



Mr Mike Avery
Service Manager – Development Services
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

MandeirOakViewExt/1

24 January 2024

Dear Mr Avery

Oak View Lodge, Newstead Abbey Park

We act for Mr and Mrs Mandeir, owners and occupiers of Oak View Lodge.

Oak View Lodge was constructed in 2011 – having been granted consent by the Council under LPA reference 2009/0923.

An application seeking a modest first-floor extension above the existing porte cochere to create a larger work-from-home office was recently submitted by others¹ under LPA reference 2023/0464.

That application was refused by the Council on 31 August 2023 – on the basis that the Council considered the development would amount to inappropriate development in the Green Belt and in the absence of very special circumstances.

IBA Planning has since been instructed to advise on the reason for refusal – and to handle the resubmission.

The Officer Report prepared alongside the decision helpfully identifies the key planning considerations – and the single area of concern the Council had with regard to the application leading to its refusal.

¹ SJI Designs Ltd

The primary cause for concern related to the principle of the development – and it is clear from the Officer Report that the Council has relied on the Guildford Judgment to determine that the proposal amounted to a disproportionate addition over and above the original building, contrary to Local Plan Policy LPD13 and paragraph 149(c) of the NPPF (and therefore amounted to inappropriate development).

However, the Council has clearly misunderstood and/or misapplied the Guildford Judgement – and therefore wrongly refused the planning application.

More particularly, the Guildford Judgment does not establish that the original building is the “first built” building on a site in the Green Belt for the purposes of Local Plan Policy LPD13 and/or national Green Belt policy as the Officer Report alleges.

Instead, it was very particular to the Local Authority in question – and the interpretation of Guildford Borough’s Local Plan policy (P2) which made specific reference to the first building on the site.

This is of course quite different from Policy LPD13 – which closely reflects the language within the definition of original building provided in Annex 2: Glossary of the NPPF.

This being the case, the Guildford Judgment has no relevance to how either Policy LPD13 or the NPPF (or its definition of original building) are to be interpreted – or therefore to how Gedling Borough Council should determine applications in the Green Belt in accordance with its Development Plan.

In corroboration of the same, I enclose a copy of Counsel’s Opinion by Chris Buttler KC – which I trust the Council will take due account of and not ignore.

Whilst it is of course open to the Council to seek its own Counsel Opinion on the matter, I have to say the Guildford Judgment is pretty clear – and I cannot see any legitimate counter-legal argument pointing to any other conclusion. The fact of the matter is that the Guildford Judgment was solely dealing with the Inspector’s misinterpretation and misapplication of Guildford Borough Council’s own policy – which was clearly materially different from both Policy LPD13 and national Green Belt policy².

This all being the case (and having regard to the definition of “original building” set out in Annex 2: Glossary of the NPPF), Oak View Lodge is plainly the original building for the purposes of this application.

Moreover, Policy LPD13 deals specifically with extensions to buildings within the Green Belt – and states that planning permission will be granted for extensions or alterations to buildings

² national Green Belt policy is set out in chapter 13 of the NPPF 2021.

provided the proposals do not result in the floorspace of the building being over 50% larger than when originally constructed or as it existed on 1 July 1948.

In the above connection, the 'building' can only logically be the existing building subject of the application for the proposed extension – i.e. Oak View Lodge.

The Officer Report records the building was constructed in 2011 – and therefore clearly did not exist on 1 July 1948.

Oak View Lodge has evidently not been subject to any previous extensions since it was originally constructed in 2011.

The Officer Report helpfully confirms the floorspace of Oak View Lodge to be 856.83sqm and the proposed extension at 27.33sqm – representing a modest 3.19% increase over and above the original building.

The above is clearly well below the maximum 50% threshold referred to in the Officer Report and Policy LPD13 as being accepted by the Council when considering the appropriateness of extensions to dwellings in the Green Belt against Policy LPD13 of the Local Planning Document and paragraph 149(c) of the NPPF.

As such, the application is resubmitted to the Council for determination as an appropriate form of development in the Green Belt.

As an appropriate form of development in the Green Belt, very special circumstances are of course not necessary in this instance.

As regards all other aspects of the development, the same Officer Report very helpfully confirms that the proposal was policy compliant in all other respects.

More particularly:

On heritage matters

“The property known as Oak View Lodge dates from 2011 and is located on rising ground and built over two and three storeys. The building is located at a significant distance to the north-east of Newstead Abbey within a secluded and woodland setting which is also within the grade II* listed Newstead Abbey Park. The proposed development would involve a first floor front extension which would not affect heritage assets in a detrimental way given that it would be relatively minor to the overall building appearance and existing presence within the Park and Garden. The proposed extension would be sympathetic to the existing character of the building.

The proposal is therefore in accordance with Section 16 of the NPPF and policies LPD 26 and LPD 29 of the Local Planning Document.”

On residential amenity

“The proposed development comprises a first-floor front extension above the porch at the front. Neighbouring residential properties are located at significant distances to the north, east and west, and as such, it is considered the proposed development would not result in a significant undue impact on the residential amenities of the occupiers of any adjoining property. The proposal would be in accordance with policy LPD 32 of the Local Planning Document.”

Please therefore find enclosed our householder application which comprises the following:

- Planning application form
- Covering letter (comprising proportionate **Design and Access Statement**)
- Location Plan
- Existing Floorplans and Elevations [dwg no P1.1]
- Proposed Floorplans and Elevations [dwg no P1.2]
- Legal Opinion
- Delegated Report for LPA reference: 2023/0464

I trust the enclosed documents together with this covering letter (which comprises a proportionate **Design and Access Statement**) are sufficient to enable the Council to consider the proposal.

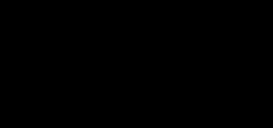
Should you require anything further on my part however, please do not hesitate to contact me when you may be assured of my best attention at all times.

In any event, I would appreciate a telephone call immediately upon the expiration of the formal consultation period to ascertain whether there is indeed anything further that you require, but also to establish the proposed method of determination so that I am able to advise my clients accordingly.

I look forward to hearing from you in due course.

Kind regards.

Yours sincerely,



Nick Baseley
MA(Hons)TP MRTPI
Director



January 2024