



Appeal Decisions

Site visit made on 18 October 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal A Ref: APP/P4415/W/22/3298157

Leger Lake Stables, 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 Mr Michael Wheeler against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref: RB2022/0303, dated 22 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is described as 'Re – Proposed Extension to existing anglers eating/ café at Ledger Lakes, The Stables, Eastfield Lane, Laughton en le Morthen S25 1ZY for Mr M. Wheeler'.
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Appeal B Ref: APP/P4415/W/22/3295023

Leger Lake Stables, 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 Mr Michael Wheeler against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref: RB2022/0058, dated 6 January 2022, was refused by notice dated 2 March 2022.
 - The development proposed is described as 'Re – Proposed conversion and change off use of existing first floor store to form two Holiday let accommodation, new windows and door at Ledger Lakes, The Stables, Eastfield Lane, Laughton en le Morthen S25 1ZY for Mr M. Wheeler'.
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Appeal C Ref: APP/P4415/W/22/3298265

Leger Lake Stables, 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 Mr Michael Wheeler against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref: RB2022/0327, dated 23 February 2022, was refused by notice dated 8 April 2022.
 - The development proposed was originally described as 'Re – Proposed replacement animal shelter and store at Ledger Lakes, The Stables, Eastfield Lane, Laughton en le Morthen S25 1ZY for Mr M. Wheeler'.
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Decisions

1. Appeals A, B and C are dismissed.

Procedural Matters

2. As is set out in the banner heading details above, there are 3 appeals on the site that are the subject of my decisions. I have considered each proposal on its overall individual merits. There are however a number of common issues and so in order to avoid duplication, I have dealt with the issues together, except where otherwise indicated.
3. The descriptions of development above are taken from the planning application forms. With regard to Appeal C, an amended plan was submitted during the course of the application which excluded the store element of this proposal. Accordingly, I have considered Appeal C on this basis.

Main Issues

4. The main issues are:
 - a) whether the proposals would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the development plan policy (Appeals A and C);
 - b) the effect on the character and appearance of the area (Appeals A, B and C);
 - c) the effect on highway safety, in particular for pedestrians (Appeal A);
 - d) if it 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 (Appeal C); and
 - e) if harm arises, whether this is outweighed by the benefits of the proposals (Appeals A and B).

Reasons

5. The appeal site has a varied history in relation to its use. Historically the site has been used for agricultural related purposes, but has also been in use as an animal sanctuary and stables. Fishing ponds were also created. Permissions have been gained for an agricultural building, angler's facilities, replacement stables and the installation of an additional fishing pond, a change of use from stables to holiday let accommodation and manager's accommodation. A number of proposals have also been refused permission.
6. The site as it stands is in use principally as fishing lakes, a café, holiday let accommodation, paddocks and animal pens. Access to the site is gained off East Field Lane to a paved car parking area. To the sides of this car park are found the main 2 storey building which in part accommodates the existing cafe use, an attached single storey building that contains the holiday accommodation, animal pens and storage structures. To the rear of the main building are the paddocks and then the fishing lakes. There are also more informal parking areas both to the rear of the main building and adjacent to the first fishing lake. I also observed on my site visit a small structure in one of the paddocks and a dilapidated structure just outside the paddocks.
7. The site is fairly well enclosed apart from around the access, where the buildings and car parking on this part of the site are clearly visible. There is

also some visibility from Scamming Lane, a Public Right of Way that runs alongside the angled west boundary of the site. Land within the site's immediate vicinity comprises of open arable fields and a further fishing pond, with associated structures. It is separated from the nearby village of Laughton en le Morthen (Laughton) by fields and lies within the Green Belt.

Inappropriate Development (Appeals A and C)

8. Paragraph 149 of the Framework sets out that the construction of new buildings is inappropriate in the Green Belt unless, amongst other exceptions, it involves buildings for agriculture and forestry; 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; and, the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
9. Policy CS4 of the Council's Rotherham Local Plan Core Strategy 2013 – 2028 (2014) (LPCS) states that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy, and thus does not deal with the proposals any differently. Policy SP2 of the Local Plan Sites and Policies (2018) (LPSP) also reiterates national planning policy by stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also sets out that proposals need to minimise the impact on the openness of the Green Belt and sets out a number of matters to have regard to.
10. Policy SP6 of the LPSP concerns replacement buildings in the Green Belt. For such buildings to be not inappropriate, the new building is to be in the same use and not materially larger than the one it replaces. 'Materially larger' is said to be an increase in excess of 10% in the volume of the existing building. Thereafter, amidst other matters, it states that replacement buildings must not be significantly more visible than the existing building or buildings and that a new permanent structure will not be allowed to replace a temporary building / structure.
11. The Council's Supplementary Planning Document No. 3 Development in the Green Belt (2020) (SPD) provides guidance on a number of Green Belt considerations, including on openness and various types of development.
12. It is not in dispute that the proposal that is the subject of Appeal A is not inappropriate development in the Green Belt. Where a proposal is found to be not inappropriate, it should not be regarded as harmful to openness as this matter is implicitly taken into account under the exception. The SPD, which is solely contained in the Council's reasons for refusal as regards Appeal A, does not therefore count against the proposal.
13. Turning to Appeal C, the appellant has stated that the animals on the site comprise of chickens, geese, ducks, rabbits, 3 goats, 2 donkeys and one horse. Eggs are produced. There are also 3 alpacas that are kept for their fur. This proposal has been applied for as an animal shelter, rather than as an agricultural building, and some of the animals fall outside agriculture. While I have been referred to the use of the site as an agricultural holding in the past,

the site is now in more of a mixed use. There is not substantive evidence to the contrary. This proposal is not for an agricultural building. The proposal does not benefit from this exception.

14. With regard to outdoor recreation, the animals are also stated to be viewed by children who are visiting the site for other purposes. The related exception under the Framework involves the consideration of openness and purposes, amongst other matters. In relation to the spatial effect on openness, the proposal would alter the area of land so that it would accommodate a larger building. There would also be greater visibility of the proposal within the part of the site where it would be located, due to its greater footprint size and height. It would be less discernible from other parts of the site. Due to the boundary screening immediately to the north in particular, it would not be readily visible beyond the site.
15. Taking these factors together, the effect on the openness wrought by the change would be limited adverse. I am less persuaded that the proposal would conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment because it would be contained within a site that already contains varying forms of development. However, this does not address that it would not preserve the openness of the Green Belt. As a consequence, the proposal also does not benefit from this exception.
16. The appellant has not disputed that, for the purposes of Policy SP6, the proposal would represent an increase in excess of 10% in the volume of the existing building that it would replace. While it may not be more than a 10% increase in the floorspace and 0.65 metres higher than the existing building, this is not the means by which Policy SP6 considers 'materially larger'. If a fairly modest sized building is to be replaced, then clearly under Policy SP6 and the Framework, what constitutes materially larger will clearly be restricted. As I consider this exception also does not apply, there is not cause for me to consider whether the existing building is temporary or permanent under Policy SP6. Nor would any other exceptions apply.
17. I conclude that the proposal that is the subject of Appeal C would constitute inappropriate development within the Green Belt, and so it would not comply with paragraph 149 of the Framework. For similar reasons, it would not comply with Policies CS4, SP2 and SP6. The proposal that is the subject of Appeal A would not be inappropriate development and so would comply with Policies CS4, SP2, the SPD and with paragraph 149 of the Framework.

Character and Appearance (Appeals A, B and C)

18. The appeal site lies in pleasing countryside and in as far as the boundary vegetation, the paddocks and the fishing lakes are concerned, this character is maintained within the site. However, the buildings and the parking area at the western end of the site present a markedly more built-up character. The main building, whilst of a stone construction, is not overtly rural in its appearance, in particular due to the openings that are of a brown UPVC construction. It also contains a large shutter type opening and has somewhat of a utilitarian appearance. It has both elements of residential and commercial in its appearance. Such a view is consistent with an appeal decision¹ on the site that

¹ APP/P4415/W/21/3267484

I have been referred to in this regard. I find this building is somewhat in contrast to these more rural surroundings.

19. The proposal under Appeal A would result in a disjointed overall design and appearance to the building. It would project a not insignificant distance from the side elevation of the building, due to its size and scale. While the materials would match the existing building, its form would not and so it cannot be said to be in keeping with it. The proposed arrangement of openings on its rear elevation would exacerbate the domestic and commercial appearance of the building and so would further result in an adverse effect. More broadly, it would result in a building that would increasingly not sit comfortably with regard to the countryside character of the area.
20. A number of further additional openings would be inserted into the building under Appeal B, as well as alterations of some of the existing openings. Whilst the appellant has commented that most of these windows are the same as previously proposed, the design and materials would add to the domestic and commercial appearance. The spacing would further add to the discordant effect. With regard to the double doors that have been referred to by both main parties on the rear elevation, my concerns relate more to the overall effect in character and appearance terms on the building and surrounding countryside. I accept that the building has a limited agricultural appearance, but this does not justify making it more at odds with its countryside context.
21. There would also be some visibility of the proposals that are the subject of appeals A and B from East Field Lane, towards Laughton. This would heighten that these proposals would not be in keeping as regards the countryside character and the appearance of its immediate surroundings.
22. The proposal under Appeal C would be effectively screened from outside of the site by the boundary vegetation. It is also not unusual to find animal shelter structures in rural areas, including those of a utilitarian appearance, and so it would not be out of context with the site and the surroundings in this regard. The proposed dark green finish would also lessen its visual effect and so that it would not be timber clad would not render it unacceptable.
23. I conclude that the proposals that are the subject of Appeals A and B would have an unacceptable effect on the character and appearance of the area. Accordingly, they would not comply with Policies CS28 of the LPCS and SP55 of the LPSP where they concern a strong sense of place, being responsive to their context and high-quality design, amidst other matters. They would also not comply with the Framework where it concerns achieving well-designed places. In relation to Appeal A, the SPD has a limited bearing as it relates to the separate issue of Green Belt.
24. The proposal that is the subject of Appeal C would not have an unacceptable effect on the character and appearance of the area and so would comply with Policies CS28 and SP55, and the Framework in this respect.

Highway Safety (Appeal A)

25. East Field Lane is a winding country road of a limited width which leads out of Laughton and past the site. Pedestrians effectively have to share the road space with vehicles because there are no footpaths and as the lane is bounded by narrow grass verges. In places, these verges are obstructed by trees and

hedgerows, in particular towards the village. There are also obstructed views of the highway and so views are not always clear between traffic and pedestrians.

26. The proposal is said to be catering for mainly existing users on the site, in particular anglers. It would however also cater for some trade from the general public and I have been referred to publicity in relation to the existing café. Even if much of this emanates from existing users, it promotes the café for broader use. It is advertised by signage on the site. It is a popular facility and this accounts for its proposed expansion under this proposal.
27. The proposal would increase the number of customers that the café could accommodate. In turn, this would likely increase vehicular usage which would conflict with pedestrians along East Field Lane, whether these be customers or employees, or others walking along it. Thus, undue highway safety concerns would arise.
28. Details of the vehicular usage associated with the fishing lake provision at the site are not before me. Notwithstanding this, my concerns arise from the potential for conflict associated with the proposal, and not whether it would be significant compared to other development on the site. The same applies to where I have been referred to a planning application for further car parking.
29. I conclude that the proposal would have an unacceptable effect on highway safety, in particular for pedestrians. I have been referred to paragraph 111 of the Framework. As well as referring to where residual cumulative impact on the road network would be severe, it also refers to an unacceptable impact on highway safety. It is the latter where I find conflict with paragraph 111.

Other Considerations

30. The proposal that is the subject of Appeal A would be intended to address what the appellant considers are the cramped conditions of the existing cafe and to cater for extra demand. I did note on my visit that there were outside picnic tables around the existing café that would seem to provide extra capacity, at least at the warmer times of year and when the weather is not inclement, although I would accept that indoor facilities would be of benefit to creating additional capacity for the business and for customers. The proposals that are the subject of both Appeals A and B would also contribute to the rural economy, including with regard to employment.
31. As the proposal under Appeal C would provide shelter, it is purported to have benefit in relation to animal welfare. I have limited evidence in this regard in terms of what animals would benefit and why they require shelter. Nevertheless, it would be likely that there would be some benefit that would result for the animals.
32. Matters in relation to whether or not the proposal would result in a need for a further building on the site or result in further proposals for development are not for my consideration, as they are not the subject of the proposals before me.

Conclusion

33. The proposal subject of Appeal C would be inappropriate development in the Green Belt. Paragraph 148 of the Framework establishes that substantial

weight should be given to any harm to the Green Belt. Other considerations which arise do not clearly outweigh the harm. Consequently, very special circumstances do not exist.

34. The proposals subject of Appeals A and B would have an unacceptable effect on the character and appearance of the area. The proposal which is the subject of Appeal A would also have an unacceptable effect on highway safety, in particular for pedestrians. Such matters attract significant weight. The benefits that would arise would be moderate and do not outweigh the harm in either case.
35. Accordingly, for the reasons that I have set out above, I conclude that Appeals A, B and C should be dismissed.

Darren Hendley

INSPECTOR