



Appeal Decision

Site visit made on 29 October 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/P4415/W/19/3236128

Homestead Nurseries, Common Lane, Ravenfield, Rotherham S65 4LT

- 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 David Wood against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2019/0722, dated 3 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is formation and construction of new vehicular access off Common Lane at land adjacent to Homestead Nurseries.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the proposal would be within the Green Belt, I consider the main issues to be:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
 - if the proposed development is inappropriate, 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

3. Paragraphs 145 and 146 of the National Planning Policy Framework (the Framework) set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Forms of development that preserve the openness of the Green Belt and do not conflict with the purposes of including land within it are also not inappropriate. These include engineering operations.
4. The appellant argues that the proposed access road, described as a gravel driveway, would constitute an engineering operation which would maintain the openness of the Green Belt. Moreover, it would be related development to two existing dwellings and, it is stated, would not introduce any new built development other than the driveway itself.

5. Notwithstanding this, based on what I have seen and read, it is a fact that the proposed driveway would be within the Green Belt. The Framework states that engineering operations and local transport infrastructure, which can demonstrate a need for a Green Belt location, are not inappropriate in the Green Belt provided they preserve Green Belt openness and do not conflict with its related purposes.
6. However, from the evidence, I find that the proposal would be serving private land and would neither be acceptable local transport infrastructure nor an acceptable engineering operation as set out in the Framework. Moreover, there is no substantial evidence in this case to clearly support the requirement for the proposed driveway in the proposed location in the Green Belt.
7. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt, as defined by the Framework. As such, it would be contrary to Policy CS4 of the Rotherham Core Strategy 2014 (the CS), Policy SP2 of the Rotherham Local Plan (the LP) and the relevant sections of the Framework.

Green Belt openness and purposes

8. A significant aim of Green Belt policy is to keep land within it permanently open. Therefore, in accordance with Paragraphs 133 and 134 of the Framework, I have had regard to the impact of the proposed scheme on the openness of the Green Belt and its related purpose of safeguarding the countryside from encroachment.
9. In its statement, the Council refers to a Court of Appeal ruling by Lord Justice Lindblom in relation to the consideration of the visual impact of a proposal on its surroundings in determining its effect on Green Belt openness. Accordingly, I have had due regard to this in my assessment and determination of the appeal proposal.
10. The proposed driveway would introduce no substantive vertical development to the site and, in that respect, it would have no significant visual impact on the wider surrounding area. Nonetheless, the proposed driveway would alter the visual appearance of the existing field between the bungalows and the main highway, Common Lane. As such, I find that it would change the character and appearance of the immediate surroundings from open, semi-rural agricultural land to a more urban appearance as a gravel driveway providing a vehicle access to the adjacent dwellings. As a result, the site would visibly and significantly change in character and appearance. Moreover, it would introduce physical features and elements within the setting that would inevitably have an adverse effect on Green Belt openness.
11. Having regard to all of the above, I find that the change in the open nature, character and appearance of the site resulting from the proposed development would lead to a loss of Green Belt openness and would also have an adverse impact on the Green Belt purpose of safeguarding the countryside from encroachment. Consequently, I conclude that the proposed development would be contrary to Policy SP2 of the LP and the relevant sections of the Framework.

Other considerations: very special circumstances

12. The Framework sets out how inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt. This is echoed in Policy SP2 of the Local Plan.
13. I note that the two bungalows to be served by the proposed development are no longer part of the original nursery business and that it is stated that these are now entirely separate from it. As such, the appellant argues that these properties

should now be served by separate accesses from Common Lane. Moreover, I acknowledge the appellant's willingness to limit the potential impact of the access driveway from Common Lane to a single carriageway and note the intention to plant a new hedge to either side of it to limit its visual impact on the environment.

14. Nonetheless, taking the above into account, I find that such measures would not have any significant mitigating effect on the visual impact of the proposal on the Green Belt and the material harm to Green Belt openness which would be caused by it. I acknowledge that the proposed driveway would provide a separate and dedicated access to the nearby bungalows and the benefits of this put forward by the appellant are noted. However, based on what is before me, I note that the existing access adequately serves the nursery business and the nearby dwellings and there is nothing substantive before me to indicate that the bungalows require a separate access. Therefore, whilst the new driveway would be desirable, I find that it is not essential. This, and the apparent suitability of the existing access to serve the nursery and the dwellings, is supported by the comments of the highway authority and I have seen nothing substantive to alter my view on this matter.
15. In assessing the proposed scheme and its impact as a whole, I find that the benefits of providing a separate access to the nearby bungalows, when considered individually and cumulatively with all other considerations before me, would not outweigh the substantial weight I must give to the Green Belt harm that I have identified. As a result, these other considerations do not result in or constitute the very special circumstances required to justify the proposed development as acceptable in the Green Belt.

Conclusion

16. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although in this case, the effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment would be limited, substantial weight must be given to Green Belt harm. Moreover, very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
17. Based on what I have seen and read, I conclude that the proposal would be inappropriate development in the Green Belt and would have a harmful visual impact on Green Belt openness and related purposes. Furthermore, taking account of the points put forward in favour of the scheme by the appellant, I find there to be no very special circumstances demonstrated to justify the proposed scheme in the Green Belt. Furthermore, I find that such considerations would not, in any event, outweigh the substantial weight that I must give to the Green Belt harm I have identified. Consequently, the proposed development would be contrary to Policy CS4 of the CS, Policy SP2 of the LP and the relevant sections of the Framework.
18. For these reasons, and having had due regard to all other material considerations and matters raised, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR