
Appeal Decision

Site visit made on 4 June 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2019

Appeal Ref: APP/R4408/W/19/3223426

Land adjacent 'Rivelin', Old Mill Lane, Thurgoland S35 7EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Alexander Wilkinson against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref: 2018/0819, dated 13 July 2018, was refused by notice dated 6 September 2018.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the heading above is taken from the appeal form as it is more precise than that in the application form.
3. The new Barnsley Local Plan (2019) (LP) has been adopted since the Council's decision. This supersedes the Barnsley Core Strategy (2011). Adopted Policies GB1 and D1 of the LP broadly accord with the policy rationale set out by the Council at the time of its decision. Accordingly, in my assessment of the proposal, I have regard to relevant policy in the LP.

Main Issues

4. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies
 - b) the effect of the proposed development on the openness of the Green Belt, and
 - c) would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Background

5. The appeal site comprises a sloping field. The development plan comprises the LP. The site is located in the Green Belt, as defined by Policy GB1 of the LP. The proposal would provide a three-bedroom detached dwelling.

Whether inappropriate development

6. Policy GB1 of the LP sets out that the Green Belt will be protected from inappropriate development in accordance with national planning policy. As such, GB1 is consistent with the National Planning Policy Framework¹ (the Framework).
7. Paragraph 145 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. Two such exceptions are limited infilling in villages, and, subject to impact on openness of the Green Belt, limited infilling or redevelopment of previously developed land (PDL).
8. Whether or not the appeal site is an infill site within the village of Huthwaite is a matter at the centre of the appeal. From what I saw on my site visit and the aerial view, the appeal site reads 'on the ground' as part of an open area of grassed fields which rises up, away from Old Mill Lane, to adjoin a substantial area of woodland. The grassed fields combine with the elevated woodland terrain to form a distinct area of countryside. This countryside is visually and spatially in distinct contrast to the clear continuum of housing, which is located on the northern side of Old Mill Lane and ceases next to the eastern boundary of the appeal site. These factors, in combination, lead me to find that the appeal site sits outside a clearly recognisable edge of part of the main built-up area of Huthwaite. Dwellings located further west along Old Mill Lane do not, in my judgement, diminish the countryside status of the appeal site, as described above.
9. I note the appellant's view that the appeal site is infill 'wholly within' the built settlement. However, I consider the site to be outside the village, within the countryside, and therefore not infill, for the reasons described above.
10. The planning appeal and permission decisions for other sites, which are cited by the appellant², are noted. However, the appeal site differs in the extent and nature of its enclosure by other development. Moreover, it has its own setting and circumstances. As such I assess the proposal on its own merits.
11. Whether or not the site was previously part of a quarry development is a matter of dispute. The appellant states that the site 'comprises a former quarry and associated land'. The appellant also indicates that mounded earth and stone material on site is 'slack' from the former quarry. By contrast, historic maps submitted by the Council indicate that the site was not part of a quarry development. Moreover, the Council considers such mounded material 'is not an unusual feature on agricultural land'. It is noted that planning permission was granted in 2018 for an agricultural building on the appeal site, in connection with grazing. Taking the above together, I consider that it has not been substantively demonstrated that the appeal site was formerly part of a quarry development. In any case, Annex 2 of the Framework excludes 'land that has been developed for minerals extraction' from the definition of PDL. The above factors, in combination, lead me to find that it has not been demonstrated that the appeal site is PDL.

¹ Published on 19 February 2019.

² Appeal Ref: APP/R4408/W/15/3134783 and planning permission Ref: 2018/0583.

12. For the above reasons, the appeal site would not fall within the exceptions listed in paragraph 145 of the Framework. Accordingly, in this respect, the proposal would be inappropriate development in the Green Belt and would conflict with the Framework and Policy GB1 of the LP. Together the policies require strict control over inappropriate development in the Green Belt.

Openness of the Green Belt

13. The proposed dwelling, along with other typical elements associated with residential development, such as boundary treatments and domestic paraphernalia including cars, would adversely impact on the openness of the site. Given the sloping terrain of the site, likely earthworks and retaining features would add to the adverse impact described above.
14. With regard to the effects on the aim and purposes of including land within the Green Belt, the proposal would encroach into the countryside and undermine the recycling of urban land. As such the proposal would conflict with Green Belt policy, as set out in paragraphs 133 and 134 of the Framework.

Other considerations

15. The proposal would provide additional residential accommodation, with associated economic benefits during and after construction phase. However, given the modest scale of the benefit, I attach limited weight to it.
16. I note the appellant's view that the Council broadly considers 'development within Huthwaite to be...sustainable'. However, the Council sets out that 'the updated settlement assessment undertaken to support...the Local Plan' scores Huthwaite as 'highly sensitive with a low capacity for development'.
17. It is recognised that the appellant proposes stone and slate type external materials for the building. It is also acknowledged that the proposed dwelling would be similar in scale and appearance to some other properties in the area. However, given its elevated location on open land, adjacent to public rights of way, the proposal would detract visually from the rustic landscape character of the countryside area on the north side of Old Mill Lane, described above.

Conclusion

18. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There would also be loss of openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Accordingly, very special circumstances do not exist, as the potential harm to the Green Belt by reason of inappropriateness and other harm is not clearly outweighed by other considerations. In terms of the development plan, the proposal would conflict with Policy GB1 of the LP as it would be inappropriate development in the Green Belt. The proposal would also conflict with the Framework policy on the Green Belt. Furthermore, the proposal would not accord with Policy D1 of the LP, which seeks to ensure that development complements local character.
19. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR