
Appeal Decision

Site visit made on 23 May 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 16th June 2017

Appeal Ref: APP/N1025/W/17/3166613

Golden Valley Farm, Derby Road, Risley, DE72 3SS

- 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 H Webster against the decision of Erewash Borough Council.
 - The application Ref ERE/0816/0041, dated 2 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is extension of curtilage, removal of barn structure and construction of garage block ancillary to farmhouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ("the Framework") and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt; and
 - (c) If the proposal is 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 development.

Reasons

Inappropriate development in Green Belt

3. The appeal site comprises part of a yard area and contains an existing barn. This structure is clad in sheet metal, and is open on 2 sides. It is positioned next to the garden area to the rear of the existing farmhouse.
 4. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
 5. In this case, the proposed domestic garage block would not be in the same use as the existing barn. Moreover, the proposed building would be significantly taller and wider than the existing barn, and would have a larger footprint. In these circumstances, it is clear that the proposed garage block would not meet this (or any other) exception set out at paragraph 89 of the Framework.
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6. Paragraph 90 of the Framework identifies a number of other forms of development that are not inappropriate in the Green Belt. However, these do not include the incorporation of agricultural land and buildings into a residential curtilage. In this case, the development would involve a considerable encroachment into the yard that would have a significant urbanising effect.
7. I conclude that the proposal would be inappropriate development in the Green Belt, which paragraph 87 of the Framework states is harmful by definition and should not be approved except in very special circumstances. The proposal would also be contrary Policy 3 of the Erewash Core Strategy (2014) and Policies GB1 and GB6 of the Erewash Borough Local Plan (2005) which seek, amongst other things, to prevent inappropriate development in the Green Belt.

Openness

8. The proposed garage block would be significantly larger than the existing barn, which in any case is open on 2 sides. The development would therefore result in a reduction in openness to this part of the Green Belt. The Framework advises at paragraph 79 that openness is an essential characteristic of Green Belts, and the appeal proposal would therefore cause harm in this regard.
9. The appellant states that several redundant farm buildings and sheds have been removed from the site in the past. However, these buildings are no longer present and so cannot offset the additional built volume that would be created in this case.
10. I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. This would further harm the objectives of the Green Belt to which the Government attaches significant importance.

Other considerations

11. The appellant states that the proposal is well related to the existing farm house and represents an opportunity to consolidate development within the site. However, it would introduce a substantial structure that would be significantly larger than a typical ancillary building. In any case, these are ordinary considerations that could apply to many developments in the Green Belt.

Conclusion

12. The proposal would constitute inappropriate development in Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, the other considerations in this case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The development would therefore be contrary to Policy 3 of the Erewash Core Strategy (2014) and Policies GB1 and GB6 of the Erewash Borough Local Plan (2005), and guidance contained in the Framework.
13. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR