The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/P4225/W/21/3288483
Lane Foot Farm, Ealees Road, Ealees, Littleborough, OL15 0HJ

- 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 Ms J Taylor against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 21/00099/FUL, dated 5 March 2021, was refused by notice dated 2 December 2021.
- The development proposed is glamping pods.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether the proposal 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 proposal on the openness of the Green Belt; and
    - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4. The exceptions which are set out at paragraph 149 of the Framework, include (b) the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

5. Policy G4 of the Rochdale Adopted Core Strategy, 2016 (CS) restricts development in the Green Belt to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated.

6. The appeal site is located outside of any settlement limit boundary and within the Green Belt. The proposal relates to two identified areas on the site plan. The first (Area 1) being an area of vacant land which is currently enclosed by post and rail fencing, a gate and surfaced with gravel. The land is positioned to the foot of a wooded hillside with access taken from along a single private track road, which also serves as a designated public right of way and leads to Lane Foot Farm.

7. The second site area (Area 2) relates to a building which is situated within the confines of Lane Foot Farm. The farm has planning permission for providing teaching/training accommodation, a visitor centre and is for racehorse rehabilitation, although limited evidence is provided on the facilities.

8. The proposal would be for the erection of 2 glamping pods, decking, a toilet shed and parking area at 'Area 1', and the use of an existing building within the curtilage of the farm 'Area 2' as an amenity building to serve the glamping site as tourist accommodation. The Council acknowledge that the farm has existing facilities and the use of the building at the farm would be acceptable in terms of Green Belt Policy. As such, I have no reason to disagree with the Council's assessment of this part of the proposal.

9. The appellant has set out in the Planning Statement, which accompanied the planning application that the proposal would be for a facility for outdoor recreation and would meet the exception of paragraph 149 (b). The Council argues that the glamping pods should not be regarded for planning purposes as outdoor recreation.

10. I understand that other developments for camping sites in the area, have been established to be for outdoor recreation. There is limited detail on these, however, it does appear one pre-date's the Framework, and the other relates to the provision of accommodation for anglers at an existing facility. I have also had regard to the appeal decision[1] the Council has brought to my attention, but I do not have the individual circumstances of that case, whilst there may be some similarities, it relates to temporary small structures on agricultural land. In this case, the appellants' application form and evidence does not indicate the site is agricultural land. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.

11. Nevertheless, I do not consider that it would be unreasonable that the appeal proposal would not fall within the definition of 'outdoor recreation' for the purposes of Green Belt policy within the Framework. The siting and/or use of the buildings, albeit 'glamping pods' would be to facilitate the site as an outdoor setting for recreation and leisure.

12. Moreover, the Framework does not distinguish that such a use of buildings or a site for outdoor tourism would not be for outdoor recreation. Therefore, the relevant tests to the strands of paragraph 149 (b) would be whether the

[1] APP/L3245/W/18/3198157

facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, of which I will return to.

13. The appellant also contends in the appeal statement of case, that the proposal would fall under paragraph 149 (g) of the Framework, which includes the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

14. The Framework supports development that makes efficient use of land, through the definition of PDL[2], which includes land occupied by a permanent structure including the curtilage of developed land (although this should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure.

15. However, this does not go without being caveated. It excludes land that is or was last occupied by agricultural buildings, and land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; and land that was previously developed where the remains of the permanent structure or fixed surface structure have blended into the landscape.

16. From the evidence before me and site observations, the land appears to have been cleared, surfaced with an addition of some gravel chippings than any former permanent 'hard standing' and a waste skip was present. The storage of materials appears to be limited, and as I saw these were small piles of wood and chippings. There is no evidence that there has been any permanent building or structure in situ on the land and those parked vehicles would be moved frequently. Therefore, the appeal site would not meet the definition of the Framework, and as such I do not consider that the site amounts to PDL.

17. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual and spatial element. In taking account of the visual effects, it is a matter of planning judgement rather than one of legal principle.

18. The proposal would result in the erection of 2 sizeable dome shaped glamping pods with timber decking, toilet shed, parking and associated domestic and commercial paraphernalia in an open area of land. This would introduce built form into the appeal site at 'Area 1' of which it is currently free from any. Particularly with the amount, size, height, footprint and volume of the buildings/structures, and I would disagree that this would be limited.

19. There would be immediate views of the site from the access lane and public right of way, with glancing views from the wider footpath on approach that link to the wider public network of Hollingworth Country Park, therefore it would be discernible in those views. The set back of the pods, and limited enclosure of the post and rail fence from the lane would do little to prevent these views. Any planting along the site entrance would take considerable time to screen to soften views of the buildings/structures and use of the site.

[2] Annex 2 of the Framework refers to the definition of previously developed land

20. As such, the proposal would have an adverse impact on openness and would significantly erode the openness of the Green Belt, albeit some of the site would be screened to some degree by longer range views by the surrounding trees and woodland.

21. Furthermore, given that there would be space provided for car parking, it would result in vehicles parked on the site for much of the year as there is no evidence to suggest it would be a seasonal facility. There would also likely be a need for other hardstanding areas / additional structures, including outside lighting as this would be necessary for those unfamiliar with the site to find their way around. Signage may also be needed, given the location of where the amenity building would be and that it is situated away some distance from the pods. There is limited evidence of such details.

22. All these features would adversely affect the openness of the land. Whilst the site has been cleared and the pods would be of a suitable design, constructed of timber clad with dark oak preservation, timber toilet shed and decking, those features would not overcome the conflict with a fundamental aim of the Green Belt which is to prevent urban sprawl by keeping land permanently open. As such, for the above reasons, the proposed development would harm the openness of the Green Belt in both visual and spatial terms.

23. It is also contended that the siting of the glamping pods could be achieved by a change of use. The Framework at paragraph 150 (e) also identifies certain forms of development are not inappropriate development so long as the development preserves openness and does not conflict with the purposes of including land within it. Material changes of use of land (such as changes of use for outdoor sport or recreation or for cemeteries and burial grounds) are included. However, as I have set out the proposal would fail to preserve the openness of the Green Belt, as such it would not accord with paragraph 150 (e).

24. Moreover, it would also not safeguard the countryside from encroachment, which is one of the five purposes of the Green Belt. Despite the current appearance of the site, the proposal would represent a clear physical change in the use, its appearance and introduction of considerable built form. The appeal site 'Area 1' is visually isolated from other built development at Lane Foot Farm, particularly with the topography of the area, boundary fencing along the lane, and the proposal would clearly be an encroachment of new development within this area of Green Belt.

25. For the reasons given above, the proposed development would significantly erode the openness of the Green Belt, it would fail to preserve openness and would not assist in safeguarding the countryside from encroachment. The proposal would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above. I conclude the proposal would be contrary to Policy G4 of the CS.

26. As the appeal scheme would not meet any of the exceptions in paragraphs 149 or 150 of the Framework, it would constitute inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Other Considerations

27. The appellant has made reference to the appeal site providing economic benefits to Lane Foot Farm, the wider area with tourists coming to the site and also visiting and contributing to Hollingworth Lake and the Country Park. Policy E5 and E6 of the CS seek to encourage the visitor economy, support development that can enhance the visitor attraction of the area and strengthen and diversify the rural economy.

28. However, camping sites should be appropriately located and not have an adverse effect on the appearance or character of the countryside. In this case, there would be limited benefits, the proposal does not indicate any additional rural employment opportunities and the provision of 2 additional self-catering units, would be minimal in terms of improving the recreational and tourist value of Hollingworth Lake. There is no substantive evidence on the farm diversification, as such, I attach limited weight to these considerations.

29. Moreover, although, the proposal would facilitate such tourists, any attraction visits would be a matter of choice for anyone using the glamping pods. Therefore, whilst sustainable rural tourism is supported and benefits other businesses in the area, a positive consideration for the scheme. The proposal would not conform to national or local policies relating to the Green Belt.

30. In consideration of other planning matters, including flood risk/drainage, environmental control, ecology, highway safety, noise and odours and trees. The absence of harm in those matters which could be addressed by conditions, are a neutral factor.

Planning Balance and Conclusion

31. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness, which gives rise to additional harm and it would not assist in safeguarding the countryside from encroachment. In each case, these harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.

32. Against this, the other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

33. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.

34. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR