



Appeal Decision

Site visit made on 20 April 2021

by **C Coyne BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th May 2021

Appeal Ref: APP/R4408/W/21/3267860

Spicer House, Spicer House Lane, Ingbirchworth, Barnsley S36 7GG

- 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 Jeff Pears against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0670, dated 10 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is overspill car park and access track.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's officer report refers to use class D2. Since the determination of the original planning application this use class has been revoked by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and replaced with use class F2. However, this change has not affected the determinative issues to this case, and I have therefore decided the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant Development Plan policies;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

4. The appeal site is within a large area of open agricultural land to the side of Spicer House, a sizeable property comprising several conjoined barns and domestic buildings that have been converted for use as a wedding venue and for corporate events. Spicer House also has a large area of hardstanding on its other side which is used for the parking and turning of vehicles. Spicer House and its grounds are set within a wider open agricultural landscape which is part of the Green Belt.

Whether inappropriate development

5. The *National Planning Policy Framework* (the Framework) states at paragraph 143 that inappropriate development is, by definition, harmful and should not be permitted except in very special circumstances. I consider Policy GB1 of the adopted Barnsley Local Plan (BLP) to be broadly consistent with the Framework as it states that the Green Belt will be protected from inappropriate development in accordance with national policy. Consequently, I have afforded it substantial weight.
6. The proposal would create a new vehicular access and track from Spicer House Lane to the part of the appeal site which would become an overspill car park for weddings and other events held at the house. The access track and overspill car park would both be created using bound porous natural stone aggregate materials.
7. The creation of the proposed access track would be classed as an engineering operation under Section 336 of the Town and Country Planning Act 1990. Paragraph 146 b) of the Framework states that engineering operations are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
8. Additionally, the creation of the proposed overspill car park would in this case, be classed as a material change of use of land from agricultural use to a car park. Similarly, paragraph 146 e) of the Framework states that material changes in the use of land are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
9. The proposal would be located within an open agricultural field where there is currently no development. In simple spatial terms, this would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. The construction of an access track and overspill car park on the appeal site would therefore bring about development where there is presently none. Accordingly, the proposal would also represent a clear encroachment of development into the countryside.
10. Furthermore, given the open nature of both the appeal site and the agricultural land beyond it, there is a clear link between their respective senses of 'openness' which when assessed as a whole would be significantly harmed by the introduction of the proposal. The proposal would therefore have a discernible adverse visual impact on the openness of the Green Belt.
11. I acknowledge that the car park would not be full all the time. However, given its location, the car park itself and the vehicles using it would have a clear visual impact leading to a loss of openness, nonetheless. For similar reasons, the access track and the vehicles using it would also have a comparable visual impact.
12. Consequently, I find that the proposal would not preserve the openness of the Green Belt or safeguard the countryside from encroachment. The proposed development would therefore fall outside the exceptions set out in paragraph 146 of the Framework and should be considered inappropriate development in the Green Belt. The proposal would therefore conflict with policy GB1 which aims to ensure that development proposals are not inappropriate in the Green Belt.

Character and Appearance

13. Given the size and location of the proposal, it would be clearly visible within the landscape thereby having a noticeable visual impact. It would also be located

within an open agricultural field where there is currently no development. In addition, it would be plainly visible from Spicer House Lane by persons travelling in both directions. As a result, the proposal would have an evident visual impact on the more open rural character of this landscape.

14. I acknowledge that the materials to be used for the surfacing of the access track and car park would be natural stone aggregate and that no external lights or urban features are proposed. However, this does not mean that the proposal would not be visually noticeable in the landscape at all.
15. Consequently, the proposal would be visually incompatible with the more open and agricultural landscape within which it would be situated. Therefore, it would not fit in with the character and appearance of the more open countryside it would be encroaching into. I therefore conclude that the proposed development would materially harm the character and appearance of the area thereby failing to meet the requirements of policy GB1 of the BLP.

Other considerations

16. I note that the Council has recently granted a licence for Spicer House to perform marriage and civil partnership ceremonies. However, according to the Council's officer report, Spicer House is still classed as a C3 use dwelling. I also have no evidence before me to show how often weddings and other functions are held at Spicer House. Consequently, I afford this consideration little weight.
17. I also note the appellant's point that while the current car parking capacity is adequate for family gatherings of approximately 40 people it is not sufficient for approximately 200 guests arriving in private cars as it is also shared with delivery and catering vehicles. However, no substantive evidence has been submitted to show that this would be the case. Moreover, it is unlikely that all the guests attending a wedding or conference would only travel there by private car without considering hiring a bus if they were part of a large group. Consequently, I also afford this consideration little weight.

Planning balance and conclusion

18. The proposed development would not preserve the openness of the Green Belt. As such, it would result in inappropriate development in the Green Belt. The proposal would also cause additional harm to the character and appearance of the area.
19. The development would therefore be harmful to the Green Belt. Paragraph 144 of the Framework makes it clear that substantial weight should be given to any harm to the Green Belt. It establishes that the very special circumstances needed to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
20. I have given limited weight to the other considerations cited in favour of the development. In my view, these would not clearly outweigh the substantial harm to the Green Belt or the harm to the character and appearance of the area. The very special circumstances necessary to justify the development do not therefore exist. Accordingly, there would be conflict with policy GB1 and Paragraph 143 of the Framework. For these reasons, and having regard to all relevant matters, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR