



Appeal Decision

Site visit made on 16 April 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2019

Appeal Ref: APP/R4408/W/19/3221083

Land at Broomhill View, Bolton Upon Dearne, Rotherham S63 8LB

- 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 Mr Robin Priestley against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2018/1046 , dated 9 August 2018, was refused by notice dated 13 December 2018.
 - The development proposed is a single residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council made its decision on the planning application which is subject of this appeal in October 2018, the Council have formally adopted the new Local Plan (the LP) in January 2019. Consequently, the policies contained within the Barnsley Metropolitan Borough Council Core Strategy (2011) have been superseded. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. As part of that new LP, the designation of the site has been amended from Safeguarded Land to Green Belt. Both parties have referenced this in their submissions and as a result, neither party has been prejudiced.

Main Issues

3. The main issues in this case are:
 - whether the proposed development would amount to inappropriate development in the Green Belt;
 - its effect on the openness of the Green Belt;
 - and if it is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal

Reasons

Inappropriate Development

4. The appeal site is a parcel of land located to the rear of Nos 4 and 6 Broomhill View, with access taken via a driveway between those properties. The site is largely scrubland and is in an unkempt state.

5. The National Planning Policy Framework (the Framework) states that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 145 or 146 of the Framework.
6. The LP includes Policy GB1, which states that Green Belt will be protected from inappropriate development in accordance with national planning policy
7. From the information before me I have found no reason to believe that it would meet any of the exception criteria identified in the Framework, and as such, it would be inappropriate development within the Green Belt. The Framework states that the Government attaches great importance to Green Belts and the resultant harm should be given substantial weight in determining the appeal.

Openness and Green Belt purposes

8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and advises that one of the essential characteristics of the Green Belt is its openness.
9. Openness has both a visual and a spatial dimension. In visual terms, the new dwelling would be set back from the main highway and would be partially screened by the existing properties on Broomhill View and Broadwater. However, it would still have some visibility from vantage points and would therefore have some visual impact on the openness of the Green Belt. Moreover, as the surrounding land is relatively open and generally free from buildings, by reason of its siting and volume, the erection of a dwelling would reduce the spatial aspect of the site.
10. The appeal proposal would fail to preserve the openness of the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within the Framework. Accordingly, I must give such Green Belt harm substantial weight in my assessment and determination of this appeal. On this issue, I conclude that the harm to the openness of the Green Belt adds to the substantial harm by reason of inappropriateness and the proposal would conflict with Policy GB1 of the LP and the Green Belt guidance in the Framework.

Other Considerations

11. Whilst no formal case has been put forward by the appellant to demonstrate very special circumstances, I acknowledge that the proposals would offer a new dwelling with the accompanying social and economic benefits of new housing. The dwelling would be accessible to shops and services and would provide an additional housing unit to meet housing need.
12. These factors do favour the proposal, however, given the size of the contribution (one dwelling), the scale of this benefit would be limited. It would also add to the character of built development in the area, given the derelict state of the site, but this can only be given limited weight. When taken together, these benefits would not be significant.

Other Matters

13. The appellant has raised concerns regarding the approach of the Council in respect of this scheme, in that the appellant has had correspondence with the Council since 2015 and was only informed in June 2018 that the appeal site designation was to change to Green Belt, forcing the appellant to submit a planning application at short notice. I cannot take this into consideration as part of my findings, as representation should have been made through the Local Plan process.
14. The appellant also contends that the appeal should be dealt with on the basis of the safeguarded land designation. However, I am required to make my decision with reference to the development plan as currently in place.

Conclusion

15. The Framework indicates that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although I find that the considerations advanced by the appellant can be given limited weight in favour of the proposal, they do not outweigh the identified harm to the Green Belt and as a result, no very special circumstances exist to justify the development in Green Belt terms.
16. It would conflict with the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeal otherwise.
17. Therefore, the appeal is dismissed.

Paul Cooper

INSPECTOR