



Appeal Decision

Site visit made on 4 August 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2020

Appeal Ref: APP/B2355/W/20/3248536

20 Holme Vale, Helmshore, Rossendale, Lancashire BB4 4AF

- 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 Howard Keith Smith against the decision of Rossendale Borough Council.
 - The application Ref 2019/0389, dated 09 September 2019, was refused by notice dated 08 November 2019.
 - The development proposed is retention of timber shed as artists studio for hobby-purposes of the resident of 20 Holme Vale.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form describes the development as 'proposed studio, change of use from agricultural to domestic use. See details of construction etc in the accompanying drawings.' However, the development has been carried out. Therefore, in the interests of clarity, I have adopted the description in the banner heading above from the decision notice and the appeal form.

Main Issues

3. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - ii) 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 it.

Reasons

Whether the development is inappropriate development in the Green Belt

4. The appeal property is part of a traditional late eighteenth century residential terrace that is a Grade II listed building. The development is approximately 100m from the appeal property. It is in the countryside and the Green Belt.
 5. 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.
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6. Policy 1 of 'From East to West Making Rossendale the Best Core Strategy Development Plan Document: The Way Forward (2011 – 2026)' Adopted November 2011 (the CS) states that proposals outside the urban boundary will be determined in accordance with the relevant national and local planning guidance. In this respect, Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions. Paragraph 146 sets out that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
7. The timber shed does not meet any of the exceptions listed in Paragraphs 145 for the construction of new buildings. My attention has been drawn to Paragraph 146 e) material changes of use of land (such as changes for outdoor sport or recreation, or for cemeteries and burial grounds). However, even if the scheme was a change of use of the land rather than a new building, Paragraph 146 requires that the openness of the Green Belt is preserved and that the development does not conflict with the purposes of including land within it.
8. Paragraph 133 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it includes both spatial and visual dimensions. Effects on openness are not only confined to permanent works and they not only relate to the size of development but also to its purpose.
9. The small painted timber building is supported by reclaimed telegraph poles sunk into the ground. It has double-glazed patio doors opening onto a small area of timber decking. It is in a relatively open area of woodland adjacent to the River Ogden. The surrounding land is fenced off from the adjacent public right of way and it is accessed from the footpath via a tall close-boarded pedestrian gate.
10. While the timber building may be a temporary structure, the proposal is not for a temporary period of time. In this regard, there is nothing before me to suggest that the current building would not be replaced at the end of its life or that the development would be anything other than permanent. Therefore, the scheme results in a small and permanent spatial loss of openness.
11. The building is relatively unobtrusively sited and it is screened by vegetation. Nevertheless, it is visible through the trees from the immediately adjacent footpath and also from locations on the opposite side of the river. I visited the site during the day in summer, when vegetation was fully in leaf. The development will be more conspicuous during times of year when trees are not in leaf and also during the hours of darkness as a result of its artificial lighting.
12. Furthermore, the development has the appearance of a domestic garden building. It is not a characteristic form of rural development and it is not in keeping with its woodland setting. Consequently, there is an adverse visual impact. The development results in a small and harmful spatial and visual loss of openness.
13. Paragraph 134 of the Framework sets out the 5 purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. By virtue of encroaching into the undeveloped countryside, the residential and domestic form of building conflicts with the purposes of the Green Belt.

14. Therefore, the development is inappropriate development in the Green Belt. It conflicts with Policy 1 of the CS and the policies in the Framework that protect the Green Belt.

Other Considerations

15. My attention has been drawn to development elsewhere in the Green Belt, including stables and allotments with sheds. However, on the basis of the limited information before me, I cannot be certain that they are directly comparable to the appeal scheme or that they provide a justification for it.
16. The appellant has erected bird and bat boxes, planted trees and he manages the river bank and clears pathways. The nesting and roosting boxes may be a benefit to biodiversity. However, in the absence of information about the biodiversity interest of the Biological Heritage Site, of which the appeal site forms part, I cannot be certain that its biodiversity value has been maintained or enhanced. In any case, the land management is independent of the appeal scheme and it does not weigh in favour of it.
17. I accept that there are constraints to the use of the appeal property and its summer house for the appellant's hobby. Nevertheless, I am not persuaded that there are no alternative solutions, even though they may be less convenient, that could deliver similar benefits without the harm to the Green Belt. Notwithstanding the health and well-being benefits of leisure activities and hobbies, the appellant's personal circumstances carry only very limited weight.
18. There are third party representations in support of the proposal and the appellant has received messages of support from the local community. However, the third party support does not weigh in favour of a scheme that results in conflict with the development plan and the Framework.

Green Belt Balance

19. The development is inappropriate development in the Green Belt. It fails to preserve the openness of the Green Belt and it conflicts with its purposes. The Framework advises that substantial weight must be given to any harm to the Green Belt.
20. There are no other considerations that clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

21. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR