



Appeal Decision

Site visit made on 24 May 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/F4410/W/21/3287370

Fields View, Common Lane, Clifton, Doncaster S66 7RX

- 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 Mrs Janet Brown against the decision of Doncaster Council.
 - The application Ref 21/02802/FUL, dated 31 August 2021, was refused by notice dated 4 November 2021.
 - The development proposed is the siting of two 8 by 20 feet shepherd huts within the 15 acre site to be used as holiday lets.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision notice and the appeal form refer to Rotherham in the site address. I have however used the address stated in the application form and am satisfied that the location of the appeal site is clear from the submitted documents, including the plans.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety; and,
 - if the proposal is 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 proposal.

Reasons

Inappropriateness

4. The proposal is for the siting of two shepherd huts. The Council considers that the huts do not fall within the definition of a building for planning purposes and this has not been disputed by the appellant. As such, the proposal involves a change of use of land for the siting of the huts. Policy 1 of the Doncaster Local Plan 2015 – 2035 adopted September 2015 (Local Plan) states, amongst other things, that within the Green Belt, national planning policy will be applied.

Paragraph 150 of the National Planning Policy Framework (the Framework) states that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

5. I note that the Council considers that the proposal, which is for a tourism related use, does not fall within the uses listed at paragraph 150 e) of the Framework. However, this particular criterion of the Framework does not set out a closed list of uses but refers to any material changes in the use of land. The reference in this paragraph to outdoor sport or recreation, or cemeteries and burial grounds are merely examples. The material change in the use of land from agricultural to tourist related activities need not therefore be inappropriate development providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
6. Whilst the timber huts would be sited within a slightly depressed area of land with raised banking beyond, they would nevertheless be visible given their height, elevated position relative to Common Lane and the limited screening provided by the existing stock fencing. The proposal would introduce two new structures together with associated paraphernalia such as steps and car parking into an open area, currently free from development. I note that the huts could be stained/painted a suitable colour, that additional landscaping could be provided and that only part of the appeal site would be affected. However, none of these factors would overcome the harm to openness that would result from the proposal.
7. The proposal would have a moderate impact on the visual aspect of openness and would lead to a significant loss of openness having regard to its spatial dimension. It would therefore lead to significant harm to openness.
8. Paragraph 138 of the Framework sets out the five purposes of the Green Belt. One of these is to assist in safeguarding the countryside from encroachment. The proposal would have the effect of spreading development into an open area of land forming part of the countryside. The use of the land for the siting of the huts, and associated development would therefore contravene the purposes of including land within it, namely, to assist in safeguarding the countryside from encroachment.
9. I therefore conclude that the proposal would be inappropriate development in the Green Belt as it would not preserve its openness and would conflict with a purpose of including land within it. It would be contrary to the relevant paragraph of the Framework and would also conflict with Policy 1 of the Local Plan, which requires, amongst other matters, that openness and permanence of Doncaster's Green Belt to be preserved.

Character and Appearance

10. The open fields of the appeal site form part of the surrounding rolling countryside. The fields are bounded by hedges and open timber fencing which allow for far reaching views and give the area a tranquil and verdant rural character.
11. The elevated position of the proposed huts, despite being set within a localised depression and not adversely impacting on the skyline means that the proposal

would introduce structures into a hillside location that currently has limited screening and where any future planting would take time to establish. Though the number of huts is limited to two, their longer elevations would be parallel to Common Lane, making them highly visible from the road. I note the appellant's intention for them to be not moved around, but this positioning, despite the muted timber finish of the huts, would be harmful to the surrounding rural landscape. The siting of the huts and their use, and that of the wider appeal site for tourism, would diminish the existing tranquillity of the area.

12. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policy 33 of the Local Plan, which seeks, amongst other matters, development that conserves the landscape character and local distinctiveness of the area. It would also be contrary to relevant policies within Section 12 of the Framework.

Highway Safety

13. The Council considers that insufficient highway information has been provided and requested details including the access width to allow two vehicles to pass as well as other details regarding turning provisions. The appellant has referenced the existing arrangements which she considers to be adequate.
14. From my site observations, the access from Common Lane for a distance of around 10m allows for two vehicles to pass and there is a sizable parking and turning area beyond it which would allow for the parking of vehicles for users of the huts and for larger vehicles such as a fire engine to turn. As such, although plans of this were not supplied by the appellant, based on the existing arrangements, I consider that the proposal would make adequate provision for access, parking and turning within the appeal site.
15. I therefore conclude the proposal would not cause harm to highway safety. As such, it would not conflict with Policies 13 and 47 of the Local Plan, which seek, amongst other matters, to ensure that development does not result in an unacceptable impact on highway safety.

Other Considerations

16. The appellant has stated that she has improved the land since it was purchased when it was in a poor condition. This is reference to a past improvement and is not a benefit of the proposal. It is further stated that the huts would support an existing alpaca business by providing on site accommodation for helpers and those undertaking training. Although this weighs in favour of the proposal, I have not been provided with information as to whether this is the only means to provide such accommodation.
17. The appellant has made a general reference to other similar sites in the Green Belt. Although some details of these have been provided, I am not aware of the circumstances of these referenced cases and whether they are directly comparable to the appeal proposal. I therefore give them limited weight.
18. The huts are designed to sleep two people each and there would be no pets permitted which would assist in minimising traffic movements and the loss of tranquillity in the area. The appellant has also set out the lack of harm in relation to noise and light pollution, but these are neutral matters as are other factors, such as the adequacy of the septic tank for foul and surface water.

19. The appellant has also referenced the planning history of the appeal site and difficulties in obtaining planning permission. However, this is a matter which is outside the scope of this appeal.

Conclusion

20. I have found that the appeal development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework says that substantial weight should be given to any harm to the Green Belt. The development would also be harmful in relation to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
21. The acceptability of the scheme in relation to highway safety is a neutral matter and does not weigh in favour of the proposal.
22. I have set out the other considerations and give limited weight in favour of the scheme in relation to providing accommodation for those helping the business and undertaking training.
23. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
24. The proposal is contrary to the development plan when taken as a whole and there are no material considerations that justify a decision not in accordance with the development plan. Therefore, the appeal is dismissed.

F Rafiq

INSPECTOR