

Appeal Decision

Site visit made on 21 June 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 21 July 2016

Appeal Ref: APP/P4415/W/16/3144968

The Mill, Norwood Lock, Rotherham Road, Killamarsh, Derbyshire S21 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Norwood Lock Leisure Company against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2015/1112, dated 7 August 2015, was refused by notice dated 15 October 2015.
 - The development proposed is the retention of existing building for eight stables, covered yard and tack room and associated parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; the effect on the character and appearance of the area; and whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The proposal would result in the conversion of this steel framed building to stables, with storage above and a covered internal yard. The building does not benefit from permission and an enforcement notice requires its removal. Appeals relating to that notice were dismissed in 2014. The inspector found that as the building was intended for agricultural use, it was not inappropriate development. It was however considered to cause a significant loss of openness.
 4. The inspector also concluded that it was a large built structure, in a position that is unacceptably intrusive in the landscape and damaging to the setting of Nor Wood forest. It was found to be contrary to Policies ENV2, ENV3.1 and ENV3.2 of the Rotherham Unitary Development Plan 1999 (UDP) which require development to respond to local character and reflect the identity of its surroundings; not harm the character or quality of the wider environment; achieve an appropriate standard of design, with regard to locality and site
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features; and to minimise any adverse effect on the environment with regard to scale and location.

Inappropriateness, openness and any other harm to the Green Belt

5. This proposal differs from the development considered by the previous inspector as it is not proposed as an agricultural building. It represents a building for the stabling of horses and ponies for trekking purposes. It therefore falls to be considered under a different element of paragraph 89 of the *National Planning Policy Framework*. This accepts that a building in the Green Belt is not inappropriate if it is for the provision of appropriate facilities for outdoor recreation, as long as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
6. UDP Policy CR2.5 accepts proposals for recreational activities if they meet a number of requirements including that they would not detract from the open character of the Green Belt in any location which is particularly vulnerable because of its prominence or narrowness; and would not detract from the landscape character. The policy is not entirely consistent with the *Framework*. Policy CS4 of the Core Strategy 2014 establishes that the Green Belt will be protected from inappropriate development as set out in national policy. I afford great weight to the requirements of the *Framework* in these circumstances.
7. The Council have recently permitted a stable block in this location with a similar footprint to the internal stabling layout proposed for this building. That permission relates to a single storey structure of relatively low profile. That permission and the proposed use would enhance the beneficial use of the Green Belt. Although the proposed use would also be beneficial, I must consider whether this particular building would be appropriate for the intended purpose and would preserve openness.
8. I have already described that the previous inspector found this building to cause a significant loss of openness. It would result in a significant loss of openness even when compared to the approved scheme given its height and overall volume. The appellant has indicated that a mezzanine level could be put to good use for the storage of hay and prevent the need for a further building. The building has not however been designed for the purpose to which it would be put and it is substantially larger than that previously accepted, which was designed for its purpose. Any additional buildings would have to be considered on their own merits. I do not consider that this building falls within the description of being appropriate as a recreational facility and it would have a significant impact on openness.
9. In these circumstances, the building represents inappropriate development in the Green Belt. I agree with the previous inspector that although it is near to The Mill, it is also outside of the residential curtilage, on higher land closer to Nor Wood and it is larger than the domestic buildings. It is sufficiently separate so that its impact on openness is distinct. Since it is at the edge of a forest, and although there is hardstanding to its front and sides, it also encroaches upon the countryside. It is therefore harmful to the openness of the Green Belt and the purposes of including land within it.
10. The proposal includes some design modifications. The materials would be more in keeping and would soften, to some extent, the appearance of the building.

However, I do not consider that the changes proposed would make a significant difference with regard to its wider impact. Even when taking into consideration the permitted building, I reach the same conclusion as the previous inspector and find that it would remain unacceptably intrusive in the landscape and it would damage the setting of Nor Wood forest. It would be contrary to UDP Policies ENV2, ENV3.1, ENV3.2 and CR2.5.

Other considerations

11. Reference has been made to the permitted stables and I have had regard to them as a fall-back position. However, they would be substantially smaller, better designed and less intrusive. Although accepting the use, which I have also found gains support from the *Framework*, I do not find that the Council's previous decision offers any support for the scale or design of this proposal.
12. Although the building is on site, it cannot be considered as the re-use of an existing building as it is not lawful and it is subject to the requirements of an extant enforcement notice requiring its removal.
13. I have already touched upon the potential need for additional storage. Whilst this would be a benefit of the design, I am not satisfied that future requirements would result in greater overall harm with regard to openness or would result in more harm to the appearance of the site. I acknowledge that now that the building is in place, it would make a more efficient and sustainable use of the building but as it has been built without planning permission, I can afford this matter very little weight.
14. I afford considerable weight to the proposed recreational provision and the economic benefits of the business proposed. These matters are supported by the economic and social elements of sustainability described in the *Framework*.
15. Reference has been made to the development of a theme park in the Green Belt. This development is clearly entirely different and the two proposals should be dealt with on their own particular merits.

Conclusions

16. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This proposal represents inappropriate development and would reduce the openness of the Green Belt. The *Framework* is clear that substantial weight should be given to any harm to the Green Belt. The proposal would also result in harm to the character and appearance of the area. 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.
17. Whilst I acknowledge that permission has recently been granted for a stable block of similar footprint, in terms of the housing for horses, this does not provide significant weight in favour of a development of much greater scale. The potential need for more accommodation for feed weighs in favour of the larger size of the proposal but I am not satisfied that this justifies its overall scale, the design shortcomings or the reduction in openness. The proposed use would provide social and economic benefits which weigh heavily in favour of

the proposal as does the beneficial use with regard to the Green Belt. I have also had regard to the lack of local objections to the proposal

18. Overall, I am not satisfied that the considerations put forward in favour of the proposal would clearly outweigh the harm from inappropriateness, the loss of openness and the harm to the character of the area. Even if I accepted the appellant's view that the proposal does not represent inappropriate development, I would not find the benefits to be sufficient to outweigh the design shortcomings of the building and the resultant harm to the character of the area.
19. Very special circumstances only exist if the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I must conclude that they do not exist in this case.
20. The *Framework* indicates that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against its policies as a whole; or if specific policies indicate that development should be restricted. I find that the environmental concerns outweigh the social and economic benefits overall and furthermore, the specific policies relating to the Green Belt indicate that the development should be resisted. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR