
Appeal Decision

Site visit made on 2 May 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 30 May 2017

Appeal Ref: APP/R1010/D/17/3168460

**The Laurels, Ruthyn Avenue, Barlborough, Chesterfield, Derbyshire
S43 4EX**

- 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 Mrs Julia Manfredi against the decision of Bolsover District Council.
 - The application Ref 16/00468/FUL, dated 24 October 2016, was refused by notice dated 6 December 2016.
 - The development proposed is described on the application as '*Erection of stable & ancillary facilities on the same footprint as the (recently) previously demolished stable with ancillary kennel facilities which was an element in the previous stable*'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development given on the Council decision notice differs from that on the application. As it is unclear that the appellant agreed to this change I have used the description given on the original application in my decision.
3. I understand that the new building subject to appeal had already been erected when the application was submitted. This has not affected my consideration of the appeal, which I have determined on its planning merits. At the time of my site visit, the building had yet to be brought into use and proposed changes to its elevations, shown on drawing number JBA.3531.103, had to be implemented. As these proposed revisions are of a minor nature I have referred to the new building in the present tense in my decision.
4. The Council has expressed concerns that the building subject to appeal could be used in the future as a dwelling. However, the submitted details show that it would be used to provide stables and kennels connected with the use of the adjacent dwelling. I have determined the appeal on this basis.

Main Issue

5. The main issues are:
 - (a) Whether or not the building subject to appeal constitutes inappropriate development in the Green Belt;
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- (b) The effect of the building on the character and appearance of the countryside; and
- (c) If the building constitutes inappropriate development in the Green Belt, whether the resultant harm by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify its approval.

Reasons

Policy Context

- 6. The adopted development plan, with which my decision must accord unless material considerations indicate otherwise, comprises the saved policies of the Bolsover District Local Plan (BDLP) 2000. The National Planning Policy Framework (the 'Framework') forms an important material consideration.
- 7. The Council's reason for refusal claims that the development conflicts with saved policy HOU9 of the BDLP. However, as the appellant does not propose to use the building as a dwelling this policy is not applicable. I address the other policies referred to in the Council's decision later.

Inappropriate development

- 8. Paragraph 89 of the Framework establishes that the erection of new buildings in the Green Belt is, subject to exceptions set out in its 6 bullet points, inappropriate.
- 9. Under bullet point 4 of paragraph 89, the '*...replacement of a building...*' is not inappropriate provided '*...the new building is in the same use and not materially larger than the one it replaces*'.
- 10. The building subject to appeal occupies land that previously accommodated an earlier building which has been demolished. The appellant's photographs confirm that the earlier structure was built in brick and block and had a partly tiled roof. I have no reason to doubt that the new building is intended to be used for similar purposes to that earlier structure and forms a replacement for it.
- 11. However, bullet point 4 does not expressly cover the replacement of a building which, as in this case, no longer exists. The submitted details also indicate that a substantial length of the roof at the western end of the earlier building was notably lower than the equivalent area within the new building. Whilst the appellant has described the new building as being on the same footprint as the earlier one he has also stated that it is 0.45 metre wider¹. These points collectively indicate that the new building is materially larger than the previous building. For these reasons, the new building does not fall within the scope of bullet point 4 of paragraph 89.
- 12. Under bullet point 6 of paragraph 89, the redevelopment of previously developed sites is not inappropriate provided it would not have a '*... greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*'. Having regard to the use of the site and the previous existence of a building on it, it is likely to be a previously

¹ letter to the Council dated 5 August 2016

developed site. However, as the previous building has been demolished it does not comprise part of the 'existing development' in the context of bullet point 6. The development has also created a new structure which has impacted upon the openness of the Green Belt. Given these circumstances, the development falls outside the exception set by bullet point 6.

13. Under bullet point 2 of paragraph 89, provision of a building to support an outdoor recreational use is not inappropriate in the Green Belt in certain circumstances. Saved policy GEN9(2) of the BDLP identifies small stables as being acceptable in principle in such areas. In this context I note that the new building would provide 2 to 3 stables connected with the appellant's landholding of 2.54 hectares. However, as much of the new building would be used as domestic kennels connected with the adjacent dwelling, its use as a whole would not fall within the range of purposes supported by bullet point 2 or saved policy GEN9(2).
14. The building also does not fall within the scope of any of bullet points 1, 3 or 5 of paragraph 89.
15. Having regard to all these points, I conclude that the building subject to appeal constitutes inappropriate development in the Green Belt as defined in the Framework and policy GEN9 of the BDLP.

Character and appearance

16. The building subject to appeal is located within the countryside, at the rear of a small group of buildings. Whilst it is close to the M1 motorway, it is not prominently visible from this or other public viewpoints.
17. The Council has raised concerns that the building is not of a suitable design or mode of construction for a rural setting. However, rural buildings can suitably take many forms. Whilst the building has a substantial footprint, and notwithstanding my earlier comment regarding openness, it has a relatively low lying form compared to the nearby large dwelling. Its rendered elevations and pitched roof do not look out of place alongside this or the other existing buildings at the site.
18. I conclude that the building has a neutral effect on the character and appearance of the area. Its approval would not materially conflict with relevant provisions of policy GEN2 or ENV3 of the BDLP relating to this matter.

Other considerations

19. I have noted the points raised by the appellant related to the history of the site and her correspondence with the Council. However, these do not include any substantive planning considerations to add to those which I have considered earlier.

Planning balance and conclusion

20. I have found that the building subject to appeal constitutes inappropriate development in the Green Belt. Paragraph 87 of the Framework establishes that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight be given to such harm.

21. I have also found that the building has a neutral effect on the character and appearance of the area. However, no other substantive considerations have been identified. Consequently, I find that other considerations in this case would not clearly outweigh the harm that I have identified. Therefore, the very special circumstances needed to justify the development do not exist. The development does not accord with the development plan or amount to sustainable development in the terms of the Framework.
22. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR