



COMMITTEE DATE 26/02/2020 **WARD** Underwood

APP REF V/2019/0824

APPLICANT R Bacon

PROPOSAL Permission in Principle for 4-9 Dwellings

LOCATION Land adj 106, Main Road, Underwood, Nottingham

WEB-LINK <https://www.google.com/maps/@53.052122,-1.3053527,18z>

BACKGROUND PAPERS A, B, C, D, E, F, G

App Registered: 14/01/2020 Expiry Date: 17/02/2020

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Cllr. D Martin and Cllr. T Hollis on the grounds of Green Belt and Countryside implications.

The Application

The application site comprises of an agricultural field used for the grazing of livestock, and forms an important visual gap on Main Road between the settlement boundary of Underwood and the hamlet of Underwood Green. The area surrounding the application site is undulating in nature with the land falling to the north and rising to the south.

Directly to the south-east and east of the application site is existing residential development located within the named settlement of Underwood. Whilst residential development is also apparent to the west of the site, this is more sporadic in nature and falls outside of the settlement boundary of Underwood. Directly to the north and south-west of the site is open Countryside comprising of fields and paddocks.

The application site is located outside of the Districts main urban areas or named settlements, in an area designated within the Nottinghamshire Green Belt, as identified by policy EV1 of the ALPR 2002.

The applicant seeks permission in principle for a residential development of between four to nine dwellings.

Consultations

Site Notices have been posted together with individual written notification to surrounding residents.

The following responses have been received:

Resident Comments:

7x Letters of objection received from local residents in respect of the following:

- Green Belt land
 - o Inappropriate development in the Green Belt
 - o Set a precedent for further development in the Green Belt
- Loss of open Countryside
- Loss of protected view from Underwood to Lower Bagthorpe and Selston
- Loss of ecology – species frequenting the site include bats, birds & rabbits/hares
- Highway safety implications
 - o Increased traffic
 - o Road is very narrow
 - o Access located on a bend in the road
 - o Obstruction of road during construction
- Drainage implications
 - o Road floods and site is below road level
 - o Pressure on existing sewer systems
- Brownfield sites should be explored first
- Village already served by a wide range of housing stock

Selston Parish Council:

Object to the proposed development on the grounds that the proposal represents an inappropriate form of development in the Green Belt which would result in the encroachment of development in the Countryside extending beyond the settlement boundary, contrary to Part 9 of the NPPF 2019. The proposal would also be prominent from the village of Selston and the hamlet of Lower Bagthorpe due to the surrounding topography of the land to the detriment of the appearance of the Countryside and the surrounding landscape character, contrary to policy NP3 of the JUS-t Neighbourhood Plan 2017.

ADC Environmental Health:

The layout of the site will require a full assessment to ensure any future housing on the site would not be affected by noise from vehicles on Main Road.

NCC Highways:

For development up to five dwellings the roadway may remain private. An access of 4.8m in width for 5m would be required, along with appropriate visibility splays and a bin storage facility. If the development were to be for six or more dwellings, the access road would be required to be up to an adoptable standard.

Given the location of the site, consideration should be given to sustainability guidance within the NPPF with regards to access to shops, services and public transport.

Severn Trent:

No objections to the proposed development. Drainage condition required.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2019

- Part 5 – Delivering a Sufficient Supply of Homes
- Part 9 – Promoting Sustainable Transport
- Part 12 – Achieving Well Designed Places
- Part 13 – Protecting Green Belt Land
- Part 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002

- ST1 – Development
- ST4 – Remainder of the District
- EV1 – Green Belt
- HG5 – New Residential Development

JUS-t Neighbourhood Plan 2017

- NP1 – Sustainable Development
- NP3 – Protecting the Landscape Character
- NP4 – Housing Type

Relevant Planning History

V/1994/0125

Details: Site for Two Dwellings
Decision: Outline Refusal

V/1975/0443

Details: Site for Bungalow and Garage
Decision: Refusal

Comment:

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the considerations of matters of principle for proposed development from the technical detail of the development.

As this application forms the first stage of this route, all that requires consideration as part of this application is whether the principle of a residential development in this location would be acceptable in accordance with the development plan, unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

Principle of Development

The application site falls outside the Districts main urban areas and named settlements, in an area identified as Green Belt as set out in policies ST4 and EV1 of the ALPR 2002.

The land forming the application site is verdant in appearance and is presently free from any built form, providing an important strategic visual gap on Main Road between the settlement of Underwood and the hamlet of Underwood Green. The site in its current form is considered to positively contribute to the rural nature of the surrounding locality and the openness of the Green Belt in this location.

When assessed against the five purposes of the Green Belt as part of the Council's Green Belt Review in 2014, the application site scored highly, particularly in respect of checking for unrestricted sprawl of settlements, preventing neighbouring settlements from merging and assisting in safeguarding the countryside from encroachment. The assessment details that the site is open countryside in character with no inappropriate development. The development of this site would also result in the coalescence of Underwood with isolated properties on Main Road, effectively reducing the gap between Underwood and Brinsley from approximately 500m to 250m, and would be prominent from Bagthorpe and Selston due to the topography of the surrounding locality.

The NPPF 2019 highlights that the government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;

- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

There are no exceptions outlined within Part 13 – Protecting Green Belt Land of the NPPF 2019, which would allow for the erection of new buildings for residential purposes at this site.

Page 3 of the planning statement submitted with the application acknowledges that the proposed development of four to nine dwellings in this location would not comply with Green Belt policy at either a national or local level, and as such Very Special Circumstances are required to justify the proposed scheme.

The Very Special Circumstances given by the applicant are:

1. That the Council cannot identify a five year housing land supply; and
2. The dwellings will be single storey in height reducing the visual impact of the development and maintaining the openness of the Green Belt.

The 2018-19 Housing Monitoring Report identifies that the Council are unable to demonstrate a 5 year housing land supply. Under these circumstances, Paragraph 11 of the NPPF 2019 makes clear that the policies which are most important for determining the application are out-of-date, and as such permission should be granted unless:

- i. The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Green Belt is identified in the footnote for paragraph 11 as a protected area, and as such the Green Belt policy should be afforded significant weight in the decision making process. National Planning Practice Guidance is also very clear that unmet housing need is unlikely to outweigh the harm to the Green Belt. It is therefore considered that given the modest size of the proposed development, that the first Very Special Circumstance regarding unmet housing need given by applicant is not deemed sufficient alone to warrant the approval of four to nine dwellings in this location.

The second Very Special Circumstance argued by the applicant is that the dwellings would likely be single storey in height and would subsequently maintain the openness of the Green Belt.

Consideration should therefore also be given as to whether the proposal would result in any harm to the openness and permanence of the Green Belt. Given the location of the application site to the urban area of Underwood, this is an area of the Green Belt vulnerable to development pressures. The purpose of the Green Belt in this locality is to safeguard the countryside from further encroachment of urban development, and the outward sprawl of Underwood to the west.

The application site comprises predominantly of open grass land with sections of hedgerows along the boundaries. The introduction of 4 to 9 dwellings, regardless of their size, scale and massing, along with their associated parking areas, gardens and domestic paraphernalia onto the site, which is presently devoid of built form, would markedly reduce the openness of the Green Belt in this location. Notwithstanding frontage boundary screening, the dwellings would require accesses that would make them readily apparent from Main Road. Accordingly, the proposal would have an obvious adverse spatial and visual impact on the openness of the Green Belt.

Landscape Character:

The site comprises an open, grassed area separating the edge of the village of Underwood from the hamlet of Underwood Green to the west, which when combined with the hedgerows along the sites boundaries results in a spacious rural character. The site plays a notable role in the transition from the built area of the village into the open countryside and the sporadic development of Underwood Green. As such, introducing the presence of considerable built form and associated domestic gardens into this area would considerably diminish the rural spaciousness currently provided by the site.

In support of the proposal, the development could continue the line of built form established by properties to the east of the site in terms of building line, garden depth and plot sizes. However, these are not matters that would be established, or secured as part of a permission in principle and therefore carry limited weight. In any event, this would fail to overcome the harm from the loss of spaciousness and reduction in rural character arising from the proposal.

Policy NP3 of the JUS-t Neighbourhood Plan 2017 seeks to protect the landscape character of the neighbourhood plan area, and stipulates that any development proposals are required to demonstrate that the scheme adheres to the Landscape Actions for that particular policy zone in the Greater Nottingham Landscape Character Assessment (GNLCA).

The application site is located in policy zone NC03 (Selston and Eastwood urban fringe farmland), and the GNLCA describes this area as having an undulating topography that gives some long views over the patchwork of agricultural fields and settlements. The strength of the landscape character is considered 'Moderate' and as such there is an emphasis on enhancing the landscape. Amongst other things, the Landscape Actions for this area includes restricting further urban edge expansion and promoting measures to achieve a better integration of settlements into the wider landscape through the planting of small groups of hedgerow trees and the careful placement of built development to reduce its prominence in the landscape.

As previously mentioned, given the undulating topography of the surrounding area, development on the site would be prominent and visible from surrounding vantage points, in particular from the villages of Selston and Bagthorpe. The development of the site would as such be detrimental to the surrounding landscape character, contrary to policy NP3 of the JUS-t Neighbourhood Plan 2017.

Sustainability:

As mentioned, the application site is located outside of the named settlement of Underwood. Paragraphs 78 and 79 of the NPPF 2019 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Whilst the site does not form part of a settlement, it is acknowledged that the site is located adjacent to the settlement boundary of Underwood. As such, if the principle of development in this location were to be deemed acceptable, it is acknowledged that the site is located within walking distance of a small number of local services. Furthermore, whilst there is a bus stop located approximately 150m to the east of the site, this bus service is understood to be limited.

Part 9 – Promoting Sustainable Transport of the NPPF 2019 looks to maximize sustainable transport options but recognizes that this will vary between urban and rural locations. However, given the location of the application site, any future occupiers of the proposed dwellings are likely to be highly dependent upon private transport to access the majority of services not available in the immediate vicinity of the site.

Conclusion:

Paragraph 144 of the NPPF advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and harm would be caused to the openness of the Green Belt. These factors attract substantial weight. In addition, significant weight is given to the harm that would result to the character and appearance of the area as a result of the development.

The very special circumstances alluded to by the applicant do not clearly outweigh the harm identified in relation to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal would be contrary to Part 13 – Protecting Green Belt Land of the NPPF 2019, and to policy EV1 of the ALPR 2002 which primarily seeks to protect the Green Belt from inappropriate development.

The proposal would also result in a significant detrimental impact upon the character and appearance of the surrounding locality and landscape character, contrary to policy NP3 of JUS-t Neighbourhood Plan 2017.

Taking into account the development plan and other material considerations, it is considered that the principle of development at the application site is not acceptable, and fails to comply with planning policy at both a local and national level. It is therefore recommended that this application is refused.

Recommendation: Refuse Permission in Principle

REASONS

- 1. The principle of residential development at the application site does not constitute appropriate development in the Green Belt. The proposal would introduce considerable new built development and associated residential paraphernalia in an area which is presently undeveloped, resulting in a harmful impact on the openness and permanence of the Green Belt in this location. The proposal would therefore be contrary to Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019, and policies ST1 and EV1 of the Ashfield Local Plan Review 2002. These policies seek only to permit appropriate development in the Green Belt, which is located and designed so as not to adversely affect the purpose of the Green Belt and its openness.**
- 2. The proposed development, through the construction of four to nine dwellings, would considerably diminish the rural spaciousness currently provided by the site, resulting in a significant detrimental impact upon the character and appearance of the surrounding locality. Given the topography of the surrounding land, the proposal would also result in a harmful impact on the local landscape character, with any development**

on the site being visible from surrounding public vantage points and villages. The proposal would as such conflict with Policy NP3 of the JUS-t Neighbourhood Plan 2017, and would be contrary to the Landscape Actions for this area, as detailed within the Greater Nottingham Landscape Character Assessment.