



Appeal Decision

Site visit made on 16 January 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/N1025/W/23/3321945

7 Lewcote Lane, Derbyshire, West Hallam DE7 6HX

- 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 & Mrs James & Stephanie Duffin against the decision of Erewash Borough Council.
 - The application Ref ERE/1022/0021, dated 10 October 2022, was refused by notice dated 9 March 2023.
 - The development proposed is the erection of 6 glamping cabins and along with formation of carpark, access track and bin store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have determined this appeal in the context of the revised Framework.

Main Issues

3. The appeal site is located within the Green Belt and therefore the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; 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 152 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that substantial weight should be given to any harm to the Green Belt and 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.

5. Subject to a number of exceptions, as listed in Paragraphs 154 and 155, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include the provision of appropriate facilities for outdoor recreation as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy 3 of the Erewash Core Strategy (the ECS) and Policy GB1 of the Erewash Local Plan (ELP) reflect, in so far as they are relevant to the matters of the appeal before me, the Framework.
6. The appeal site comprises a long linear portion of a field set within a predominantly rural area between settlements. I understand from the submissions before me that the field is currently in an equestrian use. The proposal would extend the existing driveway which crosses the residential garden at 7 Lewcote Lane to provide a parking and turning area, and an access track down to the other end of the field. It would also include the provision of 6 timber cabins with associated decking to be used as holiday accommodation.
7. The cabins would provide an environment for tourists to access the public right of way (PROW) network and a number of tourist attractions nearby. Moreover, by way of the decking and hot tubs, tourists would be afforded the opportunity to carry out recreational activities on site. Finally, I find that the act of 'glamping' is, in itself, a recreational activity and I note that ELP Policy R11 refers to similar uses as recreational. It is clear from the submissions before me that the proposed hardstanding, cabins and decking would all be facilities that contribute to an outdoor recreational use.
8. In this way I find that the proposal would comply with the type of development covered by the exception set out under Paragraph 154 (b). I must therefore consider whether the proposal would affect the openness of the Green Belt or the purposes of including land within it.
9. Paragraph 147 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect, and an adverse impact to either can harm the openness of the Green Belt as a whole.
10. At the time of my visit the field was partially mowed but was undeveloped and was bounded by mature hedgerows and trees. The PROW was somewhat screened from the field by the vegetation, but glimpses are still afforded of the site, moreover, more distant views are possible from nearby hills. Overall I found the field to be read in connection with the adjoining fields and that its contributes to the openness of the wider Green Belt.
11. Into this undeveloped field the proposal would introduce a significant area of hardstanding, 6 timber cabins and associated decking. These would extend a substantial distance from the built development into the rural area. By way of its presence, size and the area of land its cover the proposal would have a spatial impact on the openness of the Green Belt. As views of the site are possible, the proposal would also have a visual impact on openness. Whilst I am mindful that the cabins are fairly low in height, this is not sufficient to outweigh the harm outline above.

12. Alongside having both a spatial and visual impact on the openness of the Green Belt, the proposal would form an encroachment into the countryside which is contrary to the purposes of including land within the Green Belt, as set out under Framework Paragraph 143(c). I recognise the scale of the proposal in relation to the Green Belt as whole, as such I find that the harm to its openness would be more limited. However, the Framework, under Paragraph 153, is clear that any harm to the Green Belt should be given substantial weight.
13. By harming the openness of the Green Belt and conflicting with the purposes of including land within it, the proposal would be inappropriate development contrary to ECS Policy 3 and ELP Policy GB1 which, amongst other matters, seek to protect the purposes and openness of the Green Belt, as well as Section 13 of the Framework, including Paragraphs 143, 147 and 152-154 as noted above.

Other Considerations

14. Through the provision of a new business and by attracting tourists to the area, the proposal would support the local economy through the creation of jobs, the use of local businesses and the diversification of the economy. Given the scale of the proposal, I attach this matter moderate weight.
15. Although the proposal is close to the PROW network, which can be an attraction in itself, it has not been fully demonstrated that local tourism attractions are at a walkable distance or that alternative sustainable transport options would be a viable option for future guests. Moreover, whilst I accept that this type of holiday accommodation would not be appropriate for a more built-up or urban area, this does not necessitate its location within the Green Belt. These matters have not, therefore, been determinative in my considerations.
16. Whilst the proposal may not result in the loss of best and most versatile agricultural land, or any harm to highway safety or living conditions, this lack of harm is not a benefit in itself. I have therefore attached these matters neutral weight.
17. The appellant has also raised that the proposal has received local support. Whilst I have been mindful of comments, both in support and against the proposal, these comments do not preclude me from coming to a different decision.

Green Belt Conclusion

18. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. I have attached moderate weight to the consideration in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with ECS Policy 3 and ELP Policy GB1, as well as Section 13, including Paragraphs 143, 147 and 152-154 as outlined above.

Conclusion

The proposal would be inappropriate development in the Green Belt and would therefore conflict with the development plan. There are no other considerations,

including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR