



Appeal Decision

Site visit made on 20 June 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/P4415/W/22/3293730

Aston Park Fisheries, Aston Way, 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 Alex Mitchell of Aston Park Angling Centre against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/2027, dated 15 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is extension to existing angling centre to provide additional specialist retail space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework; and
 - if the proposal is inappropriate development, whether 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 proposal.

Reasons

Whether Inappropriate Development

3. The appeal site is an area of land within the existing complex of fishing lakes at the Aston Park Fisheries. The proposed development would extend the existing building to provide additional retail floor space.
4. Paragraph 147 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.
5. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. Policy CS4 of the Rotherham Local Plan Core Strategy 2013 – 2028, adopted 2014 (the CS) and Policy SP2 of the Rotherham Local Plan Sites

and Policies adopted 2018 (the SP) include similar statements regarding inappropriate development in the Green Belt.

6. The exception at paragraph 149 c) of the Framework allows for 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. The Framework defines 'original building' as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally".
7. Policy SP4 of the SP likewise includes such an exception and states that an increase in excess of 33% in the external volume of the original building would make the proposal disproportionate. Although the Framework does not include a specific figure above which an extension would be disproportionate, that is logical as a numerical benchmark, albeit as a guideline, as a building thus enlarged would in all likelihood compete with the scale of the original building.
8. The exception at paragraph 149 b) of the Framework allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. Policy SP10 of the SP sets out similar requirements for proposals for outdoor sport, outdoor recreation and cemeteries as well as additional criteria including a requirement for proposals not to be detrimental to the preservation of the openness of the Green Belt or to its character.
10. There is dispute between the parties in terms of whether the proposed extension would, in effect, result in a material change in the nature of the use of the building from an angling complex to a mixed use comprising an angling complex with retailing. This has a bearing on whether paragraph 149 b) or c) of the Framework is relevant. However, it has not been necessary for me to reach a definitive view on this matter. This is because I have considered the proposal against both 149 b) and c) and Policies SP4 and SP10 of the SP, and my conclusion is that the proposal would be inappropriate development in the Green Belt based on an assessment of both exceptions.
11. In respect of paragraph 149 c) and Policy SP4 of the SP, the Council's officer report states that the resulting increase in volume of the proposal along with the previous extension would be 138.4% over and above the original building. The appellant does not appear to dispute this figure. The proposed extension would be reflective of the current building in terms of materials and design. However, based on the submitted plans and my site visit observations, in combination with the existing extension, the proposal would significantly add to the overall bulk and scale of the property and visually would extend it significantly and out of proportion with its original form. For those reasons, in my view the scheme may fairly be described as 'disproportionate' within the terms of the Framework.
12. In respect of paragraph 149 b) and Policy SP10 of the SP, which require outdoor sport and recreation facilities to preserve the openness of the Green Belt and not conflict with the purposes of including land within it, views of the proposed extension from outside of the Fisheries site would be limited. This is due to the distance from surrounding public vantage points, the presence of dense tall vegetation around part of the site boundary which would still provide

a degree of screening in winter due to the high density of branches, and the topography of the area. Views of the proposed extension would be possible from the nearby pedestrian bridge over the A57. It would also be visible from a number of vantage points around the Fisheries site including from the Public Rights of Way that pass through it. From locations where the gable elevation would be the main view, the proposed extension would be seen against the existing building and so there would be a limited visual effect on openness. From other vantage points, notably those facing the building, the proposal would be seen as clearly extending the existing built form.

13. Although views of the proposed extension would be relatively limited from public vantage points, the openness of the Green Belt is to be assessed by reference to spatial aspects as well as visual ones.
14. The current use of the site is for intermittent uses related to the provision for parking and turning, some external storage, and a meeting place for customers. In contrast, the proposed development would result in the permanent siting of a not insubstantial built form where there is currently none. By its presence it would reduce openness, and thus openness would not be preserved.
15. In spatial and visual terms therefore, the proposed extension would intrinsically add built development where presently there is none and it would be visible from certain perspectives, resulting in a visual as well as physical reduction in openness. As such, the proposed development would result in some limited harm to the openness of the Green Belt. For similar reasons, it would result in a limited encroachment into the countryside, in conflict with this Green Belt purpose.
16. Therefore, the proposed development would not fall within the exceptions in paragraph 149 of the Framework, or Policies SP4 and SP10 of the SP. Accordingly, it would be inappropriate development in the Green Belt, and would be inherently harmful to it.

Other Considerations

17. During my site visit, I inspected the ground floor area of the existing building. I acknowledge that the stock within the angling centre takes up a lot of the usable space, and so the area does appear quite crowded. The proposed development would likely improve the experience for customers. It could make accessibility around the building easier for all users, would provide additional space in which to receive technical advice and guidance and would enable a wider range of stock to be displayed within the extended retail area. The appellant's information states that the scheme would provide four new full-time jobs and would help to sustain the eight existing full-time jobs in the café and angling centre. Based on these factors, overall, the proposed development would support the growth of the existing business in line with paragraph 84 of the Framework. I give this moderate weight.
18. The proposed development would also create employment during construction, although this would likely be relatively limited and has commensurate weight.
19. While acknowledging the appellant's contention that the proposed extension would accord with chapter 8 of the Framework as it would enhance provision for social interaction, sports and recreation, I am mindful that the stated

purpose of the extension on the application form is to provide specialist retail space. I therefore give this matter limited weight.

20. I note that the appellant states that the proposal would help to secure the future of the recreation facility. However, no evidence is before me that clearly indicates that the Fisheries would not be viable without the extension.
21. The appellant highlights that the proposal would provide the opportunity to tidy up the site. While noting that the site is currently an area of gravel mainly used for informal external storage and parking, from the submitted evidence and my own site visit observations, it is not in a particularly untidy state. As such, I give this matter very limited weight.
22. While it may be the case that there would be no unacceptable harm to the living conditions of nearby residents or highway safety, and no objections were submitted by the public or consultees, a lack of harm in other respects is effectively neutral in establishing whether very special circumstances exist.

Balance and Conclusion

23. The proposal would be inappropriate development in the Green Belt, which is by definition harmful. In line with paragraph 148 of the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness.
24. I have taken into account the aforementioned other considerations. However, inherent in my reasoning above in terms of 'other considerations', these do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
25. Accordingly, the proposal would conflict with the requirements of Policy CS4 of the CS and Policies SP2, SP4 and SP10 of the SP, and the requirements of chapter 13 of the Framework, which have been summarised above.
26. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

F Wilkinson

INSPECTOR