
Appeal Decision

Site visit made on 10 May 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2022

Appeal Ref: APP/N1025/W/21/3287689

Maywood Farm, Rushy Lane, Sandiacre DE72 3SW

- 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 Lorraine Moon against the decision of Erewash Borough Council.
 - The application Ref ERE/0321/0115, dated 26 March 2021, was refused by notice dated 11 November 2021.
 - The development proposed is a 'change of use' of existing stable building to a dwelling (1 bedroom).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Lorraine Moon against Erewash Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are as follows:
 - Whether or not the proposal would be inappropriate development in the Green Belt; and
 - If the development 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 the development.

Reasons

Whether Inappropriate Development

4. The appeal site comprises a stable building located within a paddock at Maywood Farm. The building is single-storey and of typical appearance relative to its function, which is to support equine activities at the appeal site. The stable was granted planning permission¹ in 2013 and the proposal seeks to change the use of the building and convert it into a dwelling.
5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the National Planning Policy

¹ ERE/0513/0061

Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. Paragraph 150 of the Framework outlines development types which are not considered inappropriate in the Green Belt. The proposal was assessed and subsequently refused against paragraph 150(d) - the re-use of buildings provided that the buildings are of permanent and substantial construction. This is also considered on the basis that development proposed under this exception preserves the openness of the Green Belt and does not conflict with the purposes of including land within it as outlined in paragraph 138. I note there is no dispute that the building is of permanent and substantial construction, and I have no reason to disagree.
7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Policy GB1 of the Erewash Borough Saved Policies Document (SP) (July 2008) offers similar exceptions to the Framework and includes the re-use of existing buildings provided the proposals satisfy the criteria of GB5, among others.
8. Policy GB5 states planning permission for the conversion or change of use of existing rural buildings will be permitted provided the given criteria can be satisfied. Of relevance to this appeal are sections 1 (iii); which advises the building must be sufficiently large to accommodate the proposed use without the need for significant alteration or extension; and section 2 where the building is not suited for employment generating purposes or it can be demonstrated that there is no proven market demand for such use.
9. I note that the parties agree that the proposal would preserve openness of the Green Belt as there are few external physical changes proposed. However, the original grant of planning permission was considered not inappropriate due to the use of the building for the purposes of supporting equine activity at the site. The change of use of the building to residential would erode the basis on which it was considered not inappropriate and would conflict with the purposes of including land within the Green Belt as it would represent encroachment into the countryside. This would be contrary to paragraph 150(d).
10. Moreover, there is nothing before me to indicate that there is no proven market demand for the use of the stables, as per the requirements of Policy GB5. Although the appellant's horses may no longer require shelter, there is nothing before me to indicate local people would not seek these services in future. Furthermore, there is no indication of why the appellant would be required to build a new dwelling or leave the area should this proposal be resisted.
11. The Council has directed me towards national space standards for dwellings sizes which indicate a minimum of 50 square metres (sq. m) floor area for a one-bedroom dwelling. The proposal would be 42 sq. m. However, I have not been provided with this guidance. As the Council acknowledges they have not adopted these standards regardless, nor does Policy GB5 require adherence to the guidance. This is inevitably a matter of planning judgement for the decision maker. From the plans before me it appears as though the required conveniences to suit day-to-day needs would be provided and although the dwelling would be small, there is nothing before me to substantiate the concerns that significant alterations or extensions would be needed in future.

12. To conclude, the proposal would constitute inappropriate development in the Green Belt. In accordance with paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm is attributed substantial weight as per paragraph 148.

Other Considerations

13. I understand the appellant works nearby and is self employed as a farrier in the local area. However, this change of use would be of private benefit to the appellant and of little weight in favour of the proposal. Although the appellant indicates a willingness to accept a restriction of occupancy to themselves, there is no mechanism before me to secure this and I therefore have not considered this further.

Green Belt Balance and Conclusion

14. Paragraph 148 of the Framework states 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 is clearly outweighed by other considerations. I have found that the proposal would be inappropriate development in the Green Belt. This carries substantial weight.
15. I have taken on board the other considerations as they are relevant to the appeal but, for the reasons I have given, they carry little weight and would not clearly outweigh the harms that I have found. Consequently, they would not amount to the very special circumstances necessary to justify the proposal.
16. The proposal would conflict with Policies GB1 and GB5 of the SP and paragraphs 147 – 151 of the Framework. The appeal should therefore be dismissed.

C McDonagh

INSPECTOR