
Appeal Decision

Site visit made on 16 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/P4415/W/16/3154986

Wallingfield Paddock, Cricket Field Lane, Wales Bar, Rotherham, South Yorkshire S26 5ND

- 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 Mr John Hall against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/0328, dated 24 February 2016, was refused by notice dated 22 June 2016.
 - The development proposed is alterations to existing stable buildings to form dwelling unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt; and
 - If the proposed development would be 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 proposed development.

Reasons

Whether or not the proposed development would be inappropriate development in the Green Belt

3. The appeal site is a triangular shaped paddock enclosed by a mix of trees and post and rail fencing. It contains the appeal building which is timber framed and clad and used for the storage of tack, feed and other equipment associated with the keeping of horses. Whilst the appeal building is described by the parties as a stable, I could see no compelling evidence on my site visit to confirm that horses were housed within it.
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4. The proposed development seeks planning permission for the conversion of the existing building to a single storey dwelling. One of the key tests for such development to be acceptable in the Green Belt as set out by both the Framework¹ and the Development Plan is that the building must be of permanent and substantial construction. To be certain of this and that the given development would be a conversion in the true sense, a number of factors need to be established. Chief among those issues is that the building concerned is capable of conversion without substantial rebuilding or alteration. This approach is advocated by the Council's 'Development in the Green Belt' SPG².
5. With this in mind, and whilst there remains disagreement between the parties; I observed as part of my site visit a lightweight timber framed and clad utilitarian building in a reasonable state of repair. It has a corrugated sheet roof and an additional timber extension to one side. The entire building appeared to be raised off the ground by wooden sleeper type timber planks supported by loose breeze block and brick pillars.
6. From the evidence before me and specifically the type and condition of the building's foundations, I would accept it was conceived and designed for storage in association with equestrian uses, and in a form that would suggest it was temporary. Contrastingly however, its somewhat weathered appearance accompanied by the evidence from the parties would suggest that it has a degree of permanence through both its use and the passage of time.
7. There is no doubt that the building is made of lightweight materials and the appellant's structural report suggests a number of changes would have to be made for it to be capable of habitation. Additional insulation and cosmetic improvements aside, the roof would have to be strengthened through improved/additional supports and re-covered. The entire building would have to be placed on more substantial foundations and the floor and single storey side section replaced.
8. I accept that it would be difficult but nevertheless physically possible to underpin the building with it in situ. Albeit that once the roof and the single storey side section are removed and the floor taken up, the building would comprise only four sectional timber 'walls'. When considering this in the context of the full extent of the work that would be required to bring the building up to a habitable standard (including damp proofing), I can make no conclusion other than that such works would be substantial when all taken together.
9. I am therefore not satisfied that the building, as it currently stands and for the reasons set out above, is of permanent or substantial enough construction to be capable of being described as a conversion project in the true sense. The works required would be an effective rebuild of the building, specifically since close to half of the overall floor area would in actual fact be brand new in any event. I acknowledge the appellant's suggestion of a condition to secure the retention of the building but for the reasons set out above, I consider this would not be reasonable and represent an unfair burden on the Council to enforce.

¹ The National Planning Policy Framework 2012

² Rotherham Metropolitan Borough Council Supplementary Planning Guidance 'Development in the Green Belt' 2014

10. Policy CS 4 of the Core Strategy³ states that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national policy. The Framework explicitly states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst I shall return to this particular test later, the erection of new buildings is considered by the Framework to constitute inappropriate development. The proposed development would therefore be contrary to both Policy CS 4 of the Core Strategy and section 9 of the Framework.

The Effect on the Openness of the Green Belt

11. The Framework indicates that openness is an essential characteristic of the Green Belt. In addition to the proposed conversion of the existing building, the new roof structure would be taller and by virtue of additional insulation, new foundations and a replaced side extension, the building as a whole would be larger and would have a more substantial presence on the appeal site. Whilst I accept that the footprint would stay largely the same, the bulk and mass would increase.
12. The physical differences in each case could be argued as being marginal in isolation albeit there are a number of them. In addition, the creation of the planning unit (dwelling plus its garden) would occupy the entirety of the triangular parcel of land which makes up the existing paddock. Again, I note the appellant's suggestion that a condition could restrict the extent of the overall residential curtilage. However, this would have the effect of changing the development set out in the appeal before me and as such would not be appropriate.
13. Additional planning conditions could also be used to restrict future development under the GPDO⁴. However, planning permission for use as a dwelling would establish the use of the whole paddock as a garden space. A space which would also include extensive new areas of hard standing and formal parking spaces. I consider it likely that this space may also have associated with it domestic related paraphernalia over which planning controls would have no influence. Such a condition in this case therefore would have limited effect in achieving its purpose which would be to limit the effect of the proposed development on the openness of the Green Belt.
14. Furthermore, and whilst the appeal site is accessed via a shared private unmade track and limited public views would be available, a new dwelling and a substantial curtilage would be highly visible to other private users of the track as well as from the dwellings that it would back onto. The overall presence of the new built form and its associated and formal curtilage (alongside the other elements above) would be in stark contrast to the existing coverage of the site and how it relates in use and appearance terms to the open countryside beyond it.
15. I recognise that the existing use of the appeal site has the potential to have associated with it structures and equipment related to the keeping of horses. Such structures that may in themselves have an effect on openness. Whilst it would not be possible to undertake a conclusive comparison with what may be

³ Rotherham Local Plan Core Strategy 2013-2028, adopted September 2014

⁴ Town and Country Planning (General Permitted Development) (England) Order 2015

associated with a dwelling, there are other additional elements associated with this particular case that would contribute to an overall reduction in openness. When considering also the more urbanising effect of domestic paraphernalia as opposed to horse jumps, obstacles and track markers that are arguably more rural in their appearance.

16. For the above reasons, the proposed development would have an adverse effect on both the spatial and visual aspects of the openness of the Green Belt. It would also cause confliction with the purpose of including land within the Green Belt since it would replace an open outdoor and countryside related recreational use with a formalised and substantially new residential one, thereby failing to protect the countryside from encroachment. With respect to this particular issue therefore, the proposed development would fail to accord with the principles established by Policy CS 4 of the Core Strategy and section 9 the Framework. These principles set out that openness and permanence are the essential characteristics of the Green Belt.

Other Considerations

17. The proposed development would provide an additional dwelling which, through the use of quality materials, could be a visual improvement on the existing building. However, the proposed development would result in only a single dwelling and as such it would be of limited benefit to the overall housing supply of the area. I accept that conditions could be used to secure good quality materials which would result in such a visual improvement but again, given the scale of development overall, such improvement would also be limited in the wider context.
18. I acknowledge the Human Rights of neighbouring occupiers to peaceful enjoyment of their dwelling. In my assessment however, I consider that there would be no harm to the living conditions of the occupiers of neighbouring dwellings owing to the scale of the proposed development, its use, orientation and intervening boundary treatment. In addition, I find that no harm would arise to highway safety. Overall, these findings would not be beneficial aspects to the proposed development, but neutral in the balance of considerations.

Conclusion

19. I have identified that the proposed development would be inappropriate development in the Green Belt as defined by the Framework. By definition therefore, harm would be caused to the Green Belt, harm which the Framework indicates should be given substantial weight. The proposed development would further have an adverse effect on both the spatial and visual aspects of the openness of the Green Belt and the purpose of including land within it.
20. As I have explained above, I give only limited weight to each of the other considerations cited in support of the proposed development and conclude that, taken together, they would not outweigh the harm that it would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. The appeal is therefore, for the above reasons and having regard to all other matters raised, dismissed.

John Morrison

INSPECTOR