



Appeal Decision

Site visit made on 30 July 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2024

Appeal Ref: APP/P4415/W/24/3342723

**Thistle Down Farm, Toad Lane, Brampton-en-le-Morthen, Rotherham
S66 9BG**

- 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 Miss Nicole Wayman and Mr Will Perrins against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/0216.
 - The development proposed is for 1no dwelling following the demolition/removal of stables and associated structures and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main parties have agreed that the proposal would not represent inappropriate development in the Green Belt as defined in development plan policy and the National Planning Policy Framework ('the Framework'). I concur with that position. Consequently, the main issue is whether the appeal site is in a suitable location for the proposed development.

Reasons

3. The appeal site is an existing equestrian development comprising various stables arranged in a C-shape used for personal use. It is proposed to demolish the existing stables and construct a detached dwelling.
4. Paragraph 84 of the Framework states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a closed list of circumstances apply. The appellant asserts that the appeal site is not isolated as it is in proximity of both Brampton-en-le-Morthen and Thurcroft and refers to the dictionary definition of 'isolated' as, "*far away from other places, or people, remote*".
5. Case Law¹ has determined that the word 'isolated' in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement.
6. The appeal site is surrounded by open fields used for agricultural and equestrian purposes. There are no other buildings or dwellings close to the appeal site. The settlement of Brampton-en-le-Morthen is to the west of the appeal site and the settlement of Thurcroft is to the north. However, both

¹ *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610

settlements are separated from the appeal site by open fields. While some of the dwellings that comprise the settlement of Thurcroft are visible from the appeal site, they are a substantial distance away.

7. Consequently, I find that the appeal site is isolated for the purposes of paragraph 84 of the Framework. The proposal would not comply with any of the closed list of circumstances detailed within paragraph 84. Accordingly, it would conflict with the Framework that seeks to avoid the development of isolated homes in the countryside.
8. Policy CS3 of the Rotherham Local Plan Core Strategy 2013-2028, adopted 2014 (CS) relates to the location of new development and amongst other things, seeks to ensure that sites have regard to relevant sustainability criteria including its proximity to services, facilities and employment opportunities, and access to public transport routes and the frequency of services.
9. The appellant asserts that the policy is not of relevance to the appeal proposal as they consider it only relates to the allocation of a site for development. However, paragraph 5.2.69 of the supporting text to CS Policy CS3 states, *"delivery will be through informing the site selection process in the production of the Sites and Policies document and the consideration of planning applications in the development management process"*. Consequently, I am satisfied that the policy is applicable to the proposal.
10. The appeal site is accessed from Toad Lane via a single width unmade track adjacent to an agricultural field that is unlit and has no pavement. Toad Lane is single width, unlit, has no pavements and is subject to the national speed limit. It is enclosed by hedgerows to either side with limited places where pedestrians or cyclists could step off the road to allow vehicles to pass.
11. The route towards Brampton-en-le-Morthen (with limited services and facilities) and a Public Right of Way (PRoW) that provides access to Thurcroft has several tight bends which severely restrict visibility. Thurcroft contains services and facilities that could meet the day-to-day needs of future occupiers. However, access to the settlement via Toad Lane and Green Arbour Road is a not an insignificant distance and the PRoW from Toad Lane is unlit and traverses across fields.
12. Nevertheless, some future occupiers could walk or cycle to the services and facilities in Brampton-en-le-Morthen and Thurcroft. However, due to the condition of local infrastructure along Toad Lane and the PRoW and the distances involved, not all future occupants would find it an attractive option, particularly those with young children or mobility issues, especially after dark or during inclement weather.
13. Bus stops are on Green Arbour Road to the south of its junction with Toad Lane, which is not an inconsiderable distance from the appeal site. It has been asserted that an hourly bus service runs from these bus stops. However, limited information has been provided regarding the days on which the services run, the times between which the services operate, or the route that the services take. Therefore, I am not persuaded there is a reliable bus service that would serve the appeal site.
14. Consequently, I find that future occupiers of the proposed development would be heavily reliant on the private car to meet their day-to-day needs.

15. The resurfacing of Toad Lane would improve the condition of the road. However, at the time of my site visit, I did not find that the road surface was so bad that it would deter walkers or cyclists. Furthermore, the re-surfacing of the road would not alter the isolated location of the appeal site or the distance/route to the nearest services and facilities.
16. The appellant asserts that the existing use generates more vehicle movements than the proposed development. From the information before me, I accept that the existing equestrian use generates 6 vehicle movements to and from the appeal site each day to look after the horses. An additional two vehicle movements to and from the site each day are undertaken by the appellant's mother to buy her lunch from Thurcroft, and further ad-hoc vehicle movements to and from the site are made by a vet, by an equine physiotherapist and to deal with emergencies/unforeseen circumstances.
17. Further vehicle movements to and from the site are undertaken to transport horses to a local rehabilitation centre, to compete in events and to attend horse riding lessons. However, it is unclear whether these trips would involve additional vehicle trips to and from the site or whether they would be undertaken in conjunction with the daily morning and evening trips to feed and tend to the horses.
18. The proposed dwelling would have three bedrooms and therefore, it is of a size that could accommodate a family. Therefore, it is not unreasonable to assume that the proposed dwelling would generate trips to and from the site to access such things as employment, schools, children's activities, food shopping, health appointments, as well as deliveries to the site by the Royal Mail, delivery drivers, service providers, maintenance workers etc.
19. Consequently, from the information before me, the vehicle movements associated with the proposed dwelling, whereby future occupants would be heavily reliant on the private car to access their day-to-day needs, would be significantly more than the existing equestrian use.
20. I have been directed to examples whereby planning approval has been granted for the construction of a dwelling within a similar distance to services and facilities as the appeal site. Limited information has been provided regarding these planning approvals. However, the Council state that they differ from the appeal proposal as there are existing dwellings close-by and as such are not 'isolated'. The appellant has not disputed this. Accordingly, they are not directly comparable to the appeal proposal. In any event, I must determine each case on its own individual merits.
21. I acknowledge that paragraph 109 of the Framework states that "*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*". However, this does not negate the Framework's requirement to avoid isolated dwellings in the countryside, or the development plan's requirement for developments to comply with sustainability criteria.
22. In reference to the main issue, the appeal site would not be in a suitable location for the proposed development. It would conflict with Policy CS3 of the CS and paragraph 84 of the Framework, the content of which I have previously described.

Other Matters

23. The provision of one additional dwelling would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of new homes and the Council's housing supply. The proposal would also provide a limited amount of short-term employment through the demolition of the existing stables and the construction of the proposal. The proposal would result in some additional support to the facilities and services within Brampton-en-le-Morthen and Thurcroft from future occupiers. However, taken as a whole, these benefits do not outweigh my findings in respect of the main issue.
24. The appellant states that should the appeal be allowed, the horses on the appeal site would move to the appellant's parent's equestrian centre which would improve the welfare of the horses and 'free-up' the appellants' time. However, there is no suggestion before me that there are welfare issues surrounding the stabling of the horses at the appeal site, or that the horses could not move without the appeal proposal being allowed.
25. The proposal's use of previously developed land, the proposal not comprising inappropriate development in the Green Belt through a reduction in built form, and the acceptability of the design of the proposed dwelling are all neutral matters. The appellant asserts that the proposal would ensure the appeal site is effectively used. However, the appeal site is currently used for its permitted use for the stabling of 13 horses and therefore, I am not convinced that it is not effectively used.
26. Fly tipping is said to be an issue along Toad Lane. However, it is unlikely that future occupiers of the proposed dwelling could deter fly tipping as there would be limited intervisibility between the proposed dwelling and the road. While it is considered that the proposal could increase security in the surrounding area, I have not been provided with evidence to demonstrate that this is a particular problem affecting the area.
27. Concerns have been raised regarding the Council's handling/determination of the planning application. However, this has not prevented me from forming a decision on the appeal proposal. Issues have been raised regarding land ownership and access restrictions along the track. As I am dismissing the appeal, it is not necessary for me to consider these matters further.

Conclusion

28. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR