The Planning Inspectorate

Appeal Decision

Site visit made on 8 February 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2021

Appeal Ref: APP/B3438/W/20/3262622
Land opposite Station House, Station Lane, Rushton Spencer, SK11 0QU

- 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 N Coates against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0249, dated 13 May 2020, was refused by notice dated 30 October 2020.
- The development proposed is the installation of a Shepherd's Hut and associated landscaping works.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr N Coates against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Background and Main Issues

3. The appeal site lies in the Green Belt. In addition, Station House and the Knot Inn on the other side of Station Lane are Grade II Listed Buildings. I take as my starting point the proposal's Green Belt location and the relevant policy context set out in the development plan and the *National Planning Policy Framework* (the Framework). It is necessary firstly to establish whether it represents inappropriate development in the Green Belt which requires consideration of its effect on the openness and purposes of the Green Belt, before going on, under the heading of "any other harm", to consider its effects on the setting of the Listed Buildings and other nearby heritage assets. In dealing with the effect on the setting of the Listed Buildings, I have had regard to the special duty placed on decision makers in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Therefore, the main issues in the appeal are:

   - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework having regard to the effect of the proposal on the openness of the Green Belt and purposes of including land within it;
   - The effect of the proposal on the setting of nearby heritage assets; 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 it.

Reasons

Whether inappropriate development, openness and purposes

5. Policy SS10 of the *Staffordshire Moorlands Local Plan (adopted September 2020)* (LP) indicates that strict control will be exercised over inappropriate development in the Green Belt only allowing development as set out in the Framework.

6. Paragraphs 145 and 146 of the Framework set out the forms of development that are not inappropriate in the Green Belt. The appeal scheme proposes the use of the land for the siting of a shepherd's hut – a temporary structure on wheels. In planning terms this is a structure not a building and so paragraph 145 of the Framework, which sets out when new buildings may be not inappropriate in the Green Belt, is not applicable to the proposal. Given this, irrespective of whether or not the site is previously developed land, the scheme does not fall within the scope of paragraph 145 g) of the Framework.

7. Paragraph 146 indicates that material changes in the use of land are not inappropriate as long as they preserve the openness of the Green Belt, and do not conflict with the purposes of including land within it.

8. Openness is an essential characteristic of the Green Belt. It can be considered as the absence of buildings or development and is not just a visual consideration. The appeal site is currently an open vacant plot of land that is largely covered in scrubby vegetation. The scheme was amended during the application process to remove the on-site parking, the area of hardstanding associated with it and the new pedestrian and vehicular accesses. Nonetheless, although relatively modest in size, the shepherd's hut would be a solid man-made structure, and it would be visible from the adjacent road and public footpath. As a result of its scale and mass the openness of the Green Belt would be reduced.

9. I understand the site was formerly a coal yard associated with the adjacent station and railway line, and after this closed in 1964 was used as a gravel yard. It is suggested that the impact of the proposal on openness would be less than the former coal bins and gravel mounds that once occupied the site. However, these structures, for which there are no details, are no longer on site and from the current appearance of the site do not appear to have existed on the site for some time. The site at present is free from buildings and other structures and so compared to the site at present, the proposal would reduce the openness of the Green Belt.

10. The Council have stated that the village boundary is not defined in the LP and so the site lies in the open countryside. This has not been disputed by the appellant. As a consequence, the siting of the hut would result in the expansion of development into what is at present open countryside. Consequently, it would conflict with one of the purposes of the Green Belt as set out in paragraph 134 of the Framework, which is to safeguard the countryside from encroachment.

11. Given that the proposal would not preserve the openness of the Green Belt and would be contrary to one of the purposes of including land within it, I conclude

that the proposal would be inappropriate development, which according to paragraph 143 of the Framework is, by definition, harmful to the Green Belt. In addition, there would be a degree of harm arising from the loss of openness, and I afford the harm that would be caused by this significant weight. As such, the proposal would be contrary to Policy SS10 of the LP and the Framework.

Any other harm

12. The Listed Buildings comprise the former station building which has been converted to a dwelling and the adjacent public house. The former railway line, which is now a footpath, is also considered to be a non-designated heritage asset. The appeal site's location means that it forms part of the setting of these assets. Whilst the site was the former coal yard associated with the railway there is no evidence of this former use on the site. Unlike the Listed Buildings, and despite forming part of the land associated with Station House, there is no visible evidence of the site having any relationship to the railway. Therefore, the contribution the site makes to the heritage significance of the Listed Buildings and the former railway line is limited.

13. The shepherd's hut would be located away from the Station Lane boundary, behind 2 existing hedges. It would still be visible from the Listed Buildings. Nonetheless, despite such huts not being a feature related to railway heritage, its modest size and simple form means it would not detract from, or compete with, the Listed Buildings. Similarly, although it would also be visible from a short stretch of the footpath along the former railway line it would not detract from this heritage asset.

14. Consequently, I consider the proposal would preserve the setting of the nearby heritage assets. Accordingly, it would not conflict with Policy DC2 of the LP which seeks to ensure heritage assets and their settings are conserved and where possible enhanced.

Other Considerations

15. The site has a neglected appearance, with scrubby vegetation and some building materials tipped on it. Paragraph 141 of the Framework encourages Council's to seek to improve the damaged and derelict land within the Green Belt. Shepherd's huts are not a feature of the local area, and even if they were, they would not be expected to be found on the edge of a village. Nevertheless, it would not be a prominent feature in the street scene, and I am not persuaded that its incongruity would be such that it would be detrimental to the character and appearance of the area. Moreover, the appeal scheme would improve the appearance of the site by retaining attractive features such as the existing beech and hazel hedges and the picket fence and removing dumped materials and the poor quality vegetation. Overall therefore, I consider the scheme would be beneficial to the character and appearance of the area, and I give this benefit moderate weight.

16. The appeal site is located close to the Peak District National Park and the Gritstone Trail. It is also within walking distance of facilities within the village. As such, the provision of a small scale tourist facility in this location is appropriate and it would make a limited contribution to supporting the local economy. It would, in this respect, accord with the support for tourism developments in Policy SS10 of the LP. I note that the Parish Council also support the scheme as it would add to visitor accommodation in the village.

This is therefore a benefit of the proposal but given the limited scale of the scheme, I only give it moderate weight.

Other Matters

17. The proposal includes a replacement underground waste treatment plant that would serve the proposal and the Station House. The Council have raised no objection to this and nothing I have seen or read leads me to a different conclusion in this regard.

Conclusion

18. The proposed development would be inappropriate development in the Green Belt, which is harmful by definition. In addition, there is a degree of harm arising from the loss of openness, and from the encroachment into the countryside, contrary to the purposes of including land in the Green Belt. In accordance with paragraph 144 of the Framework, I attach substantial weight to the harm to the Green Belt. Whilst the proposal would preserve the setting of nearby heritage assets, an absence of harm in this regard is a neutral factor.

19. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, the proposal would be contrary to Policy SS10 of the LP and the Framework. Therefore, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR