The Planning Inspectorate

Appeal Decision

Site visit made on 1 March 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/B3438/W/21/3282473
Oak Tree Farm, Tickhill Lane, Dilhorne ST10 2PL

- 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 Tony Millar (Great Grounds) against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0399, dated 23 July 2020, was refused by notice dated 10 March 2021.
- The development proposed is the change of use of land to accommodate 12 no. shepherd huts.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - whether the proposal is inappropriate development in the Green Belt; 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 development.

Reasons

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.

4. It is common ground between the main parties that the proposed shepherds' huts do not fall within the definition of a building. Therefore, this proposal does not relate to the erection of buildings and the proposal does not fall to be considered under Paragraph 149 b) of the National Planning Policy Framework (the Framework).

5. The Framework at paragraph 150 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.

6. The appeal site comprises of a wooded area within a wider farm complex. I was able to see the area around the proposed huts was heavily wooded with a mixture of trees and other vegetation so that the proposed huts would not be visible from the public domain. I also appreciate that the huts would be clad in wood to assimilate with the natural environment. Nevertheless, and despite the lack of visibility from public vantage points, the huts would be visible from inside the site.

7. Furthermore, the proposed huts would be significant visual objects. There would also be associated development such as footpaths. The siting of the 12 huts and the associated development would be spread out over a large area which is currently free of development. There would be a localised visual reduction in openness and a significant spatial reduction in the openness of the Green Belt due to the loss of open land. Therefore, the proposal would harm 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. Although the appeal site is an enclosed wooded area, the proposed use would have the effect of spreading development beyond the limits of the existing farm complex. The use of the land for the siting of the shepherd huts, and associated development such as footpaths, 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. Paragraph 147 of the Framework states that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would be contrary to the Framework in this regard and would also conflict with Policy SS10 of the Staffordshire Moorlands Local Plan (Local Plan) which states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

Other Considerations

10. The appellant has stated that the proposal is part of an ongoing Farm diversification plan and I note the contents of the Business Case document which outlines the difficulties caused by the pandemic and the need to diversify the current business to ensure financial stability. This would enable the business to continue its education offering whilst the environmentally friendly accommodation would bring additional tourists to the area. This would support the rural economy, safeguarding existing jobs and potentially generating new employment.

11. I recognise the benefits the proposal would bring, and the support it receives from the Local Plan in terms of enhancing tourist opportunities and ensuring the sustainability of rural areas. I have not however been provided with information on any alternatives that have been considered, including diversification by the farm that would not require a change of use and the consequent harm that would arise as I have identified. Beyond a general reference to revenue reduction, I have also not been provided with any financial evidence of the proposal, or of the existing business including that of

the recently consented use of a facility for conferencing and social functions. This limits the weight that I am able to attach to these matters.

12. The appellant has set out that the appeal site can be used as a camping site for 56 days without planning permission. The Council have questioned the suitability of the site for pitching tents given the presence of tree roots in this heavily wooded area. In any event, such a camping use would be for a limited period as opposed to the permanent nature of the proposal.

13. My attention has also been drawn to the Certified Location Certificate which allows for the siting of up to 5 caravans and associated camping at the appeal site. The proposal, comprising of 12 huts would be more than double in number compared to the 5 caravans and represent a more intensive use of the site. I acknowledge that the appearance of this fallback position cannot be controlled unlike the appeal proposal. I do not, however, consider that the appearance of the caravan units would necessarily be more visually harmful than the huts, particularly as the appellant has set out that the existing facility at the farm has environmental sustainability embedded in all that is delivered. I therefore give little weight to these fallback positions.

14. My attention has been drawn to a large-scale shepherd hut development at another nearby site in the Green Belt. I accept that there should be consistency in decision-making, but it is evident from the information before me that the referenced case is not directly comparable to the appeal scheme which other than a change of use, involved the demolition and replacement of a hall, construction of a new restaurant building along with various other works.

15. The refusal does not raise any concerns in relation to trees, biodiversity or ecology but these are neutral considerations and not matters which weigh in favour of the appeal proposal.

Planning Balance and Conclusion

16. 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. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

17. I have set out the other considerations and, for the reasons I have given, this leads me to attach limited weight to them in favour of the scheme.

18. With this in mind, the substantial weight I have given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.

19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR