The Planning Inspectorate

Appeal Decision

Site Visit made on 13 April 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2021

Appeal Ref: APP/P4415/D/20/3251817
Yews Farm, The Yews, Firbeck, Worksop, S81 8JW

- 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 & Mrs Drohan against the decision of Rotherham Metropolitan Borough Council.
- The application Ref RB2020/0068, dated 17 January 2020, was refused by notice dated 4 March 2020.
- The development proposed is the erection of a detached garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and so the main issues are:

   - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
   - The effect of the proposal on the openness of the Green Belt;
   - The effect on the setting of the listed building; and
   - If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Site and proposal

3. The appeal site is located in a small hamlet in a rural setting. It comprises a large detached dwelling with associated outbuildings and large garden that extends to the watercourse to the south. The dwelling is positioned adjacent to the lane that runs through the settlement, in a prominent location where there is an almost 90-degree bend in the road. The area, including the appeal site, is notable for its many landscape features and various property styles and sizes.

4. The appeal proposal involves the construction of a detached garage building located to the side of the main dwelling.

Whether or not inappropriate development

5. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. One of the exceptions cited 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'. Policy CS4 of the Rotherham Core Strategy (2014) outlines that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy, and Policy SP2 of the Rotherham Local Plan (2018) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These policies accord with the aims of national Green Belt policy in these respects.

6. The appeal proposal involves the erection of a detached garage in the garden of the property. The courts have held that some outbuildings may be considered as extensions on the basis that they are 'normal domestic adjuncts'. Although the use of the building would be incidental to the enjoyment of the dwelling, due to its separation from the dwelling of over 15m, I do not consider that in this instance it would constitute an extension to the dwelling. Nor would it constitute one of the other exceptions listed in paragraph 145 of the Framework. The proposal would therefore represent inappropriate development in the Green Belt.

Openness

7. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. The proposed development would be sited away from the main dwellinghouse. The evidence suggests that the land was previously devoid of any structures or other development and on this basis the proposed development would have a greater impact on the openness of the Green Belt in spatial terms. I find that in this instance, given the size and siting of the proposed development the harm to the openness of the Green Belt, from a spatial perspective, would be moderate.

8. Despite being partially screened by the boundary wall and hedge, the structure would be clearly visible from the lane. Due to its greater prominence by reason of its size and scale, the development would have moderate impact on the openness of the Green Belt in visual terms. The harm to the openness of the Green Belt from a visual aspect, would be moderate.

9. I therefore consider that in combination of both spatial and visual terms the development would cause moderate harm to the openness of the Green Belt.

Setting of listed building

10. Yews Farmhouse, that is the dwelling on the appeal site, is a grade II listed building. It is situated around 15m from the site of the proposed garage. The special interest and significance of the building is greatly informed by its rural setting at the bend of the lane and its architectural and historic interest as a

building dating to the mid-18th century with the survival of several key features.

11. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.

12. Due to its prominent corner siting, the building is experienced when travelling in either direction along the lane, where it is also seen in combination with the mature landscaping and stone boundary wall at the property. The proposed garage would be seen in conjunction with some of these views where due to its dominant timber framing and cladding, it would harmfully contrast with the render and stonework of the listed building.

13. Its siting would also undermine the tight cluster of the dwelling and its outbuildings, and its position, would weaken and harm the significance of the building due to its resultant contribution to the erosion of the open area to the side of the building.

14. The harm that would be caused to the setting of the listed building would be less than substantial. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. The benefits of the scheme that have been put forward are largely of a personal nature and are not sufficient to outweigh the harm I have identified.

15. Therefore, the proposal would not preserve the special interest or setting of Yews Farmhouse would result in harm to the significance of the listed building. It would be contrary to Policy SP40 of the Rotherham Local Plan (2018) which seeks, amongst other things, to ensure that development does not harm the significance of a listed building or its setting, and that development proposals should preserve or enhance the special interest and significance.

16. The proposal would also be contrary to guidance contained in the Framework which requires, amongst other things, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation, and that identified harm should be weighed against the public benefits of a proposed development. Finally, it would not preserve the setting of the listed building as required by Section 66(1) of the LBCA Act, but instead would be harmful. This carries considerable weight and importance to my decision.

Other considerations

17. The appellants justification for the development focuses on their requirement for additional space for the storage of vehicles and the lack of any feasible alternative solutions. Reference is also made in connection with security concerns.

18. I do not doubt that the proposal would be of benefit to the appellant and their family. These are nevertheless personal circumstances. When considered

against the view outlined in the Planning Practice Guidance (PPG) that planning is concerned with land use in the public interest, I afford these matters only moderate weight in favour of the proposal.

19. I am not presented with any evidence in relation to security concerns either historic or current that would lead me to give this aspect of the development any significant weight.

20. I have considered the appeal examples put forward by the appellant, however I do not have full details of these cases in order to give them significant weight. I have also determined the appeal on its own individual planning merits.

Planning Balance

21. 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. Paragraph 144 continues by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

22. The proposal would constitute inappropriate development in the Green Belt. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, the proposed development would cause moderate harm to the openness of the Green Belt. Harm would also be caused to the setting of the listed building. Having considered all matters raised in support of the proposal, I conclude that, together, they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

23. Therefore, the proposal would be contrary to Policy CS4 of the Rotherham Core Strategy (2014) and Policy SP2 of the Rotherham Local Plan (2018) that seek to restrict inappropriate development in the Green Belt except in very special circumstances. The proposal would also be contrary to the Framework.

Conclusion

24. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR