
Appeal Decision

Site visit made on 2 May 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 19th May 2017

Appeal Ref: APP/P4415/W/16/3161735

11 Bluebell Wood Lane, Sunnyside, Rotherham S66 3RX

- 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 Glyn Garbett against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/0701, dated 28 May 2016, was refused by notice dated 2 August 2016.
 - The development proposed is described on the application form as "Retrospective application to convert our purchased land behind 11 Bluebell Wood Lane to garden use".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and purposes of including land within it;
 - Whether the proposal would set a precedent for other garden extensions into the Green Belt; and
 - If the development is inappropriate, 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 development.

Reasons

Whether Inappropriate Development

3. The Framework states in paragraph 89 that new buildings are inappropriate in the Green Belt with some limited exceptions. Paragraph 90 goes on to explain that five other forms of development are not inappropriate in the Green Belt subject to specified tests. Policy CS 4 of the Rotherham Local Plan Core Strategy 2014 (RLPCS) states that the Green Belt will be protected from inappropriate development as set out in national planning policy.
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4. The proposal involves the change of use of land to residential purposes and this does not fall within the exceptions listed in paragraph 89 of the Framework or the other forms of not inappropriate development listed in paragraph 90. It is therefore clear that the proposed change of use to a residential garden can only be inappropriate development in the Green Belt for the purposes of the Framework.
5. For the reasons set out above, the proposal would comprise of inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Openness and Green Belt Purposes

6. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The extension of the residential garden into the Green Belt has led to the extension of urban development beyond the well-defined boundary established by the rear gardens of this part of the residential estate. I saw that although existing vegetation provides some degree of screening and that public access is restricted, the development is visible to a degree from the surrounding area, including from footpaths leading through the open landscape to the rear.
7. However, even allowing for the limited visibility and public accessibility of the site, the proposal represents the encroachment of development into the open landscape and has a small impact on the related Green Belt purpose. I therefore conclude that the proposal does not preserve the openness of the Green Belt and impacts on the purpose of preventing urban sprawl.

Precedent

8. The Council's reason for refusal states that the proposal could set a precedent for other properties to extend their gardens into the Green Belt. The Council has referred to a recent appeal decision¹ which dismissed a proposal for an extension to a residential garden at 7 Bluebell Wood Lane in the vicinity of the appeal site.
9. Both the current and previous proposals indicate that there is pressure in this area to extend gardens into the Green Belt. I saw that there are a number of dwellings in the area with gardens which border the Green Belt and which present similar circumstances to the current appeal. Whilst each application and appeal must be treated on its individual merits, the evidence of recent proposals and the relationship between the estate and the Green Belt boundary supports the Council's concern that approval of this proposal could be used in support of similar schemes.
10. Allowing this appeal would make it more difficult to resist further planning applications for similar developments and I consider that their cumulative effect would exacerbate the harm I have described above.

Other Considerations

11. The appellant has stated that he purchased the site in good faith and is tied into a contractual agreement which involves fencing the land within a certain

¹ Appeal ref: App/P4415/W/16/3162567

timescale. However, this is a private matter between the relevant parties and does not fall within the remit of this appeal.

12. The appellant also refers the land not being maintained and that builders waste had been dumped on the land and the existence of a collapsed wall which he has rebuilt. Furthermore, he states that the land is not readily accessible due to features such as a mining drain and vegetation. However, I saw that whilst the site and adjacent area is relatively overgrown and has evidence of some building operations, the land immediately to the rear of the estate contained established vegetation and was not untypical of reclaimed land on the urban fringe. This area functions as a buffer softening the boundary between the rear of the residential estate and the wider grassland beyond. The extension of the garden into this buffer would diminish this benefit.
13. I am also mindful that the appellant wishes to use the extended garden to provide for his family and domestic requirements. However, this does not overcome the harm that I have identified above.

Overall Balance and Conclusion

14. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For the reasons stated above I consider that the proposal is inappropriate development. It does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it. Very special circumstances to justify the proposal do not exist. The proposal therefore conflicts with Policy CS 4 of the RLPCS which states that the Green Belt will be protected from inappropriate development as set out in national planning policy. It is also contrary to the provisions of the Framework in relation to the protection of the Green Belt. It also conflicts with the advice of the Development in the Green Belt SPD² in regard to extending gardens beyond property boundaries.
15. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal is dismissed.

David Cross

INSPECTOR

² Development in the Green Belt Supplementary Planning Document (SPD) 2013