

APPEAL BY MR & MRS MORRIS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF AN AGRICULTURAL BUILDING AT 40A, SANDS ROAD, HARRISEAHEAD

<u>Application Number</u>	14/00792/FUL
<u>LPA's Decision</u>	Refused under delegated powers 5 March 2015
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	6 February 2016

The Inspector considered the main issues to be:

- whether the proposal constitutes inappropriate development in the Green Belt;
- the effect on the character and appearance of the area;
- the implications for ground instability in a High Risk Area as identified by the Coal Authority; and
- 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 necessary to justify the development.

In dismissing the appeal the Inspector made the following comments:

- The appeal site is located within the Green Belt, therefore if the proposed building was required in connection with a commercial agricultural holding, then it would constitute an exemption criteria to restrictive Green Belt policies.
- However, there is no suggestion that the appeal site forms part of an agricultural holding. The breeding and rearing of alpacas and sheep is described as a hobby and such hobbies are not covered by the description of agriculture. As a consequence, the appeal scheme could not correctly be described as an agricultural building and therefore the proposal represents inappropriate development. By definition this would cause harm to the Green Belt.
- Whilst recognising that several things have been done to minimise the harmful effect of the proposal on the Green Belt, it would inevitably reduce the openness. Just allowing one exception for inappropriate development could make it difficult for the Council to resist others, leading to incremental encroachment into the Green Belt.
- The appeal site lies close to public footpath Kidsgrove 74. The building would be prominent from the way-marked route, thereby visually reducing openness from a key public vantage point.
- During the course of the planning application an objection was received from the Coal Authority due to insufficient information being submitted in a High Risk Area. The Inspector agreed that the information was required prior to any decision being made, as the impact was a material planning consideration.
- The arguments submitted by the Appellants regarding welfare of animals attract some positive weight but there are other methods of welfare and security.
- In summary, the scheme is inappropriate development in the Green Belt, and as such the principle harm to the Green Belt and especially the loss of openness coupled with the visual intrusion from a key public vantage point and the absence of a Coal Mining Risk Assessment aggregate to elicit a very strong reason for resisting this project. The very special circumstances necessary to justify the proposal do not exist and the appeal is dismissed.

Your Officer's Comments

That the decision be noted.