards to unmet need.
- Paragraph 155(c) states that the development should be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Paragraph 110 encourages the management of patterns of growth to support the objectives of promoting sustainable transport. Paragraph 115 requires that in assessing sites, it should be ensured that sustainable transport modes are prioritised taking account of the type of development and its location amongst other things.
- As set out in the appellant's Appeal Statement, there is a bus stop approximately 600m away which provides a regular service including to important urban centres. The evidence also suggests that there are a primary and a secondary school approximately 1-1.4 miles away, which are not unreasonable distances for an edge of settlement site such as this. There are also shops (including supermarkets) and other services within reasonable walking distance. In those terms, the site would be in a sustainable location with good access to services by sustainable means of transport.
- However, the site is accessed by the long lane of Anchor Road which has no pavements or streetlighting and which is bounded by high hedgerows and planting. I also saw that the lane is subject to a Public Spaces Protection (Gating) Order, and there was evidence of anti-social behaviour including fly tipping along the lane. For the great majority of its length, the lane is not overlooked and therefore lacks natural surveillance. The nature of this route

would be likely to deter pedestrian and cycling access from the site to the bus stop and other facilities, particularly during the hours of darkness and the winter months.

- There are alternative routes leading to the site. This includes a route adjacent to a slip-road from the A610 and along the A608, which has a dedicated pavement and streetlighting. However, the initial access from the appeal site to this route would be via the unlit lane and an informal path through trees, and although this is only over a relatively short distance this would be a deterrent to pedestrians and cyclists. This route is also not overlooked by properties, and this lack of natural surveillance would also deter movements along the pavement. Due to the busy nature of the road and high traffic speeds, this route would also not be suitable for those with young children, schoolchildren or cyclists.
- There are alternative routes along a canal tow-path and via a footpath leading to Brook Vale Road. However, these routes raise similar concerns to the access along Anchor Road due to a lack of lighting and surveillance.
- The appellant refers to the fallback position of using the site as a single residential property, builder's yard and for vehicle storage. However, the appeal proposal would represent a significant increase in residential traffic movements compared to the fallback position, and the traffic movements associated with a builders yard and vehicle storage would not be as sensitive to the safety and security concerns of the existing access compared to the proposed residential use. It has also not been <https://www.gov.uk/planning-inspectorate> 2 Appeal Decision 6002184 demonstrated that the fallback position would generate the same volume of traffic movements as the appeal proposal. Although the fallback includes a dwelling and there are also other dwellings close to the appeal site accessed via Anchor Road, due to the issues identified previously regarding the lane it would not be appropriate to increase the amount of residential properties accessed via this lane. The fallback scheme and nearby dwellings do not therefore lead me to a different conclusion on the harm I have identified.
- Within the context of Paragraph 110 of the Framework, the proposal is not a significant development, and I am mindful that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, this does not negate the requirement to actively manage patterns of growth in the interests of promoting sustainable transport or ensure that safe and suitable access to the site can be achieved for all users as required by Paragraph 115.

- The nature of the various routes to the site would deter movements by pedestrians and cyclists, which would result in an over-reliance on the private motor vehicle with significant harm in respect of promoting sustainable transport. Consequently, the proposed dwellings would not be in a sustainable location for the proposed land use and the amount of development proposed, and would not accord with Paragraph 155(c) of the Framework.
- The proposal is not a major development and therefore the criteria of Paragraph 155(d) of the Framework do not apply.
- Drawing the above together, the proposal would not be in a sustainable location having regard to the proposed land use and the amount of development, and would therefore not comply with Paragraph 155 of the Framework. The proposal would therefore be inappropriate development in the Green Belt.
- I have had regard to the benefits of the proposal. It would use previously developed land and would contribute to the supply of dwellings in the area, and it is likely that the site could be developed quickly. Although the net gain in the number of dwellings is limited, given the Council's housing land supply position these benefits carry moderate weight.

### **Other Matters**

- The appellant refers to a planning permission for 14 new dwellings to the north west of the site which was also accessed off Anchor Road and which was granted in March 2020. However, it has not been confirmed that this permission has been lawfully implemented or whether the nature of the access route to the site was the same as the appeal proposal. The appellant has also referred to appeal decisions elsewhere, but it has not been demonstrated that these are a direct parallel to the appeal proposal with regards to the nature of the access to the site, including in respect of anti-social behaviour and natural surveillance. Based on the evidence before me, these matters do not lead me to a different conclusion on the appeal proposal which I have determined on its own merits.

### **Planning Balance and Conclusion**

- The proposal would not comply with paragraph 155 of the Framework regarding the development of grey belt land, and indeed would not meet any of the other <https://www.gov.uk/planning-inspectorate> 3 Appeal Decision 6002184 exceptions to development in the Green Belt set out in the Framework. The proposal would also increase the amount of built development on the site, although given the scale of the proposal and the previously developed nature of the site this would lead to only limited harm to the openness of the Green Belt. The proposal is therefore inappropriate development in the Green Belt. Paragraph 153 of the Framework requires that

substantial weight is given to any harm to the Green Belt, including harm to openness and from inappropriate development.

- The other considerations arising from the proposal would carry no more than moderate weight in favour of the appeal. The Framework requires that inappropriate development in the Green Belt should not be approved except in very special circumstances. The other considerations in respect of this appeal do not clearly outweigh the substantial weight to be given to the harm to the Green Belt that would arise from this inappropriate development as well as the significant harm arising from the poor sustainability of the location. On that basis, very special circumstances to justify the proposal do not exist.
- The proposal would therefore be contrary to the Green Belt, sustainable development and sustainable transport requirements of Policies 2, 3, 10 and 14 of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 8 of the Broxtowe Part 2 Local Plan 2019. The proposal would also be contrary to the Framework in respect of protecting Green Belt land and promoting sustainable transport.
- The Council's reason for refusal also refers to Policy 1 of the Part 2 Local Plan which relates to areas at risk of flooding. However, the appellant states that the site is in Flood Zone 1 at the lowest risk of flooding. Flood risk has also not been referred to as an issue in the Council's reason for refusal. On the basis of the evidence before me, Policy 1 is not relevant to the main issues in this appeal.
- Although the Council cannot demonstrate a 5-year housing land supply, I have found that the policies of the Framework that protect the Green Belt provide a strong reason for refusing the development. On that basis, and in accordance with footnote 7 of the Framework, the 'tilted balance' of paragraph 11(d) of the Framework is not engaged.
- However, even if the tilted balance is engaged, the significant weight I give to the harm to promoting sustainable transport due to the nature of the access to the site and the substantial weight I give to the harm to the Green Belt would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the Framework taken as a whole. This includes having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the

reasons given above, I therefore conclude that the appeal should be dismissed.