



Appeal Decision

Site visit made on 23 January 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/P4415/W/22/3305945

Leger Lakes 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 RB2022/0960, dated 15 June 2022, was refused by notice dated 11 August 2022.

The development proposed is the use of land as a car park

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development and the address used in the above heading is that given on the appeal form as it gives a more accurate description of the site address.
3. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. I have used the description given on the appeal form and decision notice in the heading above due to the length of description within the application form.
4. At my site visit, the appeal site was being used for car parking, and I noted agricultural vehicles and equipment also on the site. The car park area was delineated by fencing with sand, consistent with the appeal proposals. The access into the car parking area was fenced off from it and gated, and there were patches of grass and the parking bays had not been delineated. Therefore, I have assessed the proposed development on the basis of the submitted plans.

Main Issues

5. The main issues in the appeal are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework 2021 (the Framework) including the effect upon the openness and purposes of the Green Belt;
 - If the proposal 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 it.

Reasons

6. The proposed car park would serve the existing business at Leger Lakes, which primarily includes fishing lakes, holiday lets and a café. Access to the site is from East Field Lane to a block paved car park for the business. The appeal site is situated between the existing car park and the paddocks/field, with a fishing lake further to the east. The appeal site is also parallel to East field Lane, which is well enclosed by evergreen trees. Land within the site's immediate vicinity comprises of open arable fields and on the opposing side of East Field Lane are further fishing ponds, with associated anglers' pods. The site lies within the Green Belt.

Whether inappropriate development

7. Policy CS4 of the 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. 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.
8. Paragraph 150 of the National Planning Policy Framework 2021 (the Framework) sets out the forms of development which are not inappropriate within the Green Belt, provided they preserve the openness and do not conflict with the purposes of including land within it. These include b) engineering operations and e) material changes in the use of the land.
9. The appellant considers that the proposal would involve engineering operations, through the surfacing of the site with sand. It is noted that the car park area has previously been used as a menage and the appellant has stated no additional works have been required to the area to allow its use as a car park. However, the appellant's evidence suggest this area was originally part of the wider grassed paddock/field, which was then fenced off. Photos provided by the appellant and Council appear to show that the appeal site was once grassed.
10. Whilst this is a limited form of development, the extent and appearance of the layout of the car park I observed was changed from the physical nature of the land within the wider paddock/field. The car park would also require marking of spaces to create the bays shown. I have also noted the suggested conditions from the Council's Highway officer for associated surface water drainage requirements. I am therefore satisfied that the full extent of the proposed development would amount to an engineering operation.
11. The proposals would also amount to a material change in the use of a land from a menage to a permanent car park, which would serve outdoor sport and recreation associated with the fishing lakes and a café. Notwithstanding the extent of whether the car park serves the fishing lakes or café, paragraph 150 of the Framework indicates a change of use is not inappropriate development as long as they preserve the openness of the Green Belt, and do not conflict with the purposes of including land within it.

Openness and purposes of the Green Belt

12. Openness is one of the essential characteristics of the Green Belt and can have both spatial and visual aspects. From my observations the appeal site is a fenced off area which was formerly part of a wider paddock/field. It appears clearly separate from the main built complex, animal housing and existing block paved parking area. This distinction is heightened by the separate gated area, used as the access between the existing car park and the proposed car park. This further increases its separateness from the main extent of the built-up area of the site.
13. In contrast to the wider open paddock/field within which it is sited, the surface would be fully laid with sand, and the proposal would create two rows of parking. The parking bays are closely spaced, and whilst cars are not permanent fixtures, there is the potential that the car park would be in use all year not just as an overflow car park. Alongside the parking of vehicles, the proposal would also represent an expansion of activity from the manoeuvring of vehicles. Even if it the car park were not fully occupied, vehicles parked, and activity would cause a moderate reduction in the openness of the Green Belt.
14. The existing roadside trees would screen views of the car park area in wider public views. Nevertheless, it is prominent when viewed in closer proximity, particularly from the associated business premises, and fishing lake. It would be in direct contrast to the wider paddock/fields and the parking of vehicles would also cause visual harm.
15. The purposes of the Green Belt are set out in paragraph 138 of the Framework and of relevance is criterion c) which pertains to safeguarding the countryside from encroachment. Whilst the land is not readily visible from public vantage points, the proposals would still have the effect of spreading beyond the established site. Although the established site includes varying forms of development, the character of the area between the café/car park and fishing lakes to the east clearly has the appearance of countryside. The proposal would be spatially and visually different from a menage and would result in physical encroachment of development. In this location, this would not safeguard the countryside from encroachment.

Conclusion on whether inappropriate development

16. The proposal is therefore inappropriate development in the Green Belt. The form of development would not preserve the openness of the Green Belt and would be contrary to the purposes of including land within it, as set out in the Framework paragraph 138. Inappropriate development in the Green Belt, which is, by definition, harmful should only be approved in very special circumstances. Paragraph 148 of the Framework indicates that substantial weight has to be given to any harm to the Green Belt.

Other Considerations

17. The appellant contends that the Council granted permission for the use of the land for fishing lakes and car park on the south side of East Field Lane. However, I do not have the details of this before me, and it does not follow that further expansion of this site would therefore be acceptable. This is particularly the case where development is subject to specific national and local policy requirements such as the effect on the openness of the Green Belt.

18. It is also claimed that there is demand arising from fishing matches. However, there is no substantive evidence before me that the constructed car park on the south side of East Field Lane could not accommodate this demand, when it is just as conveniently located as the proposed car park. Similarly, whilst the charitable aspects of the business are admirable and the Framework advocates for development to promote well-being, there is no evidence to explain to me what the demand for parking is or how often such activities take place.
19. The appellant also contends that the lack of car parking can dissuade visitors, and result in parking on the road. There is no substantive evidence that on-road parking is taking place. Nor does the evidence explain whether parking that currently exists for the approved development is significantly under provided, to the extent that complaints about this matter have been raised.
20. I am mindful of the guidance set out in Chapter 6 of the Framework within paragraphs 81, 84 and 85 which supports the sustainable growth and expansion of businesses in rural areas, which is also reflected in the Council's Policy CS11. However, the overall scale of the economic benefits here are not fully explained, and I consider would in this instance be modest.
21. The Framework further advocates that such rural development should also be compatible with the character of the countryside and sensitive to its surroundings. The site is constrained due to its location within the Green Belt and the scale of activity achievable should be managed accordingly. Therefore, having regard to the appellant's evidence, and the above matters, the benefits combined only attract moderate weight.

Other Matters

22. The appellant has referred to a car park extension to a tourist facility at a Butterfly House in North Anston. The Council has set out that it is not comparable as it is a tourist attraction which accommodates over 150,000 visitors per year. I have not been provided with details which set out whether there were any special circumstances for that proposal. It is clear that site has had various applications approved and refused by the Council and similarly allowed and dismissed at appeal. However, it is not clear to me how these would be comparable to the appeal proposal as they do not appear to include car parking on their own, and in any event, I have considered the proposal on its own merits.

Planning Balance and Conclusion

23. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on to advise 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.
24. In this particular case the other considerations put forward do not clearly outweigh the substantial weight that I am required to give to the harm to the Green Belt, by reason of inappropriateness and harm to openness and purposes that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

25. For the reasons set out above, the proposal would conflict with Policy CS4 of the LPCS and Policy SP2 of the LPSP and the development plan, when read as a whole. The proposal would also not fulfil the requirement of paragraph 147 and 148 of the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan.
26. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

K Williams

INSPECTOR