



Appeal Decision

Site visit made on 29 July 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2019

Appeal Ref: APP/P4415/W/18/3218934

The Stables, East Field Lane, Laughton-en-le-Morthen, Rotherham S25 1ZY

- 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 Michael Wheeler against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2018/1241, dated 6 August 2018, was refused by notice dated 4 October 2018.
 - The development proposed is 2 log cabins, toilet block and change of use from stables to fruit and veg, butchers, craft, anglers and microbrewery shops.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name from the appeal form, given the limited information contained on the application form.
3. I have also amended the address so as to refer to the settlement of Laughton-en-le-Morthen, which is its full title and the one used by the Council on its decision notice.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework 2019 (the Framework) and development plan policy
 - the effect of the proposal on shopping provision
 - the effect of the proposal on highway safety
 - 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

5. The appeal development has two main elements: the erection of three new buildings and the change of use of part of an existing building.

6. The new buildings would be:

- a single-storey, pitched-roofed toilet / storage block to serve the existing angling use and the other proposed buildings
 - two single-storey, pitched-roofed log cabins that would provide self-catering accommodation for anglers seeking to enjoy a short holiday or for schoolchildren / teachers to stay overnight.
7. The change of use would be to five single-storey, pitched-roofed stone stables, which are joined to an existing 2-storey pitched-roof stone building, and overlook the existing car park and vehicular access to the site.

Inappropriate development in the Green Belt

8. The Government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence¹.
9. Policy CS4 (Green Belt) of the Rotherham Local Plan – Core Strategy September 2014 (RLPCS) states that land will be protected from inappropriate development as set out in National Policy. Policy CS4 predates the Framework but does not conflict with it and I have therefore given it significant weight.
10. Policy SP2 (Green Belt) of the Rotherham Local Plan – Sites and Policies June 2018 (RLPSP) also predates the Framework, and whilst generally consistent, differs in certain respects relevant to this appeal, and so I have given it limited weight in my decision.
11. The Framework states that new buildings are inappropriate within the Green Belt unless they comprise one of the exceptions outlined in paragraph 145. These include:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
12. The Framework also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are listed at paragraph 146 and include:
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
13. I have given significant weight to the Framework as a material consideration in determining this appeal.
14. The three new buildings would be located a short distance to the northeast of an existing 2-storey stone building, close to the northern boundary of predominantly grass fields, which are used for grazing. The fields are generally formed by timber fencing, with the northern boundary next to a mature hedgerow.

¹ Paragraph 133 of the Framework

15. The main parties dispute whether the three new buildings are 'appropriate facilities' for outdoor sport or recreation. Irrespective of whether the buildings are such 'appropriate facilities', or whether there is a need for them at the site, their design, scale, height, massing and position would not preserve the openness of the Green Belt in visual terms within the site, or in spatial terms. Consequently, they would be inappropriate development in the Green Belt and would conflict with Policy CS4 of the RLPCS and SP2 of the RLPSP, and with the Framework.
16. The proposed change of use to four retail units and a microbrewery with ancillary shop would be accommodated within the existing single storey stable building, which is of a permanent and substantial construction.
17. However, the creation of five new business units would intensify the use of the existing building, with employees, suppliers and customers all necessary for the five new units to function successfully. The uses, and consequent increase in vehicular traffic to and from the appeal site, and the associated parking of these vehicles, would have an urbanising effect on the area.
18. The proposed re-use of the stable buildings would, therefore, adversely affect the openness of the Green Belt in spatial terms and would conflict with one of the purposes of Green Belt land, *to assist in safeguarding the countryside from encroachment*². Consequently, it too would be inappropriate development in the Green Belt and would conflict with Policies CS4 of the RLPCS and SP2 of the RLPSP, and with the Framework.

Shopping provision

19. The four proposed retail units and a micro-brewery would be located some 250 metres outside the nearest settlement, Laughton-en-le-Morthen, which is said to be empty of shops, and is not designated in the Council's retail and service centre hierarchy contained in Policy CS12 (managing change in retail and service centres) of the RLPCS.
20. The proposal would be outside of a designated centre, and in these circumstances, proposals for town centre uses such as are proposed should be subject to *The Sequential Approach*, contained in Policy CS12. However, Government guidance states that such a sequential approach *should not be applied to applications for small scale rural offices or other small scale rural development*³. Furthermore, the limited scale of the proposal means that an Impact Assessment, as referenced in Policy CS12, is not required.
21. Policy CS1 (Delivering Rotherham's Spatial Strategy) of the RLPCS states that no further provision for employment or retail and only limited provision for housing is envisaged for Laughton-en-le-Morthen, for the duration of the plan. However, Policy CS1 makes clear that the figures are not ceilings, and consequently do not prevent such development in principle.
22. The appeal site's location outside of a non-designated settlement⁴, and some 2 kilometres from the nearest designated town centre at Dinnington, is somewhat remote. However, Government guidance supports the diversification

² Paragraph 134 c) of the Framework.

³ Paragraph 88 of the Framework.

⁴ In terms of the retail and service centre hierarchy, Policy CS12 RLPCS

of land-based rural businesses and the development of accessible local services and community facilities such as local shops⁵.

23. Furthermore, Government guidance states that *sites to meet local business and community needs in rural areas may have to be found...beyond existing settlements, and in locations that are not well served by public transport*⁶.
24. I will address the Highways impact of the proposal in the subsequent section. However, setting that aside, the proposed re-use of an existing building, part of an existing leisure business, in order to provide small-scale shop uses, a few hundred metres from Laughton-en-le-Morthen, a settlement which contains no shops, would not have an unacceptable impact on shopping provision in the area.
25. Whilst it would have a limited conflict with Policy CS12 of the RLPCS, this policy is inconsistent with Government Guidance regarding the sequential approach and I therefore give it very limited weight in this regard. The proposal would not conflict with Policy CS1 of the RLPCS and would accord with guidance contained in the Framework in terms of rural shopping provision.

Highway safety

26. The appeal site is connected to Laughton-en-le-Morthen by East Field Lane, a relatively narrow country road to the nearby village of Firbeck. In the vicinity of the appeal site the road is bounded by narrow grass verges, which are occasionally encroached upon by hedgerows and trees. The road is said to be lightly trafficked and whilst generally straight is curved in places, which partly obstructs views of the highway. It has no footpath and there is no streetlighting between the settlement and the site.
27. The application form states that there are 46 existing car parking spaces at the appeal site, and the proposal would provide a further four spaces. However, the appellant's final comments contradict this. They state that there are 20 spaces adjoining the stable block and 25 spaces by the angling lake on the southern side of east Field Lane, and that no additional spaces are proposed.
28. Government guidance is clear that the appeal process should not be used to evolve a scheme, and that *if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application*⁷. I have not, therefore, had regard to the appellant's final comments on the amount and location of car parking at the appeal site. I have determined this appeal on the basis of the information that was before the Council when it refused planning permission for the appeal development.
29. The proposal would entail a small increase in car parking provision at the appeal site. However, the introduction of four retail units and a micro-brewery (with ancillary retailing) would be likely to significantly increase vehicular traffic to and from the site, by employees, suppliers and customers. The proximity of the site to Laughton-en-le-Morthen means that some customers, or employees, would be likely to choose to walk to and from the appeal site along East Field Lane.

⁵ Paragraph 83 of the Framework.

⁶ Paragraph 84 of the Framework.

⁷ Procedural Guide Planning appeals – England, 19 March 2019 – Paragraph M1.1

30. The proposed log cabins would also be likely to increase pedestrian and vehicle traffic to the appeal site.
31. Notwithstanding the appellant's comments that the proposed retail units would also serve the anglers using the existing approved facilities, the likely increase in vehicular and pedestrian traffic along East Field Road between the appeal site and Laughton-en-le-Morthen would increase the prospect of vehicular, and vehicular / pedestrian conflict there. In my view, this would have an unacceptable impact on highway safety⁸ in the area.
32. For the reasons given above, the appeal development would be harmful to highway safety and would therefore conflict with the Framework, in this regard.

Other considerations

33. The proposed log cabins would provide additional facilities for anglers at the appeal site and would support a proposed educational use. Together with the proposed retail units / microbrewery, the log cabins would diversify and expand the existing business, supporting its viability.
34. The application form and the appellant's final comments are inconsistent in terms of the number of existing and proposed employees at the appeal site. With reference to aforementioned Government guidance on appeals procedure, I have considered the proposed employee numbers contained on the application form - six full-time and six part-time employees.
35. No evidence has been provided that the existing business is not viable, nevertheless, I give these social and economic benefits, in this rural area, weight.
36. The provision of local shops next to a settlement without such provision would be likely to benefit local residents and the local economy, including local suppliers of produce for some of the units. I therefore also give this weight.
37. The proposed toilet / storage building would increase the number of toilets available at the appeal site and would provide gender-specific toilets and a toilet for a person with disabilities to use, which are not currently available at the site. The existing angling use on both sides of East Field Lane has planning permission on the basis of the existing facilities described in the evidence. Nevertheless, I give this provision some weight.
38. The proposed storage area would take up around 50% of the proposed building and would contain equipment necessary for the maintenance of the existing fisheries, as well as the log cabins and toilets. Some space for the storage of equipment and materials for the maintenance of the proposed log cabins and toilets would be needed. However, no substantive evidence has been provided regarding the amount of storage space required for these purposes and I therefore give this matter only limited weight.
39. The appellant refers to a leisure facility development at the Rother Valley Country Park, on land also said to be Green Belt, but which the Council is said to have granted planning permission for on the grounds of 'very special circumstances sufficient to justify the development.' I am not familiar with this

⁸ Paragraph 109 of the Framework.

development or its location, and in any event, each proposal should be considered on its individual merits. I therefore give this very limited weight.

40. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt⁹.
41. I find that the other considerations in this case do not clearly outweigh the totality of the harm to the Green Belt, and to highway safety, that I have identified, bearing in mind the great importance the Government attaches to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would therefore conflict with Policies CS4 of the RLPCS and SP2 of the RLPSP, and with the Framework.

Conclusion

42. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

⁹ Paragraph 144 of the Framework.