



Appeal Decision

Site visit made on 19 January 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/P4415/W/20/3262308

Aston Springs Farm, Mansfield Road, Aston, Rotherham S26 5PQ

- 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 Ken Swain against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/1303 dated 10 August 2020, was refused by notice dated 13 October 2020.
 - The development proposed is erection of 1 No dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No dwellinghouse at Aston Springs Farm, Mansfield Road, Aston, Rotherham S26 5PQ in accordance with the terms of the application Ref RB2020/1303 dated 10 August 2020 subject to the conditions set out in the attached schedule.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice, as it is more precise than the appellants description. I am satisfied that neither party is prejudiced by this course of action.

Main Issues

3. I consider the main issues in this case to be:-
 - Whether or not the proposal is inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and local planning policies;
 - The effect on the openness of the Green Belt;
 - If the proposal 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 it.

Reasons

Inappropriate Development

4. Aston Springs Farm is located in the Green Belt. The site contains a number of agriculture and leisure uses, including fishing ponds, animal enclosures, a restaurant and retail uses. The dwelling would be sited on a vacant part of the site, close to the restaurant building.

5. The proposed dwelling would be a three bedroomed dwelling, measuring approximately 10.5m in width, 7m in depth and 6.3m high, constructed in natural stone with a pantile roof and would be occupied by a farm manager and family. The proposal is the third attempt to gain an approval and is smaller in size than the two previous applications, both of which were also dismissed at appeal (*APP/P4415/W/18/3195477* and *APP/P4415/W/19/3223259*).
6. Paragraph 145 of the Framework states that the construction of new dwellings within the Green Belt is inappropriate, and Paragraphs 145 and 146 list exceptions. Both parties agree that the proposal does not meet any of these exceptions, and this has found to be the case by the two previous Inspectors, and based on the evidence supplied to me, I have no reason to dispute those findings. Therefore, I must conclude that the proposal is inappropriate development in the Green Belt.
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. Policy CS4 of the Rotherham Local Plan Core Strategy (2014) (the CS) is consistent with the Framework. Paragraph 144 states that any harm to the Green Belt must be given substantial weight.

Openness

8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
9. Openness must be looked at in visual and spatial dimensions. The area of land where the dwelling would be located is located adjacent an existing building, has landscape treatments to two other sides and is located within a area occupied by a number of existing buildings. I understand the site has been cleared and levelled since previous appeals were heard. Policy SP3 of the CS states that, amongst other matters, that new dwellings in the Green Belt should be well related to existing buildings, which the proposed dwelling would be.
10. Nonetheless, the building still represents a new structure in the Green Belt, even though the area of the site has been altered, and the dwelling has been reduced in size from the previous two appeals and would be comparatively modest in size and height. This is significant, and whilst the proposed dwelling still causes a reduction in openness, the size and position of the proposed dwelling means that this is no longer to a significant level, but it still causes harm to openness and adds the already identified harm of inappropriateness.

Other Considerations

11. Policy SP3 of the Rotherham Local Plan Sites and Policies (2018) (the SP) deals with rural workers dwellings in the Green Belt and states that special justification is required for new houses in the Green Belt and should relate to the essential need for a rural worker to live permanently or near to their place of work, and a functional need for a new dwelling must be established.
12. The need for residential accommodation for a farm manager was accepted by the first Inspector at appeal, and this is not disputed by the parties. It is the nature of the accommodation that is in dispute.

13. The Council are of the opinion that the dwelling is still significant in size and would be detrimental to the Green Belt and consider that an existing area in a building could be converted to provide accommodation.
14. This is disputed by the appellant who states that the area considered by the Council is inappropriate as it currently is used for other purposes, and a proportion is not of a suitable height for accommodation. I have noted the sizing and height restrictions of the area in question.
15. I have noted the comments of the appellant with regard to animal management on site being available on a 24-hour basis, and this point is not disputed by the parties. The loss of valuable animals included in the evidence is unfortunate, and maybe could have been prevented with on-site supervision. However, I do not have the specific details of the incident, and I am not in any way qualified in matters of animal husbandry.
16. The issue of on-site security has also been brought to my attention, with thefts and anti-social behaviour causing problems on site and also being a financial cost to the business. I have also taken into consideration the relatively isolated location of the site. I noted the presence of CCTV cameras during my site visit, and the secure fencing in various areas of the site, but I am aware of incidents being brought to my attention through the evidence supplied with the appeal. There is no doubt that a presence on site could alleviate incidents in the future.
17. I have also to take into consideration the further reduction in size of the appeal proposal, and the amended site circumstances since the previous appeals were heard.

Green Belt Balance

18. Once again, as per the last appeal, this matter is finely balanced. The development is inappropriate development, that is not in question, and both parties do not dispute this. Inappropriate development, by definition, is harmful to the Green Belt. I have also found that the dwelling would lead to a loss of openness to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
19. There is an essential need for a worker to manage and run the farm. Again, this is not disputed by the parties. There is evidence from the Council that there is alternative accommodation that could be available. This is disputed by the appellant in terms of its suitability and that it is already in alternative use, which I have taken into consideration. The unmet essential need for accommodation to house a farm manager and their family carries substantial weight.
20. There are issues with animal husbandry and security, both of which have been documented but are not significant issues in terms of weight. The Inspector from the initial appeal felt that whilst there is an essential need for a worker to be located on site, the dwelling should be smaller than proposed at that time. At the second appeal, although the proposed dwelling was reduced in size, it was still considered to be inappropriate.
21. I find that in this appeal, the size of the proposal has been reduced further and I consider the proposal to be of modest proportions, the site has been cleared and the dwelling would now sit appropriately within the immediate context and proportions of the surrounding buildings.

22. In conclusion therefore, the development's harm by reason of its inappropriateness and harm to the openness of the Green Belt is outweighed by the reasons I have indicated above, led by the essential need for a worker to live permanently at their place of work. This, in my view, on a fine balance, amounts to the very special circumstances necessary to justify the development and would not materially conflict with the Local Plan or the Framework when these policies are taken as a whole.

Conditions

23. I have taken into consideration the conditions suggested by the Council and consider them to be fair and reasonable. Conditions relating to commencement, drawings and materials are in the interests of proper planning. Restriction to a worker at the farm is required, as is removing permitted development rights, given the Green Belt location and the installation of a EVCP is reasonable and sustainable.

Conclusion

24. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed, and planning permission granted as set out in the formal decision, subject to conditions in the attached schedule.

Paul Cooper

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans :-
 - Location Plan
 - Site Plan, section, Floor Plans and elevations 505 01
 - Coal Mining Risk Assessment
 - Contamination Risk Assessment
 - Flood Risk Assessment
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials are available for inspection on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.
- 4) The occupation of the dwelling hereby approved shall be limited to a person or persons solely or mainly working, or last working as part of Aston Springs Farm, or a widow or widower of such a person, and to any resident dependants.
- 5) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order with or without modification) there shall be no additions, extensions or external alterations to the dwelling hereby permitted.
- 6) Prior to the first occupation of the dwelling hereby permitted, details of one electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority and shall be provided and permanently retained for that purpose.

End of Schedule