



Appeal Decision

Site visit made on 17 February 2014

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2014

Appeal Ref: APP/N3020/A/13/2210324

19 Kighill Lane, Ravenshead, Nottingham NG15 9HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Incles and P Corner against the decision of Gedling Borough Council.
 - The application Ref 2013/1000, dated 14 August 2013, was refused by notice dated 22 November 2013.
 - The development proposed is described as 'the residential development of land to the south-east of Kighill Lane in Ravenshead, to provide 15 no. 2 bedroom retirement bungalows'.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis, and, with the exception of the proposed access arrangements, I have treated as illustrative only the sketch layout concept plan, and the drawings showing elevation and floor plans of the proposed bungalows.
3. On 6 March 2014 the DCLG's planning guidance was published and came into force. The content of the guidance has been considered, but in light of the facts in this case, it does not alter my conclusions.

Main Issues

4. The main issues of the appeal are:
 - (i) Whether or not the proposal would constitute inappropriate development in the Green Belt;
 - (ii) The effect of the proposal on the openness of the Green Belt and the aims of Green Belt policy; and
 - (iii) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
-

Reasons

Whether the proposal would constitute inappropriate development

5. The National Planning Policy Framework ('the Framework'), states at paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. At paragraph 89 it states that new buildings are inappropriate development, unless they comply with various listed exceptions.
6. As the proposal does not meet any of the exceptions listed under paragraph 89, it would be inappropriate development. Whilst based on previous national policy, policy ENV26 of the Gedling Borough Replacement Local Plan 2005 ('the Local Plan') takes a broadly similar approach to the Framework, although the policy lists types of 'appropriate development', and the supporting text refers to a 'presumption against' inappropriate development. Notwithstanding these differences, the policy does not alter my conclusion that the proposal would be inappropriate development and, in accordance with the Framework, I attach substantial weight to that harm to the Green Belt.

The effect on openness and the aim of Green Belt policy

7. The appeal site comprises land which the appellants describe as residential garden, and the Council describes as partly garden and partly paddock. It is bounded by a mix of post and rail fence, together with trees and hedgerows. Whilst the existing landscaping around the boundaries of the site provides some screening, I noted on my visit that it is not entirely enclosed, and particularly to the south-east there are views out of the site to the land beyond. The site itself is predominantly open and undeveloped.
8. The appellants state that the site is very close to the settlement boundary, in an area that has limited openness due to the presence of existing development. The proposal would therefore have a very limited effect on the openness of this part of the Green Belt, and a new landscape buffer will be planted to define the edge of the village.
9. However, in my view, that appraisal overstates the effect of existing development on the openness of the area. Most of the existing dwellings on Kighill Lane and Longdale Lane have rear gardens between them and the appeal site. The dwellings and other buildings to the north-east are generally set down at a lower level and many are some distance from the appeal site. To the south-east the site borders an open area of land, and to the south-west is the spacious garden and landscaped setting of no. 21 Kighill Lane. Most of the appeal site itself is open, with a general absence of buildings or other development.
10. The proposal is for fifteen bungalows. Given the location of the site and the set back from Kighill Lane, public views of the scheme would be limited. Additional landscaping, as suggested by the appellants, would also assist in limiting views of the proposed development from the surrounding area. However, the erection of 15 bungalows on a site that is essentially undeveloped would undoubtedly have a marked effect on the openness of the site and the area, and would extend the built form of the area.

11. The Framework advises at paragraph 79 that openness is an essential characteristic of Green Belts and that prevention of urban sprawl by keeping land permanently open is the fundamental aim of the designation. In this regard, policy ENV26 of the Local Plan is largely consistent with the Framework.
12. For the above reasons, the proposal would be harmful to the Green Belt by reason of its effect on openness, and would be contrary to the aims of the designation. It would therefore conflict with the requirements of the Framework and of policy ENV26. This harm adds significantly to that arising from the inappropriate nature of the development.

Other considerations

13. The appellants contend that the benefits of the proposal in terms of meeting housing needs, including the need for retirement housing in Ravenshead, outweigh the effect on the Green Belt. They also note that Ravenshead is identified in the emerging Gedling Borough Aligned Core Strategy as a 'key settlement for growth'.
14. In support of their position they cite the Council's inability to demonstrate a 5 year housing land supply, and the findings of the Ravenshead Housing Needs Survey 2009, which identified a need for retirement accommodation in the village. They maintain that it is highly unlikely that there are other sites so close to the centre of the settlement that could deliver a policy compliant scheme to deliver those identified needs. The scheme would also enable local residents to downsize and release family homes which would secure the vitality of the village. Additionally they refer to the need to avoid unnecessary burdens on development as set out in the Ministerial Statement 'Planning for Growth' (March 2011).
15. Where a 5 year housing land supply cannot be demonstrated, the Framework states that policies which restrict the supply of housing should be considered out of date, and proposals should be considered in accordance with the presumption in favour of sustainable development. The Council states that it has a 3.23 year housing land supply, and the lack of a 5 year housing land supply is therefore not contested. It accepts that it is difficult to identify appropriate sites within the village to meet the need for retirement housing, although it makes reference to an application which, if approved, would provide retirement properties to the north of Kighill Lane, which it describes as a more sustainable location.
16. I accept that there appears to be a need for retirement housing in Ravenshead, although the information before me regarding the availability of alternative sites to meet that need is limited. However, the contribution the scheme would make towards meeting those needs, and, in the absence of a five year housing land supply, the contribution it would make more generally to the housing needs of the borough, are significant factors in favour of the proposal.
17. I note that the site is close to a convenience store, and that there are bus stops close to the junction of Kighill Lane with the A60, from where there is a regular service to destinations including Mansfield and Nottingham. Whilst there is a range of shops, community facilities, a leisure centre and other services in Ravenshead, the site is approximately 1.6km away from the shops in the village centre, via Longdale Lane. Although there is a well-lit footpath along Longdale

Lane, given the location of the site relative to many services, and the intended occupancy of the units, I am not persuaded that future occupiers would meet many of their day-to-day requirements without reliance on the private car, or that they would generally make use of the facilities in the village.

18. I am therefore not persuaded that the site is in a sustainable location, where the proposal would enhance or maintain the vitality of rural communities in accordance with paragraph 55 of the Framework. Although not a determinative factor, I also share those concerns expressed that future residents, if unable to drive, could feel rather isolated in this location, which would not accord with the Framework's objective of providing inclusive and mixed communities.
19. The appellants state that a suitably worded legal agreement would be provided to ensure that occupancy of the units would be restricted to local people, to make arrangements with regard to a private bus service for residents to access the surgery on Oakwod Drive and the shops in Milton Crescent, and to secure other potential s106 requirements, such as financial contributions to school places, library facilities, highways infrastructure and public open space.
20. Infrastructure requirements to mitigate the impact of a proposal cannot be considered benefits of a scheme, although a bus service for local residents could weigh in favour of it. However, I have not been provided with such an agreement, and I have no further details of that element of the proposal.
21. I accept that bungalows would not conflict with the built form of many other properties in the area, and that the sketch layout concept plan demonstrates how a scheme could be laid out to provide adequate areas of amenity space and car parking. However, these are matters whose effects are neutral and do not weigh in favour of the scheme.
22. To sum up on these various considerations, I attach some weight to the benefits of the proposal in terms of meeting housing needs, but judge the other benefits claimed to be less than significant, or essentially neutral.

Conclusions

23. In conclusion, the proposal would be inappropriate development in the Green Belt as defined by the Framework, and would additionally have a significant effect on the openness of the area. I have given that harm substantial weight.
24. Whilst the benefits of meeting housing needs would accord with national planning guidance, the Framework makes clear that planning proposals are to be judged against all the relevant policies it contains. Those policies include very strict control over development in Green Belts necessary to ensure their protection. In that context I have had particular regard to the Ministerial Statement dated 1 July 2013 where the Secretary of State clarified that, although each case will depend on its facts, unmet demand for housing is unlikely to outweigh harm to the green belt and constitute the very special circumstances justifying inappropriate development.
25. Having considered all matters raised in support of the proposal, I conclude that they do not clearly outweigh the totality of harm that I have identified in relation to the Green Belt. Consequently, very special circumstances do not

exist, and the proposal is contrary to the Framework and policy ENV26 of the Local Plan.

26. Whilst the appellants have indicated their willingness to enter into a legal agreement, none has been provided. However, as the appeal will be dismissed on its substantive merits, I have not found it necessary to pursue this matter further.

27. For the above reasons, and having regard to all other matters raised, the scheme is not the sustainable development for which the Framework indicates there should be a presumption in favour. I therefore conclude that the appeal should be dismissed.

Chris Couper

INSPECTOR

Richborough Estates