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## Appeal Decision

Site visit made on 6 February 2017

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

**Decision date: 17 February 2017**

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**Appeal Ref: APP/P4415/W/16/3162950**

**The Stables, East Field Lane, Laughton-en-le-Morthen, Rotherham  
S25 1ZY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Wheeler against the decision of Rotherham Metropolitan Borough Council.
  - The application Ref RB2016/0751, dated 7 June 2016, was refused by notice dated 4 August 2016.
  - The application sought planning permission for erection of agricultural building, anglers facilities, replacement stables and installation of fishing pond with associated parking area without complying with conditions attached to planning permission Ref RB2015/1458, dated 15 January 2016.
  - The conditions in dispute are Nos. 02 and 10 which state that:  
*"02. The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) Drawing numbers 6904, 6905, 6907A, 6920, Location Plan – received 12/11/2015."*  
*"10. Notwithstanding the submitted plans, no additional window/door openings shall be inserted in any elevation of the proposed agricultural building."*
  - The reasons given for the conditions are:  
*"02. To define the permission and for the avoidance of doubt."*  
*"10. To retain the agricultural appearance and function of the building and to ensure that the building is not subsequently used for a use that would otherwise represent inappropriate new build development in the Green Belt."*
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. Planning permission was granted by the Council under planning ref RB2015/1458 for erection of agricultural building, anglers facilities, replacement stables and installation of fishing pond with associated parking area. The planning permission granted was a revised scheme to, amongst other things, alter the roof height of the building and the proposed materials of construction after an earlier planning permission granted in 2015 (planning ref 2014/0999) by a previous appeal decision<sup>1</sup>.

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<sup>1</sup> APP/P4415/W/14/3001635 – Allowed with Conditions – 29 June 2015

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3. The appellant has sought variation of condition nos. 02 and 10 of planning ref RB2015/1458 to allow the amendments on the submitted plans. The amendments consist of two new vents on the south elevation and a flue visible on the rear roofslope to serve an internal chimney, one new vent at first floor level on the east elevation, a change to a ground floor window to French doors, two new vents at first floor level on the north elevation, together with one new vent at first floor level, an additional window and relocation of a door at ground floor level and a reduction in height of a vehicle entrance door on the west elevation of the agricultural building.
4. The application form for this appeal indicates that the approved development was commenced on 28 April 2016. At the time of my visit, the development was not in accordance with the approved plans relating to condition 02 of planning permission Ref RB2015/1458. The proposed amendments together with additional alterations had been made to the west and east elevations of the building contrary to condition 10 of the permission. It seems though, on the balance of probability and based on the evidence before me, that the changes to the agricultural building that are subject to this appeal had not taken place before 7 June 2016 when the planning application to vary the conditions was made to the local planning authority. I shall therefore deal with this appeal under section 73 of the Town and Country Planning Act 1990 and consider it accordingly. In the interest of certainty, I confirm that this appeal is determined on the basis of the proposals within the submitted plan before me (drg.no. 7415 rev D) which are those upon which the Council made its decision, rather than any other works which have taken place.
5. The Council's concerns relate specifically to the design and appearance of the new agricultural building and its impact on the visual amenity of the area. It is common ground between the main parties that the proposal does not change the principle established by the previous appeal decision that the proposed agricultural building, anglers facilities, new stable to replace existing, engineering operations to form a new pond and parking area along with the relocated shed are not inappropriate development in the Green Belt. Based on the evidence before me, I have no reason to take a different view to the previous Inspector on that matter. The overall footprint and scale of the agricultural building would be retained as previously granted planning permission by the Council. Furthermore, the new stable, relocated shed, fishing ponds and parking areas would be unaltered.
6. Having regard to the above, the main issue is the effect of the proposal on the character, appearance and function of the agricultural building and the surrounding area.

## **Reasons**

7. The appeal site is located on the northern side of East Field Lane within the open countryside beyond the settlement edge of the village of Laughton-en-le-Morthen. The agricultural building subject to this appeal adjoins a stable block and an area of hardstanding. The western elevation of the agricultural building and the south elevation of the adjoining stable block are visible and prominent when travelling along East Field Lane, whereas views of the south and east elevations of the agricultural building are partially screened by existing landscaping along the side boundaries. The east elevations of the buildings face a field access with open fields beyond.

8. The appellant has indicated that the proposed changes to the agricultural building through insertion of vents at first floor level would provide ventilation in locations where hay and straw bales would be stored. Based upon the submitted plans before me, it is evident that other than the reduced height of the entrance door, the additional alterations to windows and doors predominantly relate to the part of the building where anglers facilities have been permitted.
9. Policy CS28 of the Rotherham Local Plan Core Strategy 2013 - 2028 (CS), adopted September 2014, amongst other things, requires that development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Furthermore, it also states that design should take all opportunities to improve the character and quality of an area and the way it functions. The interpretation of the policy is supported by the Council's Interim Planning Guidance - Development in the Green Belt (IPG), adopted March 2014, which states that 'any new agricultural or forestry building or structure must be needed, designed and constructed only for agricultural or forestry purposes'. The reason for condition 10 relates to such restrictions in seeking to retain the agricultural appearance and function of the building and to ensure that the building is not subsequently used for a use that would otherwise have represented inappropriate new build development in the Green Belt.
10. The proposal involves a significant reduction in the scale of the vehicle entrance on the western elevation. The reduced height of the vehicle entrance restricts access for and storage of most types of agricultural vehicle. The proposal, therefore, undermines the character and one of the intended functions of the agriculture building for which permission was granted. Furthermore, the change to the vehicle entrance, when taken together with the additional and amended doors and windows at ground floor level and the installation of a flue, alters the exterior of the building in giving it an increasingly domestic appearance. The resultant effect, in cumulative with windows and doors originally granted planning permission to serve the anglers facilities, is that the agricultural appearance, character and function of the building has been harmfully eroded.
11. Buildings used for domestic purposes, such as dwellings, are not an uncommon feature in rural areas. However, the increasingly domestic appearance of a building permitted to be used predominantly for agriculture would appear incongruous to its character and function and the other complementary rural activities in its immediate surroundings. When taken together, I consider that the proposed changes to the vehicle entrance, additional and amended doors and windows at ground floor level and the installation of a flue are harmful to the character, appearance and function of the building as previously approved. Consequently, due to the loss of agricultural character, appearance and function of the building, the proposal fails to be responsive to its context and improve the character and quality of the rural area and the way it functions.
12. In reaching the above findings, I find no harm with respect to the addition of vents on the exterior of the building at first floor level which are features that are consistent with the character, appearance and function of an agricultural building. In this respect, I have taken into account that the additional ventilation provided would offer benefits to the use and function of building for storage of hay and straw. However, such benefits and the absence of concern

in terms of the effect of the vents on the character, appearance and function of the building do not outweigh or justify the harm otherwise identified.

13. The appellant has drawn my attention to other rural buildings in Laughton-en-le-Morthen village, a number of which I observed during my visit. The examples of agricultural buildings and barn conversions included doors and windows that are not dissimilar to the proposal before me. However, I do not have the full details of the circumstances that led to those proposals being accepted and the surrounding context was different to the site and proposal before me. I have, therefore, determined this appeal on its own merits.
14. I conclude that the proposal to vary the conditions 2 and 10 of planning permission RB2015/1458 would have an unacceptable and harmful effect on the character, appearance and function of the agricultural building and the surrounding area. The proposal, therefore, conflicts with Policy CS28 of the CS and the associated guidance in the IPG, together with the design objectives of the Framework.

### **Other Matters**

15. Interested parties have raised concerns that the proposals would be a forerunner to a future application for a change of use of the building to a dwelling and the resultant effect of such a proposal. At the time of my visit, the development remained unfinished. Nevertheless, change of use of the agricultural building does not form part of the proposal subject to this appeal. Any future applications would necessarily be considered by the local planning authority in the first instance.
16. The appellant has expressed concern in terms of the Council's approach in determining planning applications relating to the appeal site. However, those matters have no effect on the planning merits of the proposal before me or the outcome of this appeal.

### **Conclusion**

17. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR