



Appeal Decision

Site visit made on 20 August 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/P4415/W/19/3229761

**5 Elm Tree Farm Court, Kilnhurst Road, Hooton Roberts,
Rotherham S65 4TE**

- 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 Liversidge against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2019/0147, dated 22 January 2019, was refused by notice dated 20 March 2019.
 - The development proposed is described as 'further to the domestic curtilage being established and the removal from site of the unlawful garage and caravan we are now proposing to utilise the subject building as an agricultural store in association with the land holding'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On my site visit I observed the building that is the subject of this appeal, which was internally set up as a cinema room. It was refused planning permission as an extension to an existing residential outbuilding in 2016¹ and it is therefore unauthorised. A subsequent enforcement notice was appealed and upheld in September 2018². Compliance with the notice and enforcement action in respect of any potential future use is a matter for the Council. It is not part of the appeal before me.
3. The description of development in the header above is taken from the application form. The appeal form describes it as the use of building as an agricultural store in association with the land holding, whilst the Council's decision notice refers to the erection of an agricultural building. On the evidence before me, there is some ambiguity as to whether or not it would be a change of use. Whilst taking note of what has been built, as no permission exists for the proposal as either an extension to the existing outbuilding or any alternative form of development, I have determined this appeal as a proposal for a new building to be used as an agricultural store. I have done so on the basis of the plans and evidence before me.

¹ RB2016/0704

² APP/P4415/C/18/3196886 and APP/P4415/C/18/3196887

Main Issue

4. The main issue in this appeal is the effect of the proposal in relation to the Green Belt as follows:
- Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - Its effect upon the openness of the Green Belt;
 - If the development is inappropriate, whether any harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

5. Elm Tree Farm Court is a complex of former farm buildings that have been converted into residential use. No 5 is positioned at its north-eastern corner. It has a separate driveway to the west that provides access into a large area that is partly grassed adjacent to the house, but mainly hard surfaced. The site is within the Green Belt.
6. To the north of No 5 is an outbuilding constructed in stone and render. The building that is the subject of this appeal would project northwards from it to form an 'L' shape. It would also be built in stone/render with double doors to the north-facing elevation. It would be used as an agricultural and machinery store as well as for the storage of produce for short periods.

Whether or not inappropriate development

7. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also confirms that substantial weight should be given to any such harm and that, other than for limited exceptions, the construction of new buildings in the Green Belt is inappropriate. The stated exceptions to this include buildings for agriculture and forestry.
8. The land holding that would be served by the proposal is the adjacent field, which extends to approximately 2 acres (0.8 hectares). It would be accessed from the driveway, from which it is separated by a timber fence and gate. It is proposed for use as an allotment type growing area, producing fruit and vegetables to supply to local businesses and farm shops. It would also be used to keep pigs and to produce hay for sale.
9. I recognise the appellant's contention that the first hay crop was ready to be cut around the time of my visit. An application for a County Parish Holding in order to keep pigs on the land has also been sought although it is not before me. Nonetheless, on my site visit, I observed no evidence of any agricultural activity on the land. The field was rough grassland that appeared overgrown. Whilst three letters have been presented expressing interest in the purchase of hay/organic allotment produce, there were no signs of any animals being kept for agricultural purposes. There was also no indication that the appellant was attempting to grow fruit and vegetables on the land or seeking to make the field productive for that purpose.

10. The appellant states that a building is required in order to allow the agricultural use to commence and it is dependent upon it. It would be an undercover space to store equipment for cultivating the land and items such as seeds and fertilizers. But I am not persuaded that it would be necessary in order for the foundations of agricultural production to start, such as turning over the soil or creating beds for fruit and vegetables, none of which was evident at the time of my visit.
11. I also have no information as to how the field would be sub-divided to accommodate each of the elements proposed. I have nothing before me to demonstrate that machinery other than a tractor could be used that may be more suited to a land holding of this size/type, which may give rise to the need for a smaller building in the event that a new one would be required. Furthermore, the removal of any such building should it not be used for agricultural purposes within 10 years of its construction does not justify a structure that is not required for such purposes in the first instance.
12. For these reasons, on the evidence before me, I conclude that the building would not be required for the purposes of agriculture. Consequently, the proposal would not meet the exemption set out above and it would constitute inappropriate development.
13. The proposal is therefore contrary to Policy SP7 of the Rotherham Local Plan Core Strategy 2013-2028 (Adopted September 2014) (RCS), which requires, amongst other matters, that applications for a new agricultural building must demonstrate that it is needed, designed and constructed solely for that purpose. It would also conflict with Policies CS4 and SP2 of the RCS (2014), which are consistent with the Framework in seeking to protect the Green Belt. This is a matter to which I attach substantial weight.

Openness

14. The Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
15. The appeal proposal would be constructed largely in stone with a tiled roof and it would be a structure of solid appearance as a result. Its footprint and height would be sizeable, particularly when considered in combination with the existing building, from which it would extend at 90 degrees into open land.
16. Whether or not it would have a lesser effect than a new agricultural building sited away from the existing group is not pertinent to an assessment of the appeal proposal's particular impact on openness. In any event, there is no extant permission for any other agricultural building on the appeal site and it is therefore a matter to which I afford negligible weight.
17. Moreover, the proposal would be positioned beyond what has been determined to be the domestic boundary of the property. Its character, evident from the field at present, would therefore be one that would be largely undeveloped and open. Whilst I accept that the proposal would not be isolated in that it would be attached to an existing domestic outbuilding that was converted from an existing building, the appeal proposal would not be a conversion. It would extend into the open countryside and significantly reduce the site's openness.

18. I therefore conclude that the proposal would result in a permanent loss of openness, which would be harmful to the Green Belt. It would be contrary to Policies CS4 and SP2 of the RCS (2014) and guidance within the Framework, which seeks to protect the Green Belt. This is a matter to which I also attach significant weight.

The Green Belt Balance

19. I have concluded that the proposal is inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are no other considerations in favour of the development that clearly outweigh the harm arising from inappropriateness, a matter that attracts substantial weight. The very special circumstances necessary to justify the proposal do not, therefore, exist.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR