



Appeal Decision

Site visit made on 23 March 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/B3030/W/22/3308354

Field reference 5850, Ricket Lane, Blidworth

- 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 Mrs Linda Dykes against the decision of Newark & Sherwood District Council.
 - The application Ref 22/01125/FUL, dated 7 June 2022, was refused by notice dated 7 September 2022.
 - The development is described on the application form as '*erection of a timber 3.6m x 7.2m building to store agricultural machinery to tend the field only which will be screened with conifers or other advised by yourself*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been constructed. I have assessed the appeal scheme and based my decision on the plans before me.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt and the purposes of including land within it; 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 required to justify the proposal.

Reasons

Whether Inappropriate Development

4. Paragraph 147 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt. The Framework advises that openness and permanence are the essential characteristics of the Green Belt.
5. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number

of exceptions. One such exception is buildings for agriculture. Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy, adopted 2019 (the ACS) requires development, other than that specifically identified, to conform with national policies relating to the Green Belt.

6. The appeal site comprises a narrow strip of land adjacent to Ricket Lane and is part of a wider field in the appellant's ownership. The building is a relatively modest, single storey structure constructed of timber boarding. It is divided into two parts, one of which has a full height opening and the other with a half-height stable door.
7. The appellant states that the building is used for agricultural purposes. However, there is no clear evidence before me to confirm that the site forms part of an agricultural holding, and there is very limited evidence of the nature or level of activity within the site or appellant's wider land holding. The submitted evidence sets out that the building is used for shelter in bad weather and for storing machinery for the upkeep of the field and what is stated as farm machinery including spare fencing panels, barbed wire and a lawn mower. When on site I saw that the building contained barbed wire fencing, a lawn mower and a number of wooden fence poles. However, this does not offer sufficient evidence that the building is reasonably necessary for the purpose of agriculture.
8. The Framework does not define agriculture, but Section 336 of the Town and Country Planning Act 1990 provides a definition. Having regard to this definition and based on the evidence submitted and my site visit observations, I am not convinced that the development can be considered as a building for agriculture. Providing shelter, the mowing and maintenance of grass or the storage of fencing do not constitute agricultural activities.
9. The development does not therefore fall within exception a) in paragraph 149 of the Framework. Nor is there any clear evidence that it would fall within any of the other exceptions listed in this paragraph. Accordingly, the building is inappropriate development in the Green Belt. In line with paragraph 147 of the Framework, the development is inherently harmful to the Green Belt.

Openness and Green Belt Purposes

10. 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. Openness has both spatial and visual aspects.
11. The openness of the Green Belt is evident, with mainly open fields around the site. The building, while being of a relatively modest size, intrinsically adds built development where, based on the submitted evidence, no development has previously been present. The building is visible from certain perspectives, although the roadside hedge provides a degree of screening from Ricket Lane and a backdrop in wider views. The development therefore results in a visual as well as spatial reduction in openness, albeit to a limited extent, which would not be adequately addressed by additional planting. As such some limited harm to the openness of the Green Belt inevitably arises. For similar reasons, the development results in a limited encroachment into the countryside, in conflict with this Green Belt purpose.

Other Considerations

12. The building is relatively well screened from Ricket Lane. Its design and the materials used do not appear incongruous and there is no unacceptable harm caused to the landscape character of the area. This point does not appear to be in dispute between the two main parties. Nevertheless, a lack of harm in other respects is effectively neutral in establishing whether very special circumstances exist.
13. The appellant highlights that there are several similar buildings nearby, which I saw during my site visit. However, the Council advises that enforcement investigations are ongoing in relation to a number of these buildings, which suggests that some may well be unauthorised. In any event, I have considered this appeal on its own planning merits.

Planning Balance and Conclusion

14. The building is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. In line with paragraph 148 of the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
15. I have taken into account the aforementioned other considerations. However, inherent in my reasoning above in terms of 'other considerations', these do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The development therefore conflicts with Spatial Policy 4B of the ACS and the Framework, as summarised above.
16. The Council has referred to Core Policies 9 and 13 of the ACS, Policy DM5 of the 2013 adopted Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document and the 2013 Landscape Character Assessment Supplementary Planning Document in its reason for refusal. These policies and guidance set out criteria relating to a requirement for high quality sustainable design, protecting and enhancing landscape character, and design including protecting local distinctiveness. None of these are specific to Green Belt matters and so I do not find a conflict with their requirements, although this does not alter my findings.
17. The development conflicts with the development plan taken as a whole as well as the Framework. There are no material considerations that indicate the decision should be made other than in accordance with the development plan and the Framework. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR