



Appeal Decisions

Site visit made on 5 September 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal A Ref: APP/P4415/W/23/3318961

Barn North East of Common Road, Thorpe Salvin S80 3JJ

- 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 Ms Lindsey Robinson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2022/1841, dated 14 December 2022, was refused by notice dated 13 February 2023.
 - The development proposed is conversion of barn to holiday cottage and erection of stable block.
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Appeal B Ref: APP/P4415/W/23/3321443

Barn North East of Common Road, Thorpe Salvin S80 3JJ

- 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 Lindsey Robinson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/0258, dated 21 February 2023, was refused by notice dated 13 April 2023.
 - The development proposed is conversion of barn to holiday cottage and erection of stable block.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Different existing elevations plans were submitted with both appeals, neither of which was entirely consistent with the building as it appeared at my site visit. It can be ascertained from the evidence before me that the building retains external alterations which are subject to enforcement action. Any extant enforcement issues are separate to my assessment of the appeals, which are based on their respective merits. For the avoidance of doubt, I have considered the existing elevations drawing SK_06 submitted with Appeal A as forming the existing building. Subsequent references to the existing building in this decision are based on that drawing.

Main Issues

4. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt including the effect upon the openness and purposes of the Green Belt;
- the effect of the proposal on the character and appearance of the area;
- would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

5. Rotherham Local Plan Core Strategy (2014) (CS) Policy CS 4 confirms land within the Green Belt will be protected from inappropriate development as set out in national planning policy. Rotherham Local Plan Sites and Policies (2018) (SP) Policy SP 2, insofar as it relates to this appeal, requires proposals for development to satisfy other relevant policies of the Local Plan and national guidance.
6. SP Policy SP 5 sets out that conversion of a building in the Green Belt is acceptable in principle provided the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. It must also be demonstrated that the building is of permanent and substantial construction. This is consistent with paragraph 150 of the National Planning Policy Framework (the Framework).
7. The supporting text to CS Policy SP 5 provides further advice on how to assess if a building is of a permanent and substantial construction. The 'Development in the Green Belt Supplementary Planning Document' (SPD) was adopted in June 2020 and is a material consideration to which I attach significant weight.
8. The SPD is clear that a survey would be required and that it would need to include an assessment of any other alterations necessary to implement the proposed conversion, including internal alterations. The submitted survey dates from 2021 and does not take account of subsequent changes to the building regulations. While the appellant contends this would have no impact on the structure of the building, there is no substantive evidence before me to demonstrate this conclusion has been arrived at following a survey carried out by an appropriately qualified person. While other aspects of the survey requirements of paragraph 49 of the SPD have been addressed, this would not overcome this omission.
9. I have been directed to a previous decision¹ on the site where it was found that the building was of permanent and substantial construction, however I note this pre-dates the adoption of the SPD. Reference has also been made to pre-application advice where it was confirmed that the proposed development would be not inappropriate. However, I remain mindful that the requirements for a conversion with respect to the building regulations have been updated since that time. I therefore can no longer be certain the existing building would constitute substantial construction given the advice in the SPD. Further

¹ APP/P4415/W/19/3240646 dismissed 30 April 2020

information was submitted in support of Appeal B. This referred to a further appeal decision² however I cannot second guess the outcome of that appeal had a different case been presented to the Inspector.

10. The woodland around the building is shown to be retained which limits the potential for domestic paraphernalia typical of holiday lets to be provided. I therefore have no reason to conclude that there would be an adverse effect on the openness of the Green Belt in spatial or visual terms arising from the proposed conversion. Nor is any conflict with the purposes of the Green Belt, as set out in paragraph 138 of the Framework, identified. However, these would amount to a lack of harm.
11. The Council considers the proposed stable block would be not inappropriate development which would not harm the openness of the Green Belt. I have no reason to disagree.
12. Both Appeal A and Appeal B would conflict with CS Policy CS4 and SP Policy SP 5 as it has not been confirmed that the existing building is of substantial construction. These policies are consistent with paragraph 150 of the Framework and the proposal would therefore constitute inappropriate development in the Green Belt. Paragraph 147 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and Appearance

13. The existing building has a utilitarian appearance with few openings. The alterations proposed by Appeal A would be entirely domestic in appearance. As such, the proposed alterations would be unsympathetic to the rural siting of the building.
14. Appeal B proposes fewer alterations to the front elevation of the building. The windows in the side elevation would appear as domestic windows rather than traditional agricultural loft openings. There would also continue to be a domestic fenestration pattern to the rear elevation. The stark contrast between the front and rear elevations would result in the building having a contrived appearance.
15. Both appeals propose the existing building would be rendered. I cannot be certain that this would be in accordance with a previous planning permission. The use of render would further add to the domestic appearance that would arise, albeit to varying extents, from both appeals.
16. The retention of the existing steel roof would maintain the current position and as such I consider it to be a neutral factor with respect to character and appearance.
17. The site is clearly separated from Thorpe Salvin and its historic core. Development along Common Lane used a range of materials such that there is no prevailing type. The contrast in building styles is not unusual between rural settlements and buildings in the countryside and amounts to a neutral consideration in both appeals.

² APP/P4415/W/21/3266462 dismissed 5 May 2021

18. The proposed alterations in Appeal A would result in the building having a particularly domestic appearance. While this effect would be lessened by the more limited alterations to the front elevation proposed in Appeal B, it would nonetheless have a domestic appearance particularly to the rear and side elevations which would appear incongruous with the limited alterations proposed to the front elevation. When taken with the proposed use of render which is not characteristic of its rural location, both appeals would have an adverse effect on the character and appearance of the area. They would be contrary to SP Policy SP 5 which seeks to ensure development contributes to the character and distinctiveness of the area. They would also be contrary to the advice in section 12 of the Framework which, insofar as it relates to this appeal, seeks to ensure that development will add to the overall quality of the area.

Other considerations

19. Both appeals propose the use of the building as holiday accommodation alongside the adjacent equestrian use. It is a matter for the appellant whether or not the proposed use would be viable in this building. It is not in dispute that CS Policy CS 11 and paragraph 84 of the Framework acknowledge the benefits of rural tourism to the economy. There would also be the benefit of supporting the existing equestrian business. However, these benefits would be limited given the small scale of the proposal in each appeal.
20. The landscaping to the front of the site is shown to be retained and would continue to provide a notable degree of screening to the building. However, this would not address the harms I have identified above.
21. The appellant has had correspondence with the Council regarding a purchase notice under section 137 of the Town and Country Planning Act 1990. This is a separate process to the determination of these appeals and has no bearing on my decisions which have been made on the planning merits of the cases before me.

Conclusion

22. I have found that both Appeal A and Appeal B would constitute inappropriate development in the Green Belt. I afford this matter substantial weight. Both appeals would also harm the character and appearance of the area and I attach moderate weight to this. The other considerations in these appeals do not carry sufficient weight to clearly outweigh the harm to the Green Belt or to outweigh the harm to character and appearance. Consequently, the very special circumstances necessary to justify each development do not exist.
23. Both proposals would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the policies of the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, both Appeal A and Appeal B should be dismissed.

J Downs

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/P4415/W/23/3318961	Ms Lindsey Robinson
Appeal B	APP/P4415/W/23/3321443	Mr Lindsey Robinson