



Appeal Decision

Site visit made on 9 July 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/P4415/D/24/3342363

The Poplars (formerly White Cottage), Green Lane, Ulley S26 3YB

- 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 Shaun Roberts against the decision of Rotherham Metropolitan Borough Council.
 - The application reference is RB2023/1675.
 - The development proposed is described as 're-submission of application 2023/0906 – the erection of a detached garage in the rear garden'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - The effect of the proposal on the openness of the Green Belt;
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development in the Green Belt

4. The Framework, at paragraphs 154 and 155, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Paragraph 154c) includes the extension or alteration of a building, if it does not result in a disproportionate addition over and above the size of the original building. Whilst the proposal is not an extension of the building's fabric, it is an extension of the residential use,
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providing an incidental function within its curtilage. It is therefore reasonable to consider the appeal scheme under this exception.

5. Policy SP 2 of the Rotherham Local Plan Sites and Policies (LP) and Policy CS 4 of the Rotherham Local Plan Core Strategy 2023-2028 (CS) state that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy. The Planning Officer's report states that the Council considers that an increase in excess of 33% in the external volume of the original building would make the proposals disproportionate. The appellant has referenced Policy SP4 within the appeal statement, which includes the 33% threshold.
6. The appeal dwelling has been previously extended. The Council indicates that the proposed garage, when considered together with previous alterations, would exceed the 33% threshold. This has not been contested by the appellant. Therefore, the proposed garage would result in a disproportionate addition over and above the size of the original building.
7. The proposal would therefore be inappropriate development, which according to paragraph 152 of the Framework is, by definition, harmful to the Green Belt.

Openness

8. The Framework indicates that openness is an essential characteristic of the Green Belt. The development would introduce a permanent solid structure to the south-east of the dwelling. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.
9. In coming to this view, I accept that the development would only be partially visible to the public. However, this does not mean that it would not affect the openness of the Green Belt.

Other considerations

10. 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.
11. The proposed garage would be sited close to the eastern boundary of the site, next to the neighbouring property's outbuilding. Whilst the proposal may be smaller in scale than the neighbouring outbuilding, this does not justify or mitigate its impact regarding Green Belt purposes.
12. I note that the Supporting Statement submitted initially with the planning application subject to this appeal questions whether the proposal would be located to the front or rear of the appeal property. In any event, the proposal needs to be considered on its own merits and site-specific circumstances, which in this instance, due to the cumulative effect of the existing and proposed extensions, the development would be inappropriate.
13. I acknowledge that the proposal would be beneficial for the appellant, as it would provide storage. I attach limited weight to this benefit.

Whether very special circumstances necessary to justify the proposal exist

14. I have found that the proposal would be inappropriate development in the Green Belt, and there would also be a loss of Green Belt openness. Whilst the level of harm to openness is only limited, there is nevertheless some harm.
15. In considering the substantial weight given to the Green Belt, the benefit outlined above does not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy SP 2 of the LP and Policy CS 4 of the CS.

Recommendation

16. For the reasons given above the appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate to the contrary. I therefore recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative recommendation and on that basis the appeal is dismissed.

Mr R Walker

INSPECTOR