



Appeal Decisions

Site visit made on 31 March 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 June 2026

Appeal A Ref: APP/P4415/X/24/3356492

The Barn, The stables, Common Road, Thorpe Salvin S80 3JJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr D Bonsall of Thorpe Salvin Equestrian Ltd against the decision of Rotherham Metropolitan Borough Council.
- The application ref RB2024/1378, dated 20 September 2024, was refused by notice dated 6 November 2024.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is: "alterations to cladding and fenestration, internal works to create 2 dwellings. Change of use of agricultural barn to 2 dwellings".

Appeal B Ref: APP/P4415/W/24/3353129

The Stables, Common Road, Thorpe Salvin, Rotherham S80 3JJ

- 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 Ms Lindsay Robinson against the decision of Rotherham Metropolitan Borough Council.
- The application Ref is RB2024/0651.
- The development proposed is "Conversion of barn to holiday cottage and erection of stable block".

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and planning permission is granted for the conversion of barn to holiday cottage and erection of stable block at The Stables, Thorpe Salvin S80 3JJ in accordance with the terms of the application, Ref RB2024/0651, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

3. The site visit in respect of these appeals was arranged as being accompanied. However, due to the Council's failure to attend, I conducted an access required site visit.

Background

4. There is an extensive planning history associated with the appeal site. While I see no reason to recite it all here, there are components that are decisive in the

determination of the LDC appeal. I consider the following to be of most relevance to the appeals before me:

- A conditional planning permission was granted for the erection of a detached barn under the reference RB1991/1486. The barn's use was restricted to the purposes of agriculture. I shall refer to this as the 1991 PP;
 - A subsequent planning permission was granted for the redundant barn to be used as stables and hay store under the reference RB2005/0646. I shall refer to this as the 2005 PP;
 - Following the refusal to grant an LDC for the existing use of the building as a dwelling under reference RB2012/0917 (the 2012 LDC), two enforcement notices were issued on 3 May 2013. One required the demolition of the building, and one required the use as a dwelling to cease. Appeals were made against both notices. The one against the demolition of the building was allowed and the notice was therefore quashed. Whereas the one against the use was dismissed. The Council asserts that while the residential use of the building ceased, certain residential components remain in the building. The notice has not therefore been complied with. I shall refer to this extant notice as the 2013 EN;
 - A prior notification application relating to the intent for extension and alteration to a barn was refused under reference RB2018/1695 as the building was not considered by the Council to benefit from agricultural permitted development rights. I shall refer to this as the 2018 PN;
 - A third enforcement notice was issued on 22 November 2018 requiring the removal of all additional windows and doors since the barn was originally constructed. A subsequent appeal on ground (c), that the insertion of windows and doors did not constitute a breach of planning control, was dismissed. This notice remains extant and has not been complied with as the additional windows and doors remain. I shall refer to this as the 2018 EN; and
 - A prior notification for the proposed change of use of an agricultural building to two dwellings was refused under reference RB2024/0651 and an appeal lodged. I shall refer to this as the 2024 PN.
5. I saw that there is a single two storey building on the appeal site. In the absence of any evidence to the contrary, I shall take it that all the applications and appeals referred to above relate to the existing building that I saw and which is the subject of the appeals before me. While the main appeal parties refer to this as the 'barn', I shall refer to it as the 'building'.

Appeal A

6. To be clear, the subject of this appeal is an application for a proposed LDC, not an application for planning permission. My assessment is therefore confined to the narrow issue of determining whether the development described in the application would be lawful if instituted at the date of the application¹. However, as the appellant is relying on the deemed planning permission that would be granted by Class Q, Part 3 of Schedule 2 of the GPDO², it will also be necessary for me to

¹ As per section 192(2) of the Town and Country Planning Act 1990

² Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

assess whether what is proposed does indeed benefit from that permitted development right.

Reasons

7. The **main issue** is therefore whether the Council's refusal to issue an LDC is well founded. This turns on whether the appellant can show, on the balance of probabilities, that the development benefits from permitted development rights set out in the GPDO, and that the Council failed to issue their decision in respect of the prior notification within 56 days of the application being validly made. If both circumstances are shown to be true at the date the application was made, then the LDC should be granted. In all other circumstances, the LDC should be refused.
8. The existing building was erected as an agricultural barn, and its subsequent use to stable livestock and ancillary hay store would not constitute a change of use. It would therefore be reasonable to conclude that the stables and hay store use granted by the 2005 PP were for equestrian purposes, a sui generis use. If the 2005 PP was implemented, the building ceased to be used for agriculture and the use for equestrian purposes began a new chapter in its planning history. There are no permitted development rights for the extension or alteration of equestrian buildings or their change of use to dwellinghouses.
9. However, if the 2005 PP was not implemented, the agricultural use would have existed until the building was converted and used as the dwellinghouse referred to in the 2012 LDC. While the residential use referred to in the 2013 EN is confirmed by the Council to have ceased, it would still need to be shown that the building's use was returned to agriculture.
10. Had the 2013 EN been fully complied with then the use of the building could have reverted to agriculture, if indeed that was its previous and lawful use, without the benefit of a further planning permission under section 57 (4) of the 1990 Act. Given the Council's reason for refusing the 2018 PN, it is clear they did not consider the building to be in use for agricultural purposes at that time, or since the 2013 EN had been upheld on appeal.
11. There is no dispute that the 2018 EN has not been complied with and it therefore remains extant. Article 3 (5) of the GPDO confirms that the permission granted by Schedule 2 does not apply in the case of existing buildings, where the building operations involved in their construction is unlawful. Until such time as the 2013 EN and 2018 EN are fully complied with, the building operations involved in its current construction are unlawful. Even if the building were in agricultural use, it would not benefit from any deemed planning permission granted by the GPDO as it is unlawful due to the internal partitions, and additional windows and doors identified in the 2013 EN and 2018 EN having not been removed.
12. At the time of my site visit the interior of the building was inaccessible as all the ground floor doors and windows have been boarded over. I was therefore unable to determine whether the building had been last used for agriculture, equestrian or residential purposes from an inspection of the building. The appeal site is accessed via tall, locked gates and the land surrounding the building is overgrown with vegetation and mature trees. There was no visible evidence of the land immediately surrounding the building being used for agriculture, although I saw other land in the appellant's ownership being grazed by livestock.

13. Based on the above assessment of the circumstances surrounding the building's construction and use, I find the building to have been unlawful at the date the application was made. It does not therefore benefit from permitted development rights set out in the GPDO relating to the conversion of agricultural buildings. In these circumstances whether the Council failed to issue a decision in respect of the 2024 PN within 56 days of validation is irrelevant.

Conclusion on Appeal A

14. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for "*alterations to cladding and fenestration, internal works to create 2 dwellings. Change of use of agricultural barn to 2 dwellings*" is well-founded and the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Appeal B

15. The **main issues** are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and relevant development plan policies;
- The effect of the proposal on the openness and purposes of the Green Belt;
- The effect of the proposal on the character and appearance of the area; and
- Whether any 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 required to justify the proposal.

Reasons

16. The appeal site is in the countryside and incorporates a commercial livery yard with associated equine development, the disused building and associated land. The appeal site is bounded by hedgerows and the land within which the building sits is overgrown and is covered with mature trees. There are fields opposite and to the north and west, which I saw are put to a mix of arable and livestock agricultural purposes. The surrounding countryside is interspersed with built development, including a commercial airfield.
17. The proposal incorporates two elements; firstly, the conversion of the building to a holiday cottage, and secondly, the erection of a stable block. The reasons for refusal only relate to the conversion of the building and do not relate to the stable block. I shall deal with the two elements separately for convenience.

The stable block

18. The Council's Officer Report confirms the stable block would be an expansion of the existing, well-used livery yard, and would be constructed in materials to match the existing equestrian buildings. The Officer Report concludes, on page 12, that the stable block would not be inappropriate development in the Green Belt.
19. The stable block is small scale, providing for an additional two stables. As such, I see no reason to disagree with the Council that this element of the proposal

represents the provision of appropriate facilities for outdoor sport and recreation. While the stable block would be sited on land adjoining the existing yard, it would be adjacent to existing buildings and the manège. Views of the stable block would be set against that backdrop of existing development. In these circumstances I am satisfied the openness of the Green Belt would be preserved. For these reasons I agree with the Council that the stable block would not be inappropriate in the Green Belt, would not affect openness and would not have any adverse effect on the character or appearance of the area.

20. The stable block therefore accords with policy CS4 of the Rotherham Local Plan Core Strategy 2013 – 2028 (September 2014) (CS) and policies SP2, SP10 and SP55 of the Rotherham Local Plan Sites and Policies (June 2018) (SP), which to protect the Green Belt from inappropriate development, ensure that development that is permitted is well-related and in-keeping with surrounding development and avoid adverse landscape impact.

The barn

21. The Framework and policy SP5 of the SP confirm that the re-use of buildings in the Green Belt will not be inappropriate providing they are of permanent and substantial construction, preserve openness and do not conflict with the purposes of including land within it. I have been directed to a previous appeal decision³ relating to this building where the Inspector has concluded the re-use of the building for holiday let purposes would preserve openness and not conflict with Green Belt purposes. I see no reason to disagree with the previous Inspector's finding on these points.
22. In the absence of a structural report that post-dated the Council's adoption of their 'Green Belt Supplementary Planning Document' (June 2020) (SPD) and changes to the Building Regulations regime, the previous Inspector could "*no longer be certain the existing building would constitute substantial construction given the advice within the SPD.*" The current proposal is accompanied by three additional structural surveys and a confirmation email from the Council's Senior Building Control Officer. All these documents confirm the building to be of substantial construction and capable of conversion to a dwelling. These reports, based on external and internal inspections, confirm that the building contains the facilities for day-to-day domestic existence.
23. Based on the content of the structural reports provided, I find no reason to conclude other than the building is structurally sound and needing no significant re-building or significant external alterations. It is therefore of substantial construction in my view. While the Senior Building Control Officer identifies the building would need to be rendered and rainwater goods provided for a completion certificate to be issued, this does not change my findings.
24. The 'existing' floor layout and elevation plans for the building show the internal partitions, and the window and door openings as they currently exist, which include those that are required to be removed and the walls reinstated by the 2013 EN and the 2018 EN. These features give the building an inherently domestic appearance. Furthermore, the structural surveys provided in support of this application all refer to the internal facilities and configuration of the building to be synonymous with those that would be found in a dwellinghouse, except perhaps for the 'workshop'.

³ APP/P4415/W/23/3321443

25. The building in its existing state of construction is unauthorised, and I should have regard to the building's prior appearance. I have not been provided with details of the building's prior appearance. Nor have I been provided with any evidence to show the Council has taken legal action to secure compliance with the extant 2013 EN or 2018 EN. I shall therefore base my assessment on the proposed floor layout and elevation details.
26. There can be no doubt that the building is not of historic agricultural construction, its external materials being blockwork and metal sheeted roofing. It would be reasonable to assume that those materials were approved by the Council as appropriate. It would also be reasonable to assume the building is no longer required for agricultural purposes, given the planning history. There is no mechanism to secure the building's demolition. As such it will remain a feature in the landscape.
27. It is unlikely that the building would be maintained if it is not being put to any useful purpose. The proposed use would see the building converted and brought into use for purposes incidental to the established livery yard. This would seem a reasonable use for an otherwise disused building. It would ensure the building's maintenance and would amount to a form of rural diversification, in my view.
28. The existing external appearance of the building lacks interest and appears unfinished. Timber buildings are not uncommon features in a rural landscape and the provision of timber cladding would therefore give the building a completed appearance, suitable for this rural location. The proposed window openings would also add interest to the building's appearance, whilst maintaining an element of its former utilitarian appearance.
29. Views of the building are extremely limited from public vantage points. It is well screened by existing hedgerows and trees within the appellant's control. Furthermore, the proposed plan shows the existing vehicular access reduced to a pedestrian access, existing planting to be retained and a new pedestrian access created between the building and parking area at The Stables. I therefore find the existing building has little presence in the street scene and what does exist would be further reduced by the proposal.
30. Taking all these factors together, I find the proposed development is not inappropriate in the Green Belt, and it therefore has no adverse effect on openness. Furthermore, it would have no significant adverse effect on the character and appearance of the area. Having regard to the development plan as a whole, while there may be some conflict with the SPD arising from works previously undertaken to the building, this is clearly outweighed by the benefits of bringing the building back into active use in my judgement.

Conditions

31. I have considered the suggested conditions provided by the Council. Conditions confirming the period within which the development shall commence, that it be carried out in accordance with approved plans and materials, and restricting the use to holiday rental and requiring the owner to maintain a log of occupiers are necessary to ensure the development is carried out in a timely manner and to define the development permitted.

32. The approved plans do not provide for any new boundary fencing to be erected. The existing road frontage hedgerow forms the only site boundary with land not in the applicant's control. This hedgerow forms a prominent natural feature within the landscape, and its retention shall be secured by condition in the interests of preserving character and appearance. It is clear from the approved plan that the future residents would utilise the existing parking area at The Stables and there is therefore no need for a condition relating to the surfacing materials of new parking areas.

Conclusion on Appeal B

33. For the reasons given above the appeal should be allowed.

M Madge

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) This permission relates solely to the use of the building for short-term holiday rental. The property shall not be occupied as a permanent dwelling and shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the local planning authority on request.
- 3) The development hereby permitted shall be carried out in accordance with the following drawings:
1836 – 02 Revision A Existing/Proposed Details (dated 01.01.24)
B.22.02B Proposed Stable Block
Revised Proposed Layout (Undated, received by Council on 22/05/24)
- 4) The materials to be used in the modification of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on the approved plans. The development shall thereafter be maintained in accordance with these details.
- 5) The existing boundary hedgerow adjacent to Common Road shall be retained in perpetuity and maintained at a height of not less than 1.8 metres.

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