



Appeal Decision

Site visit made on 15 September 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/P4415/D/25/3371423

5 Turnshaw Road, Ulley, Rotherham S26 3YG

- 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 James Graham against the decision of Rotherham Metropolitan Borough Council.
 - The application reference is RB2025/0612.
 - The development proposed is a glazed pergola.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; and whether the 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 necessary to justify the development.

Reasons

3. The appellant advises that a condition attached to a previous permission removed permitted development rights for the property. Concern has been raised regarding this condition. However, this is not an appeal against that condition and there is nothing before me to suggest that the condition is unlawful. There is a separate procedure available to the appellant that would allow that condition to be tested, allowing for appropriate consultation and assessment. It is not appropriate to assess that condition as part of this appeal which is against the refusal of planning permission. As the structure requires planning permission, it has been assessed on its merits.
4. The property lies within the conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The impact on the conservation area has not been raised as a concern. Given the position of the pergola, the very close relationship with the rear of the property and its proposed height and design, it would have a neutral impact therefore preserving the character and appearance of the conservation area. Similarly, no concerns have been raised with regard to design. It would be of a high standard of design and materials that would be appropriate in this context given the development that has already taken place on site.

Whether inappropriate development

5. The proposal would add a new building of significant size to the rear garden of this residential property. The original dwelling has already been significantly extended with a

large single storey contemporary addition. A garage, with accommodation within the roof, has also been added in close proximity to the house. Given its physical proximity and function, the garage can be considered as an extension to the house for Green Belt assessment purposes as set out in the council's Supplementary Planning Document 3: Development in the Green Belt 2023 (SPD). The proposed pergola would also be a detached structure but given its proposed use and proximity to the existing domestic buildings, it too can be considered as an extension.

6. Policy CS 4 of the Core Strategy 2014 which forms part of the Local Plan sets out that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy. The National Planning Policy Framework 2024 advises that new buildings should be regarded as inappropriate unless one of its exceptions apply. The exceptions include paragraph 154c, 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. The Framework does not specify a figure as to what represents a disproportionate addition.
7. Given the scale of the original house, the existing additions represent a very substantial increase in its overall size. The further addition of this large pergola, together with the other additions, would undoubtedly result in disproportionate additions over and above the size of the original building. The appellant has not disputed the council's volume figures and I have no reason to doubt their general accuracy. As the additions in total would add a volume of 561m³ to the original 887m³ volume, this supports my visual assessment that the increase in scale over and above the size of the original building, would represent disproportionate additions. The development does not therefore gain support from paragraph 154c of the Framework.
8. The SPD's Green Belt guidance 2 advises that an extension should not exceed more than 33% of the volume of the original building. Green Belt guidance 1, along with policy SP 2 of the Sites and Policies section of the Local Plan 2018, also advise that to ensure proposals minimise the impact of development on the openness of the Green Belt particular regard will be had to the size, scale, volume, height, massing, position, lighting and any proposed enclosures of the proposals. All new buildings should be well-related to existing buildings and should be of a size commensurate with the established functional requirement. Policy SP 2 also advises that effective siting, screening and high standards of design appropriate to the setting of the proposals can minimise the impact of future development on the openness of the Green Belt. Whilst the particular circumstances of this case gain support from many of the above elements, it would conflict with the size increase set out in the SPD.
9. The appellant makes reference to the site being previously developed land and suggests that it gains support from paragraph 154g of the Framework. The Framework was updated in 2024 and paragraph 154g was amended. This now accepts that the partial redevelopment of previously developed land would not represent inappropriate development if it would not cause substantial harm to the openness of the Green Belt. The definition of previously developed land in the Framework includes land which has been lawfully developed and is occupied by a permanent structure, including the curtilage of the developed land. However, it excludes land in built-up areas such as residential gardens. Whilst reference has been made to the High Court judgement, *Dartford BC v SSCLG* [2017] EWCA Civ 141, the matter of concern in this case, is whether this residential building and its garden are situated in a built-up area.
10. Ulley is a settlement in the countryside but it generally also has relatively well defined boundaries to the areas that are built-up. The appellant's location plan, although not definitive, is helpful in this respect. The main area of development is along Main Street but as described by the appellant, this property forms part of a ribbon of development fronting onto Turnshaw Lane. The property is close to the junction with High Street and there is no

separation between it and the other properties of the settlement. The site has a public house immediately opposite with residential properties opposite its garden. Adjoining its northern boundary are gardens to other residential properties on Main Street. Whilst there is agricultural land adjacent to the property, I am in no doubt that this property forms part of the built-up area of the settlement. The fact that the settlement is washed over by the Green Belt does not alter this assessment.

11. As the property is within the built-up area of the settlement and is a residential garden, it does not represent previously developed land and does not benefit from paragraph 154g of the Framework. Paragraph 155 of the Framework also accepts other development in the Green Belt as not being inappropriate where all of its four requirements are met. One of the requirements is that there is a demonstrable unmet need for the type of development proposed. A pergola of this nature would not satisfy this requirement so it would not benefit from the exception within paragraph 155. The appellant's arguments with regard to grey belt and the Frameworks 'Golden Rules' do not therefore prevent it from being considered as inappropriate development.
12. Overall, the proposal does not fall within an exception set out within the Framework and as such, as the proposal would result in disproportionate additions over and above the size of the original building, it would represent inappropriate development in the Green Belt.
13. In addition to the harm from inappropriateness, the proposal would reduce openness. Given its position in close proximity to the existing building, this harm would be relatively limited.

Other considerations

14. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. Although not accepting that the development is inappropriate, the appellant has put forward a number of considerations.
15. It has been accepted that the design proposed would be of a high quality and would not result in harm to the conservation area. As the pergola would be well screened, of a good design, closely associated with the existing buildings and of a modern appearance, consistent with the extension to the house, it would gain some support from policy SP 2 and the SPD.
16. Reference has been made to a number of other cases. These do not appear to be in the same area and would therefore have been considered under different development plans. They are also of varying ages covering a wide range of government advice. Consistency in decision making is important and reliance on up to date local and national policies is central to this. The cases referred to are not entirely comparable in a number of respects and they do not suggest that the council has acted inconsistently in this case. Some of the cases raise the issue of whether numeric calculations should be relied upon. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Specific local guidance, such as that within the SPD, does however assist in achieving consistency and should be taken into account. My decision is made on the basis of an assessment of the size of the existing and proposed buildings having regard to all other relevant matters.
17. I acknowledge that the proposal would not conflict with the five purposes of the Green Belt although it would result in some harm to openness. Although the Local Plan policies pre-date the current Framework, as they refer to national planning policy and include similar text, I am not persuaded that the policies are inconsistent with current government policy.

The SPD is inconsistent with regard to paragraph 154g but as this is not relevant to the proposal, its other guidance can be afforded considerable weight.

18. I have already addressed the arguments regarding the previous removal of permitted development rights and cannot, with the existing condition in place, provide any weight to what may have been considered as a lawful fall-back position, as no such position currently exists.

Conclusions

19. The proposal represents inappropriate development in the Green Belt. The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to that harm. Policy SP 2 advises that approval for inappropriate development will not be given, except in very special circumstances. The Framework includes similar guidance and is clear that 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.
20. I have had regard to the considerations put forward but do not find that they would clearly outweigh the harm from inappropriateness and the more limited harm from the reduction in openness. The considerations do not therefore represent the very special circumstances that are necessary to justify the development. Although there is some support for the quality and position of the proposal, it would be contrary to the policies of the development plan overall and the specific policies of the Framework, relating to the Green Belt, that indicate that the development should not be approved. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR