



Appeal Decision

Site visit made on 13 December 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 5th January 2018

Appeal Ref: APP/E3715/W/17/3181463

Moonhill Barn, London Road, Stretton-on-Dunsmore CV23 9HY

- 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 Steve Bush against the decision of Rugby Borough Council.
 - The application Ref R17/0445, dated 15 February 2017, was refused by notice dated 14 June 2017.
 - The development proposed was originally described as a single storey wooden lodge on a wheeled chassis that can be moved in the future. The intended use is temporary office and living accommodation placed on a small patch of land was previously unused within our property boundaries.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw that the development was in place and had been constructed in accordance with the plans submitted. The Council treated the application as retrospective, as have I.

Main Issues

3. The main issues in this case are;
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - b) The effect on the openness of the Green Belt and character and appearance of the area.
 - c) If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal relates to a small part of a large site which incorporates a number of buildings and an area of more open and undeveloped space to the west, which includes a pond. The development is roughly at the western extent of the main area of commercial activity and is close to the southern boundary of the site, though I did observe a number of skips positioned alongside the track

running along the northern edge of the site. The area to the west of the development is more reflective of the rural character of the wider area.

5. A significant amount of commercial activity was taking place on the site at the time of my visit. I understand that those activities relating to waste are the subject of an enforcement notice. A haulage company also operates from the site.

Whether inappropriate development in the Green Belt

6. Saved Policy CS1 of the Rugby Borough Council Core Strategy (CS) (2011) states that only where national policy allows it will development in the Green Belt be permitted. Therefore, the policies of the Framework take on a particular significance. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless one or more of the exceptions set out in paragraph 89 itself or paragraph 90 have been met.
7. There is nothing to suggest the development meets any of these exceptions. Accordingly, the lodge constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and in line with the Framework's requirements, I have given substantial weight to this harm¹.

Openness of the Green Belt and Character and Appearance of the Area

8. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belts are their openness and permanence and one of the purposes of the Green Belt is to keep land permanently open.
9. There is nothing to suggest that there were any buildings or other structures in place prior to the development taking place. Notwithstanding the other buildings and activity on the site, the development has still resulted in a relatively large and bulky structure where none previously existed. I recognise that in the context of the site as a whole, the effect on openness is moderate in scale. However, the development still fails to preserve the openness of the Green Belt and this constitutes additional harm over and above that resulting from the inappropriate nature of the development.
10. While the building is relatively well screened from some vantage points, there is a public right of way adjacent to the site from which the development can be seen. With or without the other commercial activity and buildings on the site, this large mobile timber structure appears somewhat incongruous in the wider context of the site and surrounding area. It neither reflects nor complements the overarching rural character of the area and open fields to the south and west, the remaining open land on the site or the majority of permanent buildings I saw on the site. I therefore concur with the Council's view that the development is harmful to the character and appearance of the area. Accordingly, there would be conflict with CS Policy CS16 which seeks, amongst other things, to ensure development demonstrates high quality design.

¹ See paragraph 88

Other considerations

11. The appellant has indicated that the development is associated with the unauthorised use of the site for a waste business. This is the subject of a separate enforcement notice which requires the site to be cleared by 6 March 2018. The appellant has indicated that they are seeking a temporary permission that would allow the use of the lodge to continue alongside the waste business. However, irrespective of the planning status of the waste business or its appropriateness in the Green Belt, no substantive evidence has been provided which demonstrates a need for the building or the accommodation it provides.
12. I saw a number of other buildings on the site, the use or status of which have not been made clear. Nonetheless, when considering that a business has operated on the site for a number of years, it would be reasonable to assume that there would be scope to provide the accommodation needed to satisfy the day-to-day needs of the staff within existing buildings. However, even if this is not the case, it has not been demonstrated that the development is a necessity in this regard. While I recognise there might be some benefits associated with allowing a temporary permission to run alongside the enforcement notice, the lack of detailed evidence demonstrating any functional requirement for the building means I have given only limited weight to this factor.
13. In terms of the overnight residential accommodation, there is nothing before me which demonstrates that this is necessary to operate the business. Moreover, there is nothing to suggest that the development itself is the only way that this could be achieved on site. Again, I have given little weight to any supposed benefits of the development and its relationship with a use that is also recognised as inappropriate development in the Green Belt.

Very Special Circumstances and Conclusion

14. The proposal would be inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates such harm should be given substantial weight. I have also found harm with regard to the openness of the Green Belt and the character and appearance of the area.
15. I have had regard to the fact that a temporary permission would limit the length of time the harm would occur. This factor weighs in favour of the development to an extent and lessens the degree of harm caused, particularly in terms of openness and character and appearance. Nonetheless, in light of the evidence before me I have given little weight to any supposed benefits of the development or its link to the waste use. Therefore, taking all matters into account these other considerations do not clearly outweigh the totality of harm to the Green Belt and other harm arising from the development. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, there would be conflict with paragraph 87 of the Framework and CS Policy CS1.
16. The Council's decision notice refers to the CS Policy CS2 and the Stretton-on-Dunsmore Parish Plan (2012). I have not been provided with this document and thus cannot conclude with certainty that the development would be in conflict with it or Policy CS2. Nonetheless, this does not alter the fact there is conflict with local and national policy.

17. For these reasons I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR