



Appeal Decision

Site visit made on 8 May 2019

by **Ian McHugh Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/F4410/W/19/3223183

9 Doncaster Road, Barnburgh, Doncaster, DN5 7EG

- 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 Lewis Monfredi against the decision of Doncaster Council.
 - The application Ref 18/02039/FUL, dated 14 August 2018, was refused by notice dated 31 January 2019.
 - The development proposed is the change of use of land from agriculture to domestic curtilage and the erection of stables.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use of land to residential garden. The appeal is allowed insofar as it relates to the erection of stables and planning permission is granted for the erection of stables at 9 Doncaster Road, Barnburgh, Doncaster, DN5 7EG, in accordance with the terms of the application Ref 18/02039/FUL, dated 14 August 2018, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Procedural Matters

2. The development that is the subject of this appeal has already been carried out. Consequently, I have considered the proposal in accordance with the provisions of Section 73A of the Town and Country Planning Act 1990.
3. I note that the description of the development has changed since the submission of the planning application, which did not include reference to the stables. In addition, 'curtilage' (which is used in both the appeal form and the Council's decision notice) is not a land-use in planning terms. Consequently, I have considered the proposal as being a change of use from agricultural land to residential garden and the erection of stables. I have used this description in my decision below. In doing so, I am of the opinion that neither of the parties suffer from any injustice. The reference in the description of development to the proposal being retrospective is superfluous and I have left it out of my decision.
4. Within its report the Council concluded that the stable building is not inappropriate development and has little impact on openness. Accordingly, the stable building does not amount to inappropriate development in the Green Belt. Moreover, having regard to its scale, appearance and position it does not harm the character and appearance of the area nor adversely affect the setting of the Barnburgh Conservation Area (CA). Thus, the erection of stables

accords with Saved Policies ENV 3 and EN 25 of the Doncaster Unitary Development Plan (UDP) and Policies CS3 and CS15 of the adopted Doncaster Council Core Strategy 2011-2028 (CS). The Council indicate that the stables would be likely to be approved if made the subject of a separate planning application. On the evidence before me, I have no reason to find differently in this regard. Consequently, my decision concentrates on the change of use of agricultural land to residential garden.

Main Issues

5. These are:

- Whether the appeal development would be inappropriate development for the purposes of the National Planning Policy Framework 2019 (the Framework) and Development Plan Policy.
- The effect of the development on the openness of the Green Belt and the purposes of including land within it.
- The effect of the development on the character and appearance of the area, including the effect on the setting of the Barnburgh Conservation Area (CA).
- If found to be inappropriate development, 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 development.

Reasons

6. The appeal property is a detached dwelling, which is part of a small residential development that is situated on the edge of the village, adjacent to open countryside. The property and its garden area can be seen, from a distance, across an intervening field when approaching Barnburgh from Doncaster Road. The property and its original garden are within the CA, which encompasses much of the historic core of the village. The appeal site itself is outside of the CA, although no physical boundary exists.

Whether the development is inappropriate development

7. The Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy being to prevent urban sprawl and keep land permanently open. Paragraphs 143 and 144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, any harm to the Green Belt must be given substantial weight by decision makers.
8. The Framework then goes on to list (in paragraphs 145 and 146) development that is not inappropriate in the Green Belt. These include at paragraph 146 e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) provided they preserve its openness and do not conflict with the purposes of including land within it. In order to determine whether the change of use to residential garden is inappropriate development, it is necessary to assess its impact on openness and the purposes of including land within it.

Openness and purposes

9. The Framework advises that 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. Although the Council's Development Plan predates the Framework, I consider that the relevant policies of the CS and the Saved Policies UDP are consistent with national policy. In particular, Policy CS3 of the CS and Policy ENV 3 of the UDP seek (amongst other things) to prevent inappropriate development in the Green Belt. I note that Policy ENV 3 allows for uses of land, but only where such uses preserve the openness of the Green Belt and they do not conflict with the purposes of including land within it.
10. The extended garden area has expanded into an adjoining grassed field, previously read as part of the open countryside. Although there are no flower beds, the area has been laid to lawn and there is little visual distinction between the extended and the original garden. The boundaries of the garden have been defined by extended stone walls, including a retaining wall (with steps) along its rear boundary with the adjoining field. Other features include post and link fencing, lighting columns, a small wooden bridge and an ornamental garden seating area. In my opinion, these features result in a loss of openness in this location and are also characteristics of encroachment and urban sprawl, which Green Belt policy seeks to prevent.
11. I find therefore, that the development fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within it. And thus amounts to inappropriate development within the Green Belt. As such, it does not satisfy any of the exceptions set out in the Framework or Policy CS3 of the CS and saved Policy ENV 3 of the UDP

Character and appearance and the effect on the setting of the CA

12. Policy ENV 25 of the UDP seeks to ensure that that the character or appearance of conservation areas are preserved or enhanced when dealing with proposals that affect their setting or views into or out of the area. Policy CS15 of the CS has a similar requirement.
13. One of the significant features of the CA is its rural surroundings and the contribution that the open countryside makes to its character, appearance and setting. I note that the Council states that the boundary to the original garden has not been planted in accordance with the original planning permission.
14. Nevertheless, despite its elevated position, the extended garden and its associated paraphernalia (including the fence and lighting) is not particularly noticeable when viewed from Doncaster Road, because of the intervening field and the separation distance between the appeal site and the highway boundary. Furthermore, the development is viewed against the backdrop of the existing dwelling and its original garden area, which contains its own associated structures and planting. Consequently, I consider that the visual impact and relationship between the appeal site and the adjoining field does not appear to have changed significantly.
15. Furthermore, I noted at my site visit that there are existing stone retaining walls along the northern boundary of the appellant's property and in that

respect, the retaining wall to the extended garden is not out of context with its surroundings.

16. For these reasons, I am not persuaded that there is any undue harm caused to the setting of the CA or to the general character and appearance of the area as a result of the development. Accordingly, the proposal does not conflict with Policy ENV 25 of the UDP or with Policy CS15 of the CS, as referred to above.

Other Considerations

17. The appellant points to the fact that there was no physical demarcation between the original approved garden and the adjoining field and that the appeal proposal now provides a clear boundary. Furthermore, the appellant considers that the garden area has only been extended slightly and it has little impact on the openness of the Green Belt and it is seen in the context of the adjoining urban area. For the reasons given above, I attach limited weight to these matters.
18. The imposition of a condition to remove permitted development rights for future buildings within the appeal site as suggested by the appellant would not overcome the loss of openness because a condition of this nature whilst restricting buildings would not control the scope and transient nature of domestic paraphernalia that could be placed on land used as residential garden. I therefore attach limited weight to this matter.

Other Matters

19. I note that a representation has been made regarding the ownership of the appeal site and the accuracy of the plans that show the field boundaries. This is a private matter and it is something I am unable to consider as part of my decision.

Green Belt Balance

20. The Framework advises that inappropriate development, by definition, is 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 resulting from the proposal is clearly outweighed by other considerations.
21. I have found that the development is not harmful to the character and appearance of the area or the setting of the CA. However, this is a neutral effect and does not weigh for or against the development.
22. The development amounts to inappropriate development due to loss in the openness of the Green Belt and conflicts with the purposes of land within it. Significant weight must be attached to the harm in those respects.
23. I find that the other considerations in this case individually or cumulatively, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conditions

24. I have considered the imposition of conditions in accordance with the advice contained in the planning Practice Guidance. The Council has not suggested any conditions in relation to the stable. However, as the stable building has

already been erected and is of a satisfactory appearance, I conclude that no conditions are necessary.

Conclusion

25. The stables that I have found to be acceptable are severable from the remainder of the proposal. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal is allowed insofar as it relates to the erection of stables, but dismissed insofar as it relates to the change of use to residential garden.

Ian McHugh

INSPECTOR