

Report to Planning Committee

Application Number: 2019/1029 – Appeal Ref: APP/N3020/W/20/3257421

Location: 10 Nottingham Road Ravenshead Nottingham

Proposal: Proposed new dwelling within existing garden plot.

Case Officer: Bev Pearson

Planning permission was refused by the Borough Council on the 23rd July 2019 on the following grounds:

1. 'In the opinion of the Local Planning Authority the proposal would result in the construction of a new building in the Green belt and fails to accord with any of the identified exceptions of development. It would therefore constitute inappropriate development which would be by definition harmful to the openness of the Green Belt. In the absence of any very special circumstances which would outweigh such harm the development fails to accord with Section 13 (Protecting Green Belt Land) of the NPPF (2019), Policy 3 (The Green Belt) of the Aligned Core Strategy (2014) and Policy LPD 15 (Infill Development in the Green Belt) of the Local Planning Development Document (2018).'- and
2. 'In the opinion of the Local Planning Authority the proposed development would result in a loss of protected trees to the detriment of the visual amenity of the site and would therefore result in adverse impact on the character and appearance of the site, the streetscene and its wider setting. The proposal therefore fails to accord with Section 12 (Achieving well-designed places) of the National Planning policy Framework (2019), Policy 10 (Design and Enhancing local Identity) of the Aligned Core Strategy (2014) and policies LPD 15 (infill Development within the Green Belt) LPD 19 (Landscape Character and Visual Impact) LPD 34 (Residential Gardens) of the Local Planning Development Document (2018).'

An appeal against this decision and an application for the award of costs was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed.

1. In relation to reason 1 of the refusal of permission the Inspector considered that the proposal failed to meet any of the exceptions of development set out in Paragraph 145 of the NPPF which may not be considered inappropriate development in the Green Belt nor Policy LPD 15 of the LPD. For this reason the Inspector concluded the proposal would amount to 'inappropriate development' that would cause harm to the openness of the Green Belt and harm to the character and appearance of the site and surrounding area. There are no very special circumstances to outweigh the harm caused. The development is contrary to national planning policy, along with the ACS and LPD. There are no material considerations to outweigh the conflict with these planning policies.

2. In relation to reason 2 of the refusal of permission the Inspector concluded that having regard to the removal of TPO trees, the proposed development would be visually harmful to the character and appearance of the site and surrounding area and the scheme would therefore conflict with Policy 10 of the ACS, Policies LPD 19 and LPD 34 of the LPD and section 12 of the Framework.

The application for the award of costs was made on the basis that the Council behaved unreasonably which resulted in unnecessary and wasted expense in the appeal process and subsequent delays has resulted in wider cost implications.

The application for award of costs has also been dismissed.

The Inspector considered that the Council has considered that the application did not overcome fundamental concerns set out in their previous pre application response, that the officer's recommendation report and the reasons for refusal were clear and sufficient evidence was submitted to support the Council's policy stance and has been consistent in determining similar planning applications. Furthermore the reasons for refusal were not unreasonable and the use of planning conditions could not make the development acceptable.

The Inspector therefore concluded that the applicant has not shown that the Council's refusal of planning permission was unreasonable.

Recommendation: To note the information.