

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00193/FUL</b>
<b>LOCATION:</b>	<b>GIN FARM HALL LANE BRINSLEY NOTTINGHAMSHIRE NG16 5BJ</b>
<b>PROPOSAL:</b>	<b>RETAIN BOUNDARY FENCE AND GATE</b>

This application is required to be determined by the Committee as the proposal constitutes a material departure from policy.

1 Executive Summary

- 1.1 This application seeks consent to retain an existing boundary fence and gate which is located adjacent to the main entrance into the site.
- 1.2 The fence and gate have been erected and are required to mitigate against cars being vandalised, security cameras being removed and the dumping of materials on the land due to the sites isolated location.
- 1.3 The proposed fencing and gates are not considered to be harmful to the character of the Green Belt, impact upon residential amenity or have a significant detrimental impact upon highway safety.
- 1.4 Overall, it is considered that the benefits of the proposal are sufficient to amount to the very special circumstances necessary to support inappropriate development in the Green Belt and that planning permission should be granted in line with the resolution contained in the appendix.

## Appendix 1

1 Details of the Application

1.1 This application seeks consent to retain an existing boundary fence and gate which is located adjacent to the main entrance into the site.

2 Site and surroundings

2.1 The application site consists of a variety of farm buildings and associated hardstanding. Directly to the south – east there is a residential property Gin Farm. The site is located within the open countryside and is surrounded by fields.

3 Relevant Planning History

3.1 A Certificate of Existing Lawful Use for one of the existing agricultural buildings being used for B8 Storage purposes is currently pending consideration.

4 Relevant Policies and Guidance4.1 **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 3 – Green Belt
- Policy 10 – Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019**

4.2.1 The Part 2 Local was adopted on 16 October 2019.

- Policy 8 – Development in the Green Belt
- Policy 17 – Place making, design and amenity

4.3 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Part 13 – Protecting Green Belt Land

5 Consultations6.1 **Rights of Way Officer – No objections**

6.2 Site notices were posted around the site during the processing of the planning application, with one letter of objection having been received raising the following concerns:

- Design of the fence
- Fence affecting access road
- Loss of light
- Loss of legal right over the land for maintenance of the property.

## 6 Assessment

6.1 The main issues for consideration are the principle of development and impact upon the character of the Green Belt, impact upon residential amenity and highway safety.

### 6.2 **Principle and Impact on the Green Belt**

6.2.1 Paragraph 144 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 145 states 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, is clearly outweighed by other considerations.

6.2.2 The site is located within an isolated setting and is surrounded by predominantly open fields. The site currently consists of three agricultural barns fronting onto Halls Lane and a further building to the rear. There are three vehicle access points situated leading off Halls Lane.

6.2.3 The NPPF does not identify the erection of a boundary fence as an exception to inappropriate development in the Green Belt. The fence has been erected to the front of the agricultural building located the closest to Gin Farm. The land is within the applicant's ownership and previously served as an open area of grass land. The fence extends out from the front of the barn by approximately 2m and extends along the full frontage of the barn, ending adjacent to the wall of the outbuilding serving the adjacent property Gin Farm. The fence consists of concrete post with close boarded timber panels in between and is painted green, limiting its visual impact. In view of this the design is considered acceptable. The overall height of the fence measures 2.1m. In support of the application the applicant has submitted a supporting statement regarding the requirement for the fence and gate. It is advised that the fence is required to mitigate against cars being vandalised, security cameras being removed, dumping of materials on the land due to the site's isolated location.

7.2.4 Given the location of the fence adjacent the front elevation of the existing agricultural barn, it is not considered that the new fence has any greater impact on the openness of the Green Belt, which as advised by the applicant is required for security reasons due to isolated location of the application site and this is considered sufficient to demonstrate very special circumstances. The fence is therefore considered acceptable in terms of its impact on the Green Belt.

### 6.3 **Amenity**

7.3.1 Concerns have been raised by the occupier of the adjacent property in respect of the gates when opened blocking views and light to two of the side facing windows. It must be noted that these windows do not serve a residential dwelling just an outbuilding. Given the nature of the application, it is not considered the

proposal will give significant rise to any overbearing issues upon the immediate neighbouring property.

7.3.2 Concerns have also been raised in respect of the occupier of the neighbouring property having a legal right to access the land for maintenance purposes of their property. This is not considered to represent a material planning consideration and is a private matter.

**6.4 Access**

7.4.1 Concerns have been raised by a local resident in respect of the gate blocking access and causing highway safety hazards on Hall Lane. The main road of Hall Lane is narrow in nature, is only frequently used by vehicles and is not a classified road. The fence has been erected on land within the applicant's ownership and not on the highway. The gates open inwards so as to not block vehicles movements from both directions along Hall Lane. It is not considered there are any highway safety issues relating to this application.

**7 Planning Balance**

7.1.1 The benefits of the proposal are that it will enable the applicant to provide security to his premises and stop fly tipping due to the isolated location of the application site.

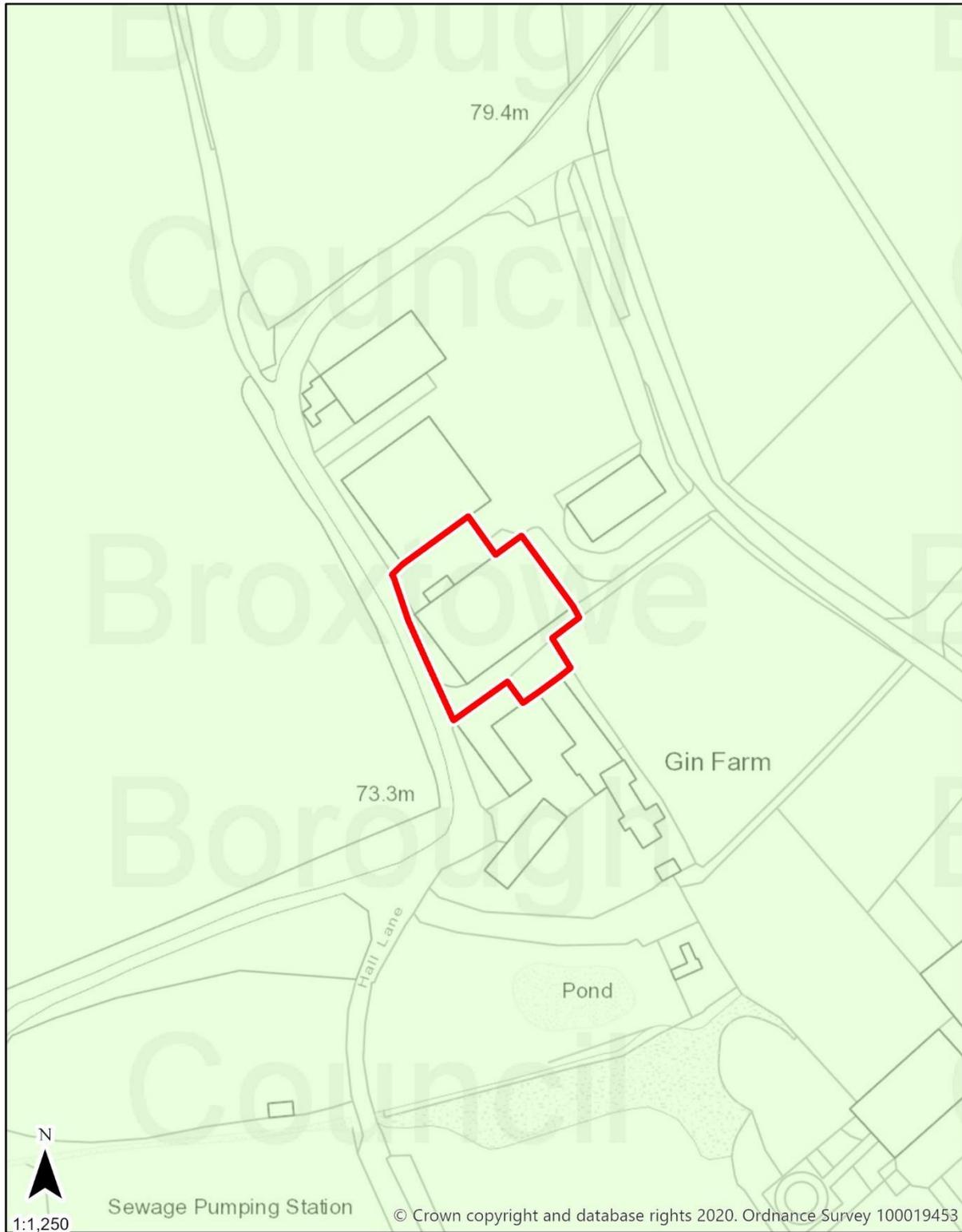
8.1.2 The negative impacts are that the proposal is inappropriate development in the Green Belt. However, on balance it is considered that the very special circumstances demonstrated outweigh the harm to Green Belt.

**8 Conclusion**

9.1 Due to the nature of the proposal, it is not considered the proposal will have a significant detrimental impact upon the character or openness of the Green Belt, residential amenity or highway safety. There are no other issues which need to be considered as part of this application. It is recommended that the application be approved subject to conditions.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The hereby permitted fence shall be retain in accordance with</b>

	<p>drawing(s) numbered Site Location Plan 1: 1250, Site Plan, 1: 200 and Fence Plan/Elevations, TDB003/01 received by the Local Planning Authority on 26 March 2020.</p> <p><i>Reasons: For the avoidance of doubt.</i></p>
	<p><b>Notes to applicant</b></p>
<p><b>1.</b></p>	<p>The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.</p>



**Legend**

-  Site Outline
-  Green Belt

Photographs



