



Appeal Decision

Site visit made on 18 July 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31ST October 2023

Appeal Ref: APP/R4408/W/22/3299043

Land off Royd Moor Road, Thurlstone, Sheffield S36 9RY

- 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 and Mrs L Barden against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2022/0117, dated 4 February 2022, was refused by notice dated 29 April 2022.
- The development proposed is described as a "Detailed Application for 1no Dwelling following Demolition of Existing Stables and Associated Structures".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed reference to resubmission of a previous application from the development description above, as this not a form of development.
3. The site has been subject to a recently dismissed appeal¹, which sought to replace the stables and associated structures with a single dwelling (the previous appeal). This is a material consideration in the determination of this appeal.
4. The appellant has submitted a recent appeal decision², which considers a form of development, within the Green Belt, similar to that being considered as part of this appeal (the recent appeal). The site is also located within the same Council. The appellant could not have submitted the additional information within the appeal timescales, due to the date of decision. The Council have been provided with opportunity to comment and, albeit no further comments were made, I am satisfied that they have not been prejudiced by my acceptance of this late evidence.
5. Amended plans have been submitted with this appeal, which seek to reduce the size of the domestic curtilage associated with the proposed dwelling. As the Council and third parties have not had the opportunity to comment on the amended plans, I cannot be certain that their interests would not be prejudiced if I were to accept them. Therefore, I have determined the appeal based on the plans submitted with the application to the Council and upon which the views of interested parties were sought.

¹ APP/R4408/W/21/3281156

² APP/R4408/W/22/3308346

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework), including the effect upon the openness of the Green Belt, 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

Whether or not the development would be inappropriate

7. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. Policy GB1 of the Barnsley Local Plan Adopted 2019 seeks to protect the Green Belt from inappropriate development in accordance with national planning policy. New buildings within the Green Belt are inappropriate with the exceptions of the types of development listed in paragraph 149 of the Framework, subject to certain conditions. The appellant contends that the proposal constitutes the redevelopment of a brownfield site. There is no dispute between the main parties that the site is previously developed land.
9. I have therefore considered the proposed development against paragraph 149 g) of the Framework, which considers, among other things, limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.
10. The land surrounding the site is largely open countryside and rural in character. The site is relatively prominent, having regard to its proximity to Royd Moor Road, existing low boundary treatments and rising land levels within the site. The stable block and associated structures can be seen from the road and wider views in the surrounding area. Having regard to their relatively limited scale, form and height, they sit largely unobtrusively in the landscape.
11. The proposed dwelling would be of modest scale and sited broadly on the same footprint as the stable block it would replace. Its design is simple, with few domestic features as a result, and it would have a smaller footprint and volume than the stable block. The proposed dwelling would also be smaller in size than that considered as part of the previous appeal. There would be a reduction in the built form at the site as a result of the development proposed.
12. However, the assessment of impact on openness, in both a spatial and visual sense, is about more than a straightforward calculation of volume or footprint. The Inspector in the previous appeal found harm, among other things, as a result of the domestic paraphernalia and activities associated with the proposed domestic use of the site.

13. While amendments have been made to attempt to address the previous Inspectors concerns, the proposed residential use before me would still have domestic paraphernalia and activities associated with it. Furthermore, although the amount of glazing has been reduced when compared with the previous appeal, there would still be some illumination associated with the proposed domestic use of the site. Therefore, even accounting for the reduction in built form and glazing, there would be a domestication of the land and an encroaching urbanising effect as a result. This would be markedly at odds with the site at present, and with the open and undeveloped rural character of the surrounding and wider area. The proposed native boundary planting would not be sufficient to adequately mitigate against this, particularly as the prevailing boundary treatment is typically stone walls and low fencing.
14. The appellant has submitted a Highway Statement, providing information on the trips associated with the stable block and the associated livestock present at the site. As a result of the frequency of these trips, an element of visual intrusion relating to vehicles at the site will already be occurring. The proposed dwelling would generate vehicle movements associated with day to day living, such as for employment, access to services and facilities, leisure activities and healthcare. The Highway Statement confirms that for the size of dwelling proposed, the development would not result in any additional vehicle trips. In view of this, although the proposed development would result in some visual intrusion associated with vehicles and car parking, it would not necessarily have a greater impact on the openness of the Green Belt than that currently associated with the stables.
15. Notwithstanding my findings with regards to vehicle movements and parking, the proposed domestic use would have a greater impact upon the openness of the Green Belt than the existing stables and associated structures at the site.
16. For the above reasons, the proposed development would comprise inappropriate development within the Green Belt. In accordance with paragraph 148 of the Framework, I give substantial weight to the harm identified.

Other considerations

17. Typically, stables and menages are not inappropriate in the Green Belt, under paragraph 149 b) of the Framework, providing such facilities preserve the openness of the Green Belt. The existing stables and associated structures have been subject to planning permission. There is limited substantive evidence before me to demonstrate that the existing structures are harmful to the openness of the Green Belt and, therefore, they cannot be readily compared to a different form of development.
18. Having regard to the relatively limited scale, form and height of the stables, they sit largely unobtrusively in the landscape. Similarly, although the menage is surfaced, located on ground higher than the existing stable block and larger than the proposed domestic curtilage, it is devoid of structures. The perimeter post and rail fencing is relatively low and modest, allowing for largely unrestricted views through the site. The existing site layout and structures therefore maintain a sense of openness to this part of the Green Belt. The removal of the stables and associated structures, returning the menage to an open field, together with the reduction in hard surfacing and improvements to the greening of the site, would therefore provide negligible benefits in respect

of the openness of the Green Belt. Therefore, I afford very limited weight to their removal.

19. My attention has been drawn to the recent appeal. While I do not have full details before me, I note the existing site had a cluttered appearance, the scheme proposed would result in a significant reduction in the volume of permanent buildings on site and that there were limited views of the site. Therefore, the development considered in the recent appeal is not directly comparable to the scheme before me, which I have dealt with on its own merits.
20. In addition, a further appeal, at Cliff Hollis Lane³ and caselaw have been drawn to my attention. While I have had regard to these matters, I do not have the full details of each case before me, and each scheme has its own characteristics in terms of the proposal and any associated impact upon openness. For instance, the Inspector in the appeal at Cliff Hollis Lane considered the proposed development would not appear out of character given its close relationship with the riding school and therefore, in spatial terms, would not conflict with the purposes of Green Belt in that regard. As such, I have reached my own findings based on the specific circumstances of this appeal.
21. The proposed development would make a contribution to housing provision, would create employment during construction and the additional residents would support local shops, businesses and community facilities. The site has suitable access and is within walking distance of public transport and local services and facilities, including schools, public house, bakery and takeaway. The site is located on an identified route where walking and cycling are encouraged. However, having regard to the modest amount of development proposed, these benefits would be small and therefore convey limited weight in favour of the scheme.
22. Traffic associated with the proposed dwelling would be no greater than that currently generated by the existing use of the site. The proposed development could therefore be accommodated within the highway network, without giving rise to an unacceptable effect on highway safety. A lack of harm in this respect is a neutral factor, which neither weighs for or against the proposal.
23. The proposed passing place adjacent to the site entrance would provide a moderate benefit to the users of Royd Moor Road, having regard to the single lane nature of the road in this location.

Whether there would be Very Special Circumstances

24. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
25. I have concluded that the appeal scheme would be inappropriate development having an adverse effect on the openness of the Green Belt that would, by

³ APP/Z4718/W/20/3251182

definition, harm the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.

26. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. Although finding that the proposal would not increase highway activity associated with the site between the existing and proposed use, an absence of harm in this respect can only be considered as a neutral factor in the planning balance. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Other Matters

27. I note the comments made in relation to the email correspondence post submission, between the Council and appellant. In determining the appeal, I am required to have regard to the planning merits of the development, and this is therefore a matter between the appellant and the Council.

Conclusion

28. I have considered all other matters raised but none outweigh the identified conflict with the development plan, when considered as a whole. For the reasons set out above, I dismiss the appeal.

S Pearce

INSPECTOR