



Appeal Decision

Site visit made on 18 September 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: 30th October 2024

Appeal Ref: APP/P4415/W/24/3345088

Land adjacent Brentwood, Aughton Lane, Aston, Rotherham S26 2AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Barker against the decision of Rotherham Metropolitan Borough Council.
 - The application reference is RB2024/0337.
 - The development proposed is for outline application for the erection of dwellinghouse with all matters reserved.
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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.

Preliminary Matters

3. The location of the appeal site and the description of development as outlined above have been taken from the Council's Decision Notice, rather than the application form, as it more concisely and precisely describe them. The planning application was made in outline with all matters reserved. As such, I have regarded all elements of the drawings submitted as indicative.

Main Issues

4. 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; and
 - 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

5. The Framework sets out that the construction of new buildings should be regarded as inappropriate development in the Green Belt, but in paragraph 154 it lists a number of exceptions to that, one of which, paragraph 154 (e) includes limited infilling in villages.
6. Policy CS 4 of the Rotherham Local Plan Core Strategy 2013-2028 (CS) and Policy SP2 of the Rotherham Local Plan Sites and Policies 2018 (LP) state that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy.
7. The Council indicates that the appeal site is located both 'just outside of the village of Aston' and 'on the edge of the village of Aston'. The appellant states that the appeal site is an undeveloped parcel within the existing 'built-up boundary' and considers the proposal classifies as infill development.
8. The appeal site is located on the northern side of Aughton Lane, next to a residential property. There is a large agricultural field adjoining the appeal site to the rear and north-western side. Residential properties are located opposite the appeal site, on the southern side of Aughton Lane. Even if the site would be considered as part of the village, given the large field that bounds the site, the development would not be classified as 'limited infilling' in a village.
9. Accordingly, the appeal proposal would be inappropriate development in the Green Belt, which is, by definition, harmful. It would therefore conflict with the provisions of the Framework, and Policies CS4 of the CS and SP2 of the LP, in so far as they relate to this matter.

Openness

10. The Framework indicates that openness, which has a spatial as well as a visual aspect, is an essential characteristic of the Green Belt. The erection of a dwelling will inevitably affect the openness of the Green Belt both in terms of spatial and visual aspects, as it would introduce a permanent solid structure on land that is currently open and free from development. The proposal would be readily visible from the surrounding area, including the main road and neighbouring properties.
11. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced bringing conflict with the Framework in so far as it relates to this matter. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this adding to the harm I have identified by reason of inappropriateness.

Other considerations

12. 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.
13. I acknowledge the high standards that the appellant is aiming to achieve, particularly in terms of energy efficiency and enhancement of local wildlife habitation. However, the details of the design before me are indicative limiting the weight I afford them.

14. There would be social and economic benefits resulting from the construction works, spend from future occupiers, and the addition of a dwelling to the local housing stock. However, the nature and scale of the associated benefits that would flow from the scheme would be small. As such, the associated benefits carry little weight in favour of the appeal.
15. The proposal would also meet the appellant's personal need for family accommodation. However, I am mindful that the development proposed is likely to remain long after the personal circumstances cease to be a material planning consideration. Moreover, there is no substantive evidence to demonstrate that other ways to achieve the appellant's family's needs have been investigated and discounted. As such, although the proposal would enable the appellant to build a home around the family's needs, I afford this consideration little weight within the decision.
16. The absence of harm in relation to other considerations are neutral matters that weigh neither for nor against the proposed development. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal and do not alter the planning merits of the proposal. In this regard, I have considered the scheme on its own merits.

Whether very special circumstances necessary to justify the proposal exist

17. 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. In considering the substantial weight given to the Green Belt, the benefits outlined above do not clearly outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policies CS 4 of the CS and SP2 of the LP, when taken together and in so far as they relate to this matter.
18. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

Recommendation

19. 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

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

Mr R Walker

INSPECTOR