



Appeal Decision

Site visit made on 24 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/R4408/W/22/3307726

Little Doubting Farm, Hartcliff Hill Road, Penistone, South Yorkshire S36 9FS

- 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 Richard Pinson against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0466, dated 25 April 2022, was refused by notice dated 25 July 2022.
 - The development proposed is a barn conversion to residential tourism accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A structural survey of the barn has been submitted with the appeal and such information was not before the Council when it made its decision. The Procedural Guide to Planning Appeals – England is clear that the appeal process should not be used to evolve a scheme and indicates that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Therefore, having regard to the Wheatcroft¹ Principles, the acceptance of the Survey at this stage would potentially prejudice the interests of other parties. As such, in reaching my decision, I have not had regard to the Survey and have determined the appeal based only on the information that was before the Council. Even if I had accepted the survey and taken it into account, for the reasons I shall set out below, it would have made no difference to the appeal outcome.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - If inappropriate development, 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 in the Green Belt.

¹ *Bernard Wheatcroft Ltd v SSE*

Reasons

Inappropriate development

4. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions as set out in paragraph 149. Paragraph 150 identifies, as not inappropriate, certain other forms of development provided that they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings if the buildings are of permanent and substantial construction.
5. In respect of development in Green Belts, the Council has also directed me to Policies GB1 and GB3 of the Barnsley Local Plan (LP). LP Policy GB1 indicates that the Green Belt will be protected from inappropriate development in accordance with national planning policy. LP Policy GB3 states that changes of use in the Green Belt will be allowed if, amongst other things, the existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction.
6. The building to be re-used was designed to house hens for egg production. A significant proportion of the building would be removed as part of the proposal. This would necessitate the construction of a new rear elevation to each unit, as well as the construction of one new gable wall to each of the outer two units and two gable walls to the central unit. Part of the remaining original elevation would also be removed to form covered deck areas to each unit. Whilst the timber cladding of the existing building would be retained as part of the proposed accommodation, I note that the submission highlights the need to upgrade the steelwork roof construction, floor slabs and wall construction to meet building regulations for the intended use.
7. I recognise that in most cases of re-use, works would be required to the fabric of the building to facilitate the new use. However, in this case the necessary works would be extensive and the contribution from the existing building to the development would be significantly reduced. Therefore, even if there were a structural survey before me that I could take into consideration and that demonstrated that the building was of permanent and substantial construction, to my mind, the proposed works constitute substantial and significant alterations. Such works would not be consistent with the re-use of a building, but tantamount to a new build.
8. Turning to the matter of openness and the purposes of the Green Belt, I consider that both visually and spatially the removal of part of the building would improve the openness of the site and consequently the Green Belt. Accordingly, there would be no conflict with Green Belt purposes.
9. Notwithstanding my finding related to openness and Green Belt purposes, the proposal would be inappropriate development. I shall, though, come back to the improvement to the openness of the Green Belt when it comes to the balance at the end of my decision. The Framework requires that substantial weight is given to any harm to the Green Belt

Other Considerations

10. The Framework, at paragraph 84, seeks to support a prosperous rural economy, including sustainable rural tourism. Although limited information has been provided by the appellant, there is no reason to take the view that the proposed accommodation would not be successful in attracting visitors. Furthermore, the proposal would allow diversification of the appellant's farm business, partially utilising a building that is not in use. It would provide income to replace that lost following the cessation of egg production and a deer unit, and may enable the appellant to retire from mainstream agriculture. Such economic benefits carry modest weight in favour of the proposal.
11. The appellant has indicated that the proposal would not result in the need for a replacement building, and that the building is generally not suitable for modern farm machinery or general agriculture due to its height and accessibility. That does not, however, justify the proposal which I have found to be inappropriate in the Green Belt. Such matters do not, therefore, weigh in favour of the proposal.
12. It is stated that new insulation and green energy systems would be used. However, as all accommodation should be constructed to such principles this only carries limited weight in favour of the proposal.
13. The appellant has raised concerns with the Council's handling of the planning application, however, that is not relevant to my findings on the planning merits of the scheme.

Green belt balance and conclusion

14. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
15. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. As I have indicated above, substantial weight must be attached to this Green Belt harm. Balanced against this are the other considerations I have referred to including the improvement to the openness of the Green Belt. However, given the weight that I have attributed to them, even in combination, they do not clearly outweigh the harm to the Green Belt that I have identified. Therefore, the very special circumstances necessary to justify the development do not exist.
16. Consequently, the proposal conflicts with the Green Belt protection aims of the Framework and with LP Policy GB1. Furthermore, as the proposal would require major reconstruction for the proposed use, it would conflict with LP Policy GB3.
17. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR