



Appeal Decision

Site visit made on 21 June 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2022

Appeal Ref: APP/R1038/W/22/3292176

Land south of Quarry Farm, Freebitch, Eastmoor, Chesterfield S42 7DQ

- 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 Paul Pollard against the decision of North East Derbyshire District Council.
 - The application Ref 21/01100/FL, dated 6 September 2021, was refused by notice dated 15 December 2021.
 - The development proposed is a building for storage including; land maintenance equipment, office, reception, health and safety briefing area and picnic shelter in association with Freebitch Quarry Clay Pigeon Shoot, as well as the wider landholding.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Paul Pollard against North East Derbyshire District Council. This application is subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - if the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the National Planning Policy 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.

5. The Framework directs that development within the Green Belt is inappropriate, with the exception of the types of developments set out in paragraphs 149 and 150 of the Framework. Paragraph 149 (b) states that the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
6. The appeal site is located within the North East Derbyshire Green Belt. Policy SS10 of the North East Derbyshire Local Plan (2021) (LP) sets out that development proposals within the Green belt will be assessed against criteria which largely mirrors that of the Framework.
7. The appeal site forms part of a former quarry which comprises a gravelled car parking area towards the north of the site, with the wider site being more agricultural in character with large areas of vegetation. The site is now in use as a clay pigeon shooting venue as permitted under planning permission Ref 17/00874/FL. Public footpaths are located around the perimeter of the site, including along the north-eastern boundary. The appeal proposal seeks the erection of a new steel-clad building that would be used in connection with the clay pigeon shooting activities, as well as the general maintenance of the land.
8. Although planning permission 17/00874/FL restricts the number of days that the clay pigeon shooting use can take place to 28 days per calendar year, it is a full planning permission and therefore the site benefits from an existing outdoor sport and recreation use. I also acknowledge that the building would be used for the storage of equipment required to maintain the land, however given the limited extent of such storage I am satisfied that this would be ancillary to the lawful use of the land. As a result, the provision of appropriate facilities on the site would not be inappropriate development in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
9. In terms of whether the development would preserve the openness of the Green Belt, the proposed steel-clad building would represent a substantial structure measuring 11.5 metres in length, 6.5 metres in width, with a height of 5 metres to ridge. Other than a very modest timber outbuilding and a small number of other items and paraphernalia, the site is otherwise free of any built form. The proposal would therefore introduce development of a substantial scale on land which is predominately open in nature.
10. Whilst the appeal site sits at a low level and is fairly well screened, particularly to the west and south due to the existing bunds and tree cover, it would still be clearly experienced within views from the public footpath that runs along the north eastern boundary of the site. The appellant has planted several trees along this boundary which, when mature, will assist in further screening the proposed development from view. Openness however has a spatial aspect as well as a visual one. Therefore, although the screening of the building would reduce its visual intrusion, the erosion of three-dimensional space arising from the overall size and scale of the building would in itself result in the erosion of the openness of the Green Belt.
11. The purposes of including land within the Green Belt are set out in paragraph 138 of the Framework. One such purpose is to 'assist in safeguarding the countryside from encroachment'. As detailed above, the appeal proposal would

introduce a building of substantial size and scale onto land which is currently open in nature. Even though the vast majority of the wider site would remain open, the proposed development would not safeguard the countryside from encroachment. Whilst the effects of this would be limited, it nevertheless represents an encroachment into the countryside and inappropriate development within the Green Belt.

12. Consequently, I conclude that the proposal would not preserve the openness of the Green Belt or safeguard the countryside from encroachment and would be contrary to Policy SS10 of the LP. The proposed development would therefore fall outside of the exceptions set out in paragraph 149 of the Framework and would be inappropriate development in the Green Belt which is, by definition, harmful.

Other Considerations

13. The appellant contends that the proposed development is essential for the needs of the clay pigeon shooting business. In particular it would allow equipment associated with the business to be stored on site, and attendees would have a place to receive the necessary Health and Safety briefings whilst sheltering from the elements. I accept that the proposal would bring about benefits to the running and operation of the business. However, the clay pigeon shoot has been operating from the site since 2009 without a building of such size and scale, and it has not been sufficiently demonstrated that the appeal proposal is essential for its future operation. Consequently, I afford this benefit moderate weight.
14. The proposed building would have the appearance and design of a simple, modern agricultural building appropriate to its countryside location and similar to other buildings in the vicinity. The proposed development would not therefore result in harm being caused to the character and appearance of the area. However, this would be a lack of harm and thus a neutral matter.
15. The appellant has also provided photographic examples of buildings that have been granted planning permission at other shooting venues in Derbyshire and beyond. I do not however have the full details of those applications before me, including whether or not they are located within the Green Belt, and therefore I attach limited weight to the referenced examples.
16. Similarly, the appellant has also drawn reference to two planning permissions (Ref 21/00230/FL and 20/00314/FL) for the erection of buildings within the Green Belt for storage in association with the upkeep and management of the land. I do not have the full details of these applications before me. However, each proposal should be considered on the basis of the evidence and the subsequent balancing of any benefits and harms specific to that proposal. As a result, I have attached limited weight to the referenced planning permissions.

Other Matters

17. The Council identified that the site is within a designated Wildlife Site (Freebirch Quarries). However, no further information was provided, and it was not alleged that the proposed development would result in any harm being caused to the Wildlife Site. In any event, as I have found against the appellant on the other main issues, this matter need not be considered any further in this case.

Conclusion

18. The proposal would represent inappropriate development in the Green Belt that would fail to preserve its openness and conflict with the purposes of including land within it. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. The Framework advises that substantial weight is given to any harm to the Green Belt.
19. Against this harm the benefits identified by the appellant, including the needs of the rural business, afford only limited weight. The Framework sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt. Therefore, very special circumstances necessary to justify the proposal do not exist.
20. The proposed development would not accord with the development plan, and there are no material considerations to outweigh that finding. Therefore, for the reasons given above, the appeal is dismissed.

David Jones

INSPECTOR