



Appeal Decision

Site visit made on 22 August 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2022

Appeal Ref: APP/B2355/W/22/3296666

**20 Holme Vale, Helmshore Road, Helmshore, Rossendale
BB4 4AF**

- 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 HK Smith against the decision of Rossendale Borough Council.
 - The application Ref 2021/0055, dated 24 January 2021, was refused by notice dated 18 February 2022.
 - The development proposed is a shed for use associated with outdoor recreational use of the land.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form describes the development as a 'shed in field for agriculture/forestry purposes.' However, the appeal form and decision notice have altered the description of development to reflect the use associated with outdoor recreational use of the land, therefore, in the interests of clarity I have adopted the description in the banner heading above from the decision notice and appeal form.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development and effect on the openness of the Green Belt

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149 and 150.
5. My attention has been drawn to paragraph 149b, in summary, '*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation.*' I note that the appellant uses the shed for drying logs in connection with the use of the land for outdoor recreation. Paragraph 149b goes on to require that the openness of the Green Belt is preserved, and that the development does not conflict with the purposes of including land within it.

Openness

6. Paragraph 138 of the Framework sets out the 5 purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. By virtue of encroaching into the undeveloped countryside, the built form of the shed and log drying racks conflict with the purposes of the Green Belt.
7. Policy SD2 of the Rossendale Local Plan (2021) (the Local Plan) broadly conforms to the general thrust of national Green Belt policy, focusing all new development within the urban boundary, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.
8. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. There are some mature trees adjacent to the building which provide some screening. This is limited to when the trees are in full leaf and only partially screens the development. Despite being sited at a lower level and within a fold in the terrain, the shed is clearly visible from the adjacent public footpath and from locations on the opposite side of the river.
9. The timber shed and log drying racks may be temporary structures with no foundations, however, the proposal is for their permanent retention at the site. In this regard, there is nothing before me to suggest that the current shed would not be replaced at the end of its life or that the development would be anything other than permanent. The openness of the Green Belt is clearly evident around the shed. Despite its small scale, by virtue of its location, the shed encroaches into the context of the wider countryside and in both spatial and visual terms results in a small and harmful reduction to the openness of the Green Belt. This conflicts with paragraph 137 of the Framework which seeks to prevent urban sprawl by keeping land permanently open.
10. For the above reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It fails to preserve the openness of the Green Belt and conflicts with its purposes.

Character and appearance

11. The appeal site and its surroundings are characterised by undeveloped countryside including grassed areas and woodland within a riverside location. The proposals include the replacement of glazing on the windows and doors with painted plywood and rough sawn log drying racks on three elevations. This will obscure to an extent what appears to be a traditional domestic garden building. Nevertheless, the appearance of the proposal in a prominent footpath location stands out as an incongruous feature in the otherwise undeveloped countryside setting and gives rise to moderate harm to the character and appearance of the area.
12. Thus the development would result in harm to the character and appearance of the area. It would conflict with policies SD2 and ENV1 of the Local Plan and paragraph 130 of the Framework which, amongst other things, seek to ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Other considerations

13. My attention has been drawn to other developments within the Green Belt including nearby Café and shed developments. I have also been referred to an appeal at Lumb Mill, although the decision letter has not been provided. I have limited evidence in relation to these cases. The circumstances in each proposal are likely to be different and it has not been sufficiently demonstrated how these sites are directly comparable to the appeal proposal or that they lead me to consider the development to be acceptable. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
14. It is clear that the appellant has invested in the site and the wider area in terms of works to improve biodiversity. Whilst this is commendable, such actions are independent of the appeal scheme and do not weigh in its favour. I also note the third-party representations and wider community support for the appeal proposal. However, these do not represent an appropriate reason to find in favour of a scheme that results in conflict with the development plan and the Framework.
15. The appellant has expressed concerns regarding a lack of communication with the Council during the application process and the extended length of time taken to make the decision. Whilst this must have caused the appellant some distress, this does not affect my consideration of the planning merits of the appeal proposal.

The Green Belt Balance and Conclusion

16. The Framework requires that any harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
17. The development is harmful to the character and appearance of the area and constitutes inappropriate development in the Green Belt, fails to preserve openness and conflicts with its purposes. The very special circumstances put forward, including improvements to biodiversity and the upkeep of the site and

the lack of objection from third parties, do not represent the very special circumstances required to clearly outweigh the harm to the green belt.

18. I have considered all other matters raised, but none outweigh the conclusions I have reached. For the reasons set out above, the development conflicts with Policy SD2 of the Local Plan and the Framework which seek to protect the Green Belt. I dismiss the appeal.

C Megginson

INSPECTOR