



Appeal Decision

Site Visit made on 20 April 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 MAY 2021

Appeal Ref: APP/P4415/W/20/3261585

Fishlakes, East Field Lane, Laughton, Rotherham, S25 1ZY

- 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 Michael Wheeler against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/1017, dated 27 June 2020, was refused by notice dated 1 October 2020.
 - The development proposed is storage container for security.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the address for the site from the Appeal Form as this more accurately reflects the location of the site and included the postcode referred to in other correspondence pertaining to the site.
3. The appeal is related to another at the same site¹ for which there is a separate decision, the Council's reference for the corresponding planning application being RB2020/1850.

Main Issues

4. The main issues are: -
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the site and its surroundings; and
 - if the development is inappropriate within the Green Belt, 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.

¹ APP/P4415/W/21/3267484

Reasons

Inappropriate development

5. The National Planning Policy Framework 2019 (the Framework) sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy CS4 of the Rotherham Local Plan – Core Strategy September 2014 (RLPCS) states that land will be protected from inappropriate development as set out in National Policy. Policy SP2 of the Rotherham Local Plan – Sites and Policies June 2018 (RLPSP) and 'Green Belt Guidance 1' of the Rotherham Local Plan Supplementary Planning Document No. 3 – Development in the Green Belt June 2020 (SPD) also include approaches to minimise the impact of development on openness within the Green Belt. While, I note that the Framework does not, it does not exclude such an approach. Policy SP10 of the RLPSP also specifically refers to proposals for outdoor sport and recreation in the Green Belt. For these reasons, Policies CS4, SP2 and SP10 and the SPD are not inconsistent with the Framework and I have therefore given them significant weight.
7. Paragraph 145 of the Framework establishes that, within Green Belts, the construction of new buildings is inappropriate, subject to a number of exceptions, which include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation. However, this is with the proviso that such facilities should preserve the openness of the Green Belt and do not conflict with the purposes of including land within it [my emphasis]. I shall come onto openness in more detail later.
8. Paragraph 134 of the Framework clarifies that the Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment. Given that the appeal scheme would constitute a storage container of a distinctly urban appearance beyond the existing built-up area of Laughton en le Morthen, they would contribute to encroachment into the countryside. Accordingly, the proposal would conflict with the purposes of including land within the Green Belt, so would form inappropriate development in the Green Belt.

Openness

9. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof are their openness and permanence. The physical presence of built forms may affect openness, which can also have a visual element.
10. The appeal site concerns the southern parcel of land within a site arranged either side East Field Lane, east of the village of Laughton en le Morthen, and contains a fishing pond and several built structures known as 'anglers' pods'. The proposed storage container would be situated in the northeast corner adjacent to the lane. There are also supporting facilities situated within the northern parcel of land.

11. Part of the northern boundary of the site of the proposed container is marked by a mature hedge. The majority of the remainder of this boundary is enclosed with a wire meshed fence with timber posts, behind which are hedge plants in their infancy. There are also newly planted hedges along other boundaries.
12. The application drawings show a simple structure with flat façades and double doors to the western end, the profile of the façades is therefore unclear. Nevertheless, the main parties agree that the container would be of a functional design and appearance. Although it would be painted a dull green colour and direct views of it would be interrupted by the planting at the roadside, it would be clearly discernible in publicly available views of the site beyond the existing mature planting. The planting elsewhere would take some time to establish and would be likely to be subject to seasonal changes, so would have a limited effect in mitigating the visual prominence of the increase in built form and the bulk and physical presence of the proposal.
13. I appreciate that buildings of a functional design and appearance associated with agriculture are commonplace within the countryside and their acceptability is influenced by, amongst other things, their external colour and maintenance. However, the effect of each structure must be considered on its own individual merits, particularly in respect of the characteristics of a site and its surroundings.
14. For the above reasons, the proposed development would result in a harmful loss of openness of the Green Belt in both visual and spatial terms, albeit this would be limited given the scale of the proposal. The appeal scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.

Character and appearance

15. Beyond the built-up area of Laughton en le Morthen, the character of the area is rural with houses and farm buildings scattered along roads amongst predominantly undeveloped and open fields. Field boundaries shorten some views but they are primarily expansive across the landscape toward nearby settlements. These features make a significantly positive contribution to the character and appearance of the surrounding area.
16. While there are already anglers' pods within the site, these are of a high standard of architectural design and constructed of natural materials. In contrast, despite its proposed colour, the form and design of the proposed metal container would be distinctly utilitarian and urban in appearance, so would appear out of context within its rural surroundings.
17. As I referred to in the previous main issue, despite the presence of planting of varying extents around the site, it would not address the visual harm associated with the proposal. Similarly, a planning condition maintaining the external colour of the container in perpetuity would also not satisfactorily address these concerns.
18. In light of the above, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the site and its surroundings. Hence the proposal would be contrary to the design aims of Policy CS28 of the RLPCS and Policy SP55 of the RLPSP and paragraphs 124, 127, and 130 of the Framework.

Other Considerations

19. The pond in the southern parcel of land came after those to the north and the buildings adjacent, so the business has expanded and its storage requirements have altered, particularly in connection with the operation and maintenance of the pond within the southern parcel of land. The main parties also do not dispute that the proposed container would be utilised for storage of fishing items, including amongst other things weighing equipment, drying facilities for nets, fridges and freezers for bait and boats for maintenance. The container would therefore appear to be of a reasonable size for these requirements and I accept that the risk of theft and damage would necessitate internal storage of the equipment.
20. The Council has granted permission for the stable buildings in the northern parcel to be used as accommodation for anglers and for the principal building to be used for storage, a café and manager's accommodation. However, the proposal in the concurrent appeal for these buildings would see some of that storage lost to additional manager's accommodation on the first and second floor and alternative holiday-let accommodation in the stables. While this would reduce the overall storage provision at the site, there is no substantive evidence before me to suggest that the quantum of storage that would remain could not accommodate that required for the ponds north and south of the lane.
21. The distance and route that anglers need to walk across the lane and through the northern parcel of land toward the facilities and storage to the north in order to purchase bait and for other purposes, is not necessarily convenient, but is not impractical or unique to this site. Moreover, the spatial requirements of fishing ponds often mean that they are spread out over larger distances from other facilities. These would therefore be within sufficiently close proximity to serve the southern pond and there do not appear to be any particular characteristics of the site that would inhibit the movement of other equipment required on one part of the site or the other. Furthermore, there is no substantive evidence before me to suggest what other options have first been explored and discounted to address the requirements of users, including anglers weighing their own fish and personal lighting used for the safety of those night fishing.
22. The appellant's business makes positive social and economic contributions to the local area, not least through employment, and the proposed storage container could assist with the operation and maintenance of the site but, given the above factors, there is no evidence to suggest that the existing use would be likely to cease without it.
23. I am not aware of the circumstances that led to the Council's decision to find that the anglers' pods situated within the site would not be inappropriate development. While these and the proposed container are all associated with the fishing use of the site, as outlined above, they are of distinctly different form, design, and appearance. On this basis they are not for comparable development.

Planning Balance and Conclusion

24. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness

which gives rise to additional harm. These harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.

25. I have also identified detrimental effects to the character and appearance of the site and its surroundings, contrary to relevant development plan policies.
26. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt and 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.'
27. The other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
28. The proposed development would be contrary to the development plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR