

Appeal Decision

Site visit made on 5 January 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/P4415/W/16/3159809

The Mill, Norwood Lock, Rotherham Road, Killamarsh, South Yorkshire 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 Mr Jeremy White against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/0841, dated 1 July 2016, was refused by notice dated 1 September 2016.
 - The development proposed is the retention of existing building to be used for 8 No stables, covered yard and tack room and formation of associated car parking spaces. Solar panels to roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt;
 - Its effect on the openness of the Green Belt and the character and appearance of the area with specific regard to its proximity to ancient woodland; 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

Inappropriateness, Openness and any other harm

3. The appeal concerns an existing building, finished in a pre-fabricated material with a dual pitched roof. It has three full height roller shutter doors to the front elevation. The proposed development seeks to use this building, which is unauthorised and subject of an extant enforcement notice requiring its removal, for stabling and storage of other equine related paraphernalia. The proposed development also includes solar panels to the roof and changes to the treatment of its elevations.
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4. As the provision of a facility for the purposes of outdoor recreation, the proposed development could be considered as being not inappropriate as long as it preserves the openness of the Green Belt and would not conflict with the purposes of including land within it¹.
5. The resulting building would be of the same general dimensions to that which has been tested at planning appeal previously. On those occasions, Inspectors found that there would be a significant loss of openness to the Green Belt by virtue of the building's height and overall volume. With regard to the scheme before me therefore, I do not come to a different conclusion.
6. I note that planning permission has been granted for a stable block on the appeal site which was intended to replace the existing building. This building would be significantly lower and lesser in scale than the scheme before me which is clearly a building designed for a different purpose. The alterations to its exterior treatment would not go far enough to change that fact, nor reduce the harm that its size would cause. In essence, the approved scheme for the stable block adequately demonstrated a building designed for its purpose which would not be inappropriate nor harm the openness of the Green Belt. It would be fundamentally different to the scheme before me.
7. In this case therefore, the proposed building would represent inappropriate development in the Green Belt. It would be distinct from other buildings that are nearby and clearly read as being so. It would be outside of the defined curtilages of any other buildings, sitting alone in the landscape. As such it would also encroach into the countryside. For these reasons it would harm the openness of the Green Belt, in the case of both its spatial and visual aspects, and conflict with the purposes of including land within it.
8. The use of green cladding (subject to the agreement of a suitable shade) to the building would reduce its obviousness against a wooded backdrop and masonry to the lower parts of the walls would provide some visual contrast and thus interest to the elevations. However, this would not in my view be sufficient to overcome the visual harm its overall size and positioning would cause to its largely undeveloped ancient woodland setting.
9. For these reasons, the proposed development would fail to accord with saved Policies ENV2, ENV3.2 and CR2.5 of the UDP² and Policy CS4 of the Core Strategy³. These Policies, amongst other things and along with section 9 of the Framework⁴, seek to protect the Green Belt from inappropriate development and preserve its openness. They also seek to ensure that development does not harm the character or quality of the wider environment.

Other Considerations

10. My attention is drawn to the granting of a planning permission on a separate parcel of land for the erection of a stable block⁵. This scheme was for a single storey stable block building with a mono pitched roof. The appellant has provided photographs of this building. It too is in the Green Belt.

¹ Paragraph 89 of the National Planning Policy Framework

² Rotherham's New Plan Unitary Development Plan (1999)

³ Rotherham Local Plan Core Strategy 2013-2028 (2014)

⁴ The National Planning Policy Framework (2012)

⁵ LPA Ref RB2015/0372 Land off Manor Road, Wales

11. Having reviewed the evidence, it would appear that the Council are currently considering enforcement action with regards to this building since it appears to have not been built in accordance with the approved plans. Of particular concern appears to be its finished height. Consequently, the photographs that have been provided are not reflective of the development that was permitted and as such I can afford them very limited weight as a comparison to the proposed building.
12. I note from the officer's delegated report that the angle of the mono pitch roof and thus the finished total height of the building was so that it could support solar panels and ensure their optimum use. The Council appear to have given weight to this factor, referring to paragraph 91 of the Framework.
13. I acknowledge that solar panels are proposed for the south elevation roof slope of the scheme before me. Whilst this would be beneficial from an environmental perspective, the optimum use for solar panels would not be reliant on the proposed building being the total height or scale it would be. In addition, I note that woodland of a significant height and density would be immediately adjacent to the south elevation of the building. As such, it seems relatively clear to me that, in the summer months particularly when the woodland is in full leaf, a degree of shadowing to the elevation would occur which may reduce the efficacy of the panels in any event.
14. Taking all of the above factors into account, the granting of a planning permission for the building referred to above does not mean that the same should be forthcoming for the proposed building.

Conclusion

15. I have identified that the proposed development would be inappropriate development in the Green Belt. 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.
16. As I have explained above, I give only limited weight to the other considerations cited in support of the proposed development and conclude that, taken together, they would not be sufficient to outweigh the harm that it would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
17. The appeal is therefore, for the above reasons and having regard to all other matters raised, dismissed.

John Morrison

INSPECTOR