



Appeal Decision

Site visit made on 23 March 2020 by L Wilson BA (Hons) MA MRTPI

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2020

Appeal Ref: APP/R4408/D/20/3244283

Martins Nest Farm, Grime Lane, Whitley Common, Barnsley HD9 7TG

- 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 Turner against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/1221, dated 30 September 2019, was refused by notice dated 19 December 2019.
 - The development proposed is erection of detached double garage.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are as follows:
 - i. Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - ii. The effect of the proposal on the openness of the Green Belt;
 - iii. Whether the size of the proposal would be commensurate with the established functional need of the holding; and
 - iv. If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

4. The appeal site relates to a relatively new, two-storey agricultural workers dwelling¹. In 2018 the appellant submitted a planning application for the

¹ 2012/0144

erection of a detached garage/workshop with ancillary accommodation in the roof space and amended access². This application was refused as the Council considered that the proposed garage was significant in size and would result in a floorspace which would be out of proportion to the established functional requirement of the farm and therefore detrimental to the character and openness of the Green Belt.

5. A subsequent planning application was submitted to remove condition 4 which relates to permitted development rights³. This application was also refused and dismissed at appeal as the removal of the condition could result in an excessively large dwelling when measured against the purposes for which it was originally and exceptionally provided.

Inappropriate Development

6. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not specify what might be a disproportionate addition over and above the size of the original building.
7. Policy GB2 of the Barnsley Local Plan (2019) (the LP) provides some guidance. It states that the extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building would be acceptable provided that it would not have a harmful impact on the appearance, or character and would preserve the openness of the Green Belt.
8. Both main parties agree that the proposed garage would have a footprint of approximately 45sqm. The Council assert that the existing dwelling measures approximately 159sqm and the scheme would result in the total size of the property being over 200sqm. The appellant does not agree with these measurements and states that the existing dwelling has a footprint of 85.9sqm and thus the total footprint would be 131.26sqm with a 22% increase in volume. However, I note the Council's measurements relate to floorspace rather than footprint. The increase in footprint, floorspace and volume would not result in disproportionate additions over and above the size of the original building. It would not be inappropriate development in the Green Belt having regard to the Framework and development plan policy.

Openness

9. As highlighted in the previous section, Policy GB2 of the LP also requires extensions and alterations to preserve the openness of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The appeal property is clearly visible from Grime Lane as it is elevated and due to the low boundary treatment. Although the proposed garage would be considerably smaller than the surrounding agricultural buildings it would have both a visual and spatial impact upon the openness of the Green Belt. The

² 2018/1116

³ 2019/0467

scheme would result in an erosion of space where there are currently no buildings. Additionally, the scheme would not safeguard against the encroachment of development into the countryside, which is contrary to the third purpose of including land within the Green Belt as set out at paragraph 134 of the Framework.

11. Accordingly, the scheme would conflict with Policy GB2 and the purposes of Green Belt policy, as stated in the Framework, to keep land permanently open.

Commensurate

12. As the appeal site relates to an agricultural workers dwelling the size of the garage should also be assessed against Policy GB4 of the LP. The Policy, which amongst other matters, states that in relation to permanent agricultural workers dwellings, they will be allowed where there is a clearly established functional need and where they are of a size commensurate with that need. The supporting text states that the aim of the Policy is to ensure that such dwellings are genuinely linked to the farming enterprise.
13. I understand that the appellant plays an important role in managing Martins Nest Farm. The appellant submitted a letter with the planning application setting out why the garage is needed. They assert that the garage is required because there is a lack of suitable indoor storage space within the appeal property to meet the needs of the appellant's growing family and farm duties particularly through the winter months. They consider that this letter provides additional evidence that the previous Inspector required.
14. The special needs relating to the farm include a requirement for a changing area, sheltered area to carry out repairs, storage for a quad bike and an area to care for lambs. I am not convinced that a double garage is necessary to meet these requirements. Furthermore, there are numerous large agricultural buildings adjacent to the appeal site. It is not clear from the evidence before me why these nearby agricultural buildings could not be utilised. Given the proximity, it appears that this could allow for the agricultural functions, referred to by the appellant, to be carried out very close to the dwelling.
15. Many of the reasons provided relate to personal needs such as accommodating the family vehicle, providing storage for: food, DIY tools and garden equipment. The appellant themselves recognise that the garage would satisfy in part their domestic requirements. I note that the appellant's wife is a veterinary assistant and the garage would provide storage for drugs and a cage associated with her job. These requirements do not appear to be associated with the farming enterprise. Even if I did accept that some flexibility is required to accommodate a growing family, the justification I have set out above demonstrates that the nearby agricultural buildings is likely to be able to accommodate the agricultural needs. As a result, the size of the proposed garage would be out of proportion with the domestic requirements.
16. The existing dwelling house is large, and the double garage proposed would further increase the size of the floorspace. I am not persuaded by the evidence submitted that the scheme would be proportionate to the established functional requirement of the farm enterprise. In addition, I note that there is an occupancy condition associated with the existing dwelling. An increase in floorspace could result in the dwelling becoming unaffordable for another rural worker should the property need to be sold on in the future. I conclude that the

size of the proposal would not be commensurate with the established functional need of the holding contrary to Policy GB4 of the LP.

Other Considerations

17. Development should not be approved unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As the proposal would not be inappropriate development this consideration would not apply. However, I have had regard to all the matters raised by the appellant in support of the proposal.

Conclusion and Recommendation

18. The Framework identifies that substantial weight should be given to any harm to the Green Belt. I have concluded that, contrary to Policy GB2 of the LP, there would be harm to openness; this carries substantial weight. In addition, the size of the development would not be commensurate with the functional requirements of the holding. The matters raised in support of the proposal would not outweigh these harms. For the reasons given above, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

K Taylor

INSPECTOR