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## Appeal Decision

Site visit made on 12 April 2022

**by Paul Martinson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> July 2022**

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**Appeal Ref: APP/F4410/W/21/3287817**

**Hazel Lane Quarry, Hazel Lane, Hampole, Doncaster**

- 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 Ronnie Harrod of Catplant (Quarry) Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 20/03301/FUL, dated 26 November 2020, was refused by notice dated 16 September 2021.
  - The development proposed is described in the application form as: 'The Construction of a New Office Building'.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new office building at Hazel Lane Quarry, Hazel Lane, Hampole, Doncaster in accordance with the terms of the application, Ref 20/03301/FUL, dated 26 November 2020 subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. Since its decision, the Council has adopted the Doncaster Local Plan 2015-2035 (2021) (the DLP). I have therefore determined the appeal on the basis of the most up to date policies.
3. Hazel Lane Quarry has temporary planning permission<sup>1</sup> for the extraction of limestone and clay and reclamation through waste disposal granted for 30 years from the date of commencement (the quarry permission). Both parties agree that this permission expires on 12 January 2034. The removal of all buildings and site infrastructure by that date is required by condition 37 of the quarry permission. The appellant is seeking temporary planning permission for the proposed office building for the remainder of the quarry permission. I have determined the appeal accordingly.

### Main Issues

4. The main issues are:
  - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect of the development on the openness of the Green Belt; and

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<sup>1</sup> 01/0817/P/MINA

- whether the 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 Inappropriate Development*

5. The appeal site is located to the edge of a car park serving an active quarry and landfill site that lies within the Green Belt. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 149 of the Framework sets out that other than several exceptions the construction of new buildings in the Green Belt should be regarded as inappropriate development. One such exception is listed at 149. d) which allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. Paragraph 150 goes on to list other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at 150. a) mineral extraction. Policy 1 of the DLP relates to new development within the Green Belt and states that national planning policy will be applied, including the presumption against inappropriate development, except in very special circumstances.
8. It is proposed to construct a new office building that would be two storeys in height with a flat roof. The building would be constructed in an area currently occupied by relatively young trees. Although located on a different position on the site, the building would effectively replace three single storey cabins used as offices at present which would be removed and replaced with car parking.
9. I accept that in certain circumstances the 'replacement of a building', with regard to Framework paragraph 149, could extend to a situation where more than one building is being replaced. However, in this instance whilst the existing buildings may be comparable to the proposed building in terms of total ground floor footprint, the proposed building would be two storeys in height and considerably taller than the existing cabins. It would therefore be materially larger than the group of buildings that would be replaced. Consequently, it would not meet the exception at 149. d).
10. Whilst the proposal is related to the use of the site as a quarry and landfill site, the proposed development is not, in itself, mineral extraction. Whilst the appellant states that the proposal is not inappropriate because the development would be ancillary to mineral extraction, I have not been directed to any up-to-date national or local policy that supports this assertion. Indeed, the Framework is clear that the construction of new buildings in the Green Belt should be regarded as inappropriate development.
11. Consequently, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 148 of the Framework, this is a matter to which I attach substantial weight.

### *Openness*

12. Paragraph 137 of the Framework states 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.
13. The appeal site is enclosed by mature trees, with the only public views gained from Hazel Lane as it passes the entrance to the site. The upper sections of the existing buildings can be glimpsed from this point, as they lie behind a hedge (which also screens this part of the car park) and are seen against the backdrop of trees. The three buildings are seen positioned in a line at this point, extending for much of the length of the car park.
14. The appeal proposal would involve the construction of a new building on a site beyond but adjacent to the existing car park. This location would be a less prominent position than that of the existing buildings, being located notably further away from the entrance. The proposed plans show the removal of the existing buildings which would improve openness at this point, particularly as the new car park spaces that would replace the buildings would be screened by the existing hedge.
15. Nevertheless, notwithstanding this improvement to openness, and that the proposed building would be in a less prominent location than existing buildings, it would nonetheless be two storeys in height which would cause it to become a notably more dominant feature in the rural landscape. Whilst I recognise that the harm would be temporary, given that temporary planning permission is sought until January 2034, this would nonetheless adversely affect openness for the duration of this time.
16. Whilst the Council would prefer a building painted a muted colour, the use of stone in the exterior walls of the building would not be incongruous in this location, an area where stone is a traditional building material. To my mind, the use of this material would not adversely affect openness or result in the building appearing out of place or overly prominent.
17. Nonetheless, for the above reasons, I conclude that the proposal would result in moderate harm to the openness of the Green Belt, contrary to the provisions of the Framework in this regard. The proposal would conflict with Policy 1 of the DLP for the same reasons.

### *Other Considerations*

18. Whilst the quarry permission expires in 2034, the appellant has stated that it is likely that a presence would need to be maintained on site until the 2060s. It has also been suggested by the appellant that, due to lower levels of landfill being produced, they are likely to apply to extend the temporary period of the quarry permission in the future. Concerns have been raised by local residents in this regard. However, no permission has been granted for an extended period, nor to my knowledge has any application been submitted.
19. Nevertheless, I am required to consider each application on its own merits and on the basis of what is before me, which, as described above, is a proposal for a building for a temporary period until January 2034 in line with the current quarry permission. Whilst I can appreciate the concerns of local residents with regard to this matter, the issues arising from any future extension of the time

period of the quarry permission could be considered if and when such an application came forward.

20. Hazel Lane Quarry is a large quarry providing significant mineral reserves, landfill capacity and employment. The appellant argues that the existing cabins do not provide accommodation which meets modern standards for employee welfare and working conditions. It is also understood that the existing cabins are close to the end of their serviceable life. Furthermore, it is planned to increase the number of employees from 21 to 25 which would create a demand for more office space. The need for new office space has not been disputed by the Council and this would represent an economic benefit in terms of supporting the existing quarry.
21. The cladding of the proposed building in stone would allow the appellant to showcase the stone arising from the quarry. This is understandable and I saw that stone is a common building material around the vicinity of the site.
22. The existing cabins occupy part of the quarry car park, and the siting of the proposal outside of this area would allow for additional car parking to serve the expanded workforce and would allow staff vehicles to be safely parked away from the access road used by HGVs accessing the quarry.

### **Planning Balance**

23. The proposal would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. I have reasoned above that any harm to the openness of the Green Belt would be moderate, albeit temporary. There is a clear and pressing need for new office accommodation to serve the quarry in this location within the Green Belt, including in the interests of staff welfare and working conditions. The proposal would allow the business to expand the number of employees, resulting in economic benefits. The proposal would also allow for the provision of additional car parking for the expanded workforce, away from the main route of the HGVs. There would also be benefits to the quarry business in terms of being able to showcase the stone that is quarried.
25. These considerations, collectively, carry great weight and I conclude that they amount to very special circumstances, sufficient to outweigh the harm to the Green Belt, by reason of inappropriateness and the effect on openness.

### **Other Matters**

26. I have had regard to several objections from local residents relating to the operation of the quarry and landfill site as well as alleged breaches of the quarry permission. However, given that I am considering a proposal for a new office building, that would replace existing structures, rather than any extension to the quarry, these matters have limited relevance to the scheme before me.

## **Conditions**

27. I have imposed conditions requiring compliance with the approved plans, and details of external finishes, in the interests of certainty and in order that the proposal integrates appropriately with its surroundings. I have amended certain conditions proposed by the Council to ensure they meet the relevant requirements in the Framework without altering their aim.
28. Conditions are necessary with regard to foul, surface water and land drainage in order to ensure the development is provided with an adequate drainage system in accordance with the drainage hierarchy set out in the Planning Practice Guidance. I have condensed the Council's suggested drainage conditions into one condition that meets their collective aim. In doing so, I have removed reference to other statutory processes.
29. As the appellant is seeking temporary permission for the proposed development, and in line with my reasoning above I have imposed a condition requiring the building to be removed from the site by 12 January 2034.

## **Conclusion**

30. Having considered the development plan as a whole, the approach in the Framework, and any other relevant considerations, I conclude that the appeal should be allowed subject to the conditions set out below.

*Paul Martinson*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10160C/02B Rev C; 2014-03; 10160/01.
- 3) Prior to the commencement of the construction of the external walls of the building hereby approved, full details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and shall be retained as such thereafter.
- 4) The office building hereby approved shall not be first occupied until surface water, foul drainage (including any septic tank) and land drainage works have been completed in accordance with a drainage scheme based on sustainable drainage principles and incorporating permeability tests that has first been submitted to and approved in writing by the local planning authority. The drainage shall be managed and maintained in accordance with the approved plan thereafter.
- 5) The building hereby permitted and all materials and equipment brought on to the land in connection with its use shall be removed, the use hereby permitted shall be discontinued, and the land restored to its former condition on or before 12 January 2034 in accordance with a scheme of works that shall first have been submitted to and approved in writing by the local planning authority.