
Appeal Decision

Site visit made on 16 May 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2024

Appeal Ref: APP/R1038/D/24/3337352

The Long Barn, Barlow Lees Lane, Barlow, Derbyshire S18 7UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Denton against the decision of North East Derbyshire District Council.
 - The application Ref is 23/00392/FLH.
 - The development proposed is the erection of a garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Other than the paragraph numbers, the provisions in the revised Framework relating to the Green Belt are the same as those that were in the previous version of the Framework when the Council made its decision. Therefore, it has not been necessary to seek the views of the main parties on this matter.

Main Issues

3. The main issues are:
 - whether the garage constitutes inappropriate development in the Green Belt;
 - its effect on the openness and purposes of the Green Belt;
 - the effect on the character and appearance of the area; and
 - if it 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 very special circumstances necessary to justify the development.

Reasons

Whether the garage constitutes inappropriate development in the Green Belt

4. The site is located within the Green Belt and the surrounding area is rural in nature, defined primarily by open fields and wooded areas. The Policy SS10 of The North East Derbyshire Local Plan 2014-2034 (the Local Plan) sets out how proposals within the Green Belt will be determined and is consistent with the

Framework paragraphs relating to the Green Belt. Policy ENV1 of the Dronfield Neighbourhood Plan November 2019 (the NP) advises there will be a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open character.

5. Paragraph 154 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. The construction of detached buildings ancillary to a dwelling is not one of the exceptions identified.
6. The appellants contend that the garage could be considered as a normal domestic adjunct and therefore treated as an extension. Paragraph 154 c) of the Framework states that one of the exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. However, whether a garage is capable of being treated as an extension is a matter of fact and degree in every case. In contrast to the garage granted permission¹ at the neighbouring Shirecliffe Farm, which is well screened and in an enclosed discreet location, the proposed garage would be more isolated located away from site boundaries and the Long Barn. In my it would be in an exposed location and appear as an outlying structure, primarily because of the tightknit development that exists on site. Although it would be closely related to the house in terms of its function, it would not appear as an extension to the property, and I do not consider it to fall to be considered as a normal domestic adjunct in this case.
8. I therefore conclude that the garage is inappropriate development within the Green Belt. Paragraph 152 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness and purposes of the Green Belt

9. Paragraph 142 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. Openness has both spatial and visual aspects. In this case the appeal site has a sense of both spaciousness and openness that contributes to the semi-rural setting of the buildings.
10. The garage is located towards the north-west corner of the appeal site. Set in from a low dry stone wall, and away from a mature tree, the surrounding fields and landscape are open and sweep down to the site and its northern boundary. Although, the garage would be seen in some views against the Long Barn and built development, it would not be afforded any substantive screening in some viewpoints or all year round. Although the garage is a similar size to other examples provided, the introduction of a building here would result in a clear intrusion into the area and loss of spatial openness.
11. As a matter of judgment, I also find the proposed development would conflict with one of the five purposes of the Green Belt in paragraph 143 of the Framework. This purpose is to assist in safeguarding the countryside from encroachment.

¹ Council reference 21/00518/FLH Location M

12. Although there would only be a moderate loss of spatial and visual openness, overall this is harmful and conflicts with the fundamental aim of Green Belt policy set out in the Framework in paragraphs 142 and 143 of the Framework, to keep land permanently open.

Character and appearance

13. The existing buildings on the site, have a relatively tight arrangement and layout, which I find is generally reflective of former agricultural buildings in the countryside. The scale of the development would be commensurate with its proposed use. The use of natural materials, and the design of the structure would not be substantially out of keeping with the rural appearance of the area and the buildings on the appeal and wider site.
14. However, located forward of the Long Barn, and in an exposed and isolated position, I find that the siting of the development results in a layout which would be at odds with the more traditional and close knit arrangement of the existing buildings on site. It would appear incongruous in its setting and within the wider landscape, which is designated as an Area of Multiple Environmental Sensitivity.
15. I therefore conclude that the siting of the proposed development would harm the character and appearance of the area. It would be contrary to policies SS9, SDC3 and SCD12 of the Local Plan, which seek to ensure development respects the landscape character through careful siting and that is well related to its site. The proposal would also conflict with policies ENV2 and D3 of the Dronfield Neighbourhood Plan, which seek to reinforce local character.

Other considerations

16. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
17. There would be some economic benefit arising from the proposal, However due to the overall scale of the proposal the economic benefits would be limited, and the social benefits would be specific to the appellant and not to any wider public benefits.
18. The appellant has drawn my attention to other local authority approvals which they consider to be similar to this proposal within the Design and Access statement provided with the planning application and the statement of case. Whilst each proposal is judged on its own merits, I have considered these examples, and I note the similarities with the context in that they propose garages. However, I have not been provided with the full details and some will have been determined under a different set of circumstances, planning policies and other evidence which is not before me in this appeal. The considerations of those matters and those put forward in support of those proposals would have also required site specific judgements to be made and for these reasons I attach limited weight to these.
19. I have no substantive evidence that the removal of the Dutch barn was not associated with the development to convert the Long Barn under the planning

permission. However, even if this is not the case, agricultural buildings are not inappropriate development, and despite their presence this does not necessitate that it is acceptable to replace with inappropriate development.

20. I appreciate that other locations for the garage may not be suitable for the appellant and may take it closer to neighbouring residents. However, there is no overriding justification or discussion why the proposed development is necessary. Therefore, this limits the weight I can attach to the other locations being unsuitable.

Green Belt Balance

21. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
22. Although the proposal would not harm neighbouring living conditions, highway safety and would retain acceptable levels of parking these are neutral matters that do not weigh for nor against the proposal.
23. There would be a reduction to visual and spatial openness and harm to the character and appearance of the area. I acknowledge that the level of harm would be moderate. However, the proposal would be inappropriate development which would be harmful. This harm carries substantial weight by definition.
24. The other considerations, and the examples of other planning decisions do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and effect on openness. This is a high hurdle for any development proposal to overcome.
25. Consequently, I conclude that the very special circumstances necessary to justify the development do not exist which clearly outweighs the inherent harm to the Green Belt. The development therefore fails to accord with Policy SS10 and ENV1 of the Local Plan and chapter 13 Protecting Green Belt Land of the Framework.

Conclusion

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR