

**PARISH** Barlborough

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**APPLICATION** Retention of and alterations and revisions to proposed stable block on the same footprint as the (recently) previously demolished stables

**LOCATION** The Laurels Ruthyn Avenue Barlborough Chesterfield  
**APPLICANT** Mr Dominic Manfredi The Laurels Ruthyn Avenue Barlborough Derbyshire S43 4EX

**APPLICATION NO.** 18/00508/FUL **FILE NO.**

**CASE OFFICER** Mr Chris Fridlington

**DATE RECEIVED** 4th October 2018

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## **SITE**

The Laurels is a two storey detached dwelling set within an area of open countryside in the Green Belt. There are two detached outbuildings to the north east of the existing house and a further single storey pitched roof building sited around 8.5m to the north west of the house, which is shown below and is the subject of this application.

### As Existing



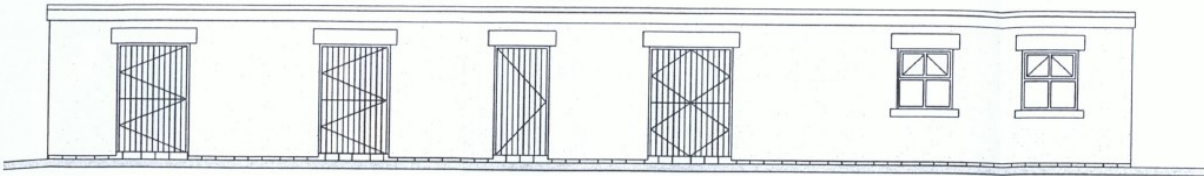
## PROPOSAL

The current application seeks the partial retention of this single storey building (shown immediately above) which is currently 5.57m wide, 21m long and has a pitched roof which is 2.8m high to the eaves and 5.2m high to the ridge. The submitted plans (shown overleaf) show that it is intended to replace the existing roof with a shallow mono-pitch roof that would be 3.3m at its highest point at the rear of the building dropping to a height of 3m above the adjacent ground level at the front of the building.

The plans submitted with this application also show the building would be fully rendered and would have uPVC windows and timber doors. The materials for the new roof have not been specified.

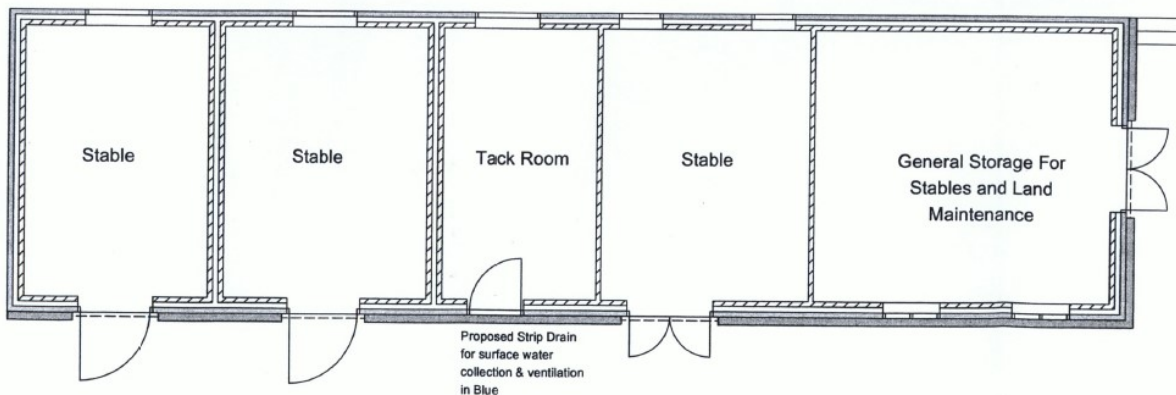
The submitted floor plans indicate the remaining building will be retained on its existing footprint and would provide three stables, tack room and storage space. Two windows would be removed from the front elevation of the existing building and a third window would be replaced with a door to provide access to the tack room.

### As Proposed



**Front Elevation**

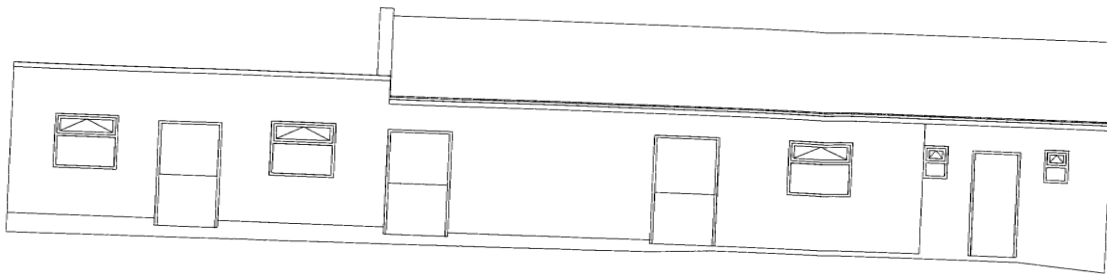
### Floor Plan



## HISTORY

In 2015, the Council investigated an enquiry about the erection of a new building at The Laurels without planning permission. A pre-existing building (shown below) had also been demolished without any formal planning consents.

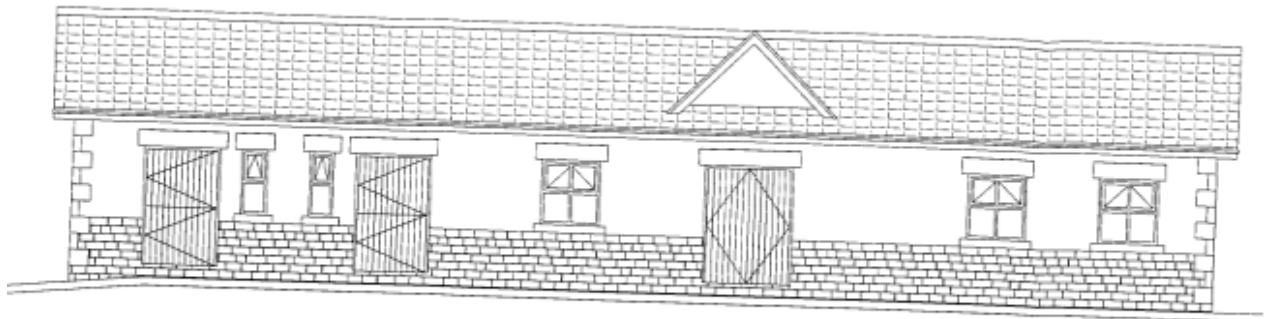
### Pre-existing Building



**Front Elevation**

In 2016, two applications seeking retrospective planning permission for the 'existing' building were submitted. The first application (application no 16/00089/FUL) was withdrawn prior to determination. The second (application no. 16/00468/FUL) was refused and the subsequent appeal was dismissed on the basis that the existing building, as shown below, was inappropriate development in the Green Belt.

### Existing Building



**Front Elevation**

The Council then issued an enforcement notice requiring the removal of the existing building (shown above) and the appeal against this enforcement notice was dismissed. The existing building remains on site in breach of the requirements of the existing enforcement notice despite an extension of time for compliance having been granted by the Council.

## **CONSULTATIONS**

The Council has consulted with all statutory consultees and had received one response from the County Council by the date of the publication of this report. The County Council (in their capacity as the local highway authority) have no objections to the proposals subject to the building proposed in this application remaining in a private use ancillary to the normal domestic use of The Laurels as a C3 dwelling house.

## **PUBLICITY**

The application has been publicised by a site notice but no representations had been received by the date of the publication of this report.

## **POLICY**

### Bolsover District Local Plan

The most relevant saved policies in the adopted Bolsover District Local Plan are:

GEN 1 (Minimum Requirements for Development)  
GEN 2 (Impact of the Development on the Environment),  
GEN 9 (Development in the Green Belt)  
GEN 11 (Development Adjoining the Settlement Framework)  
ENV 3 (Development in the Countryside)

### National Planning Policy Framework

The most relevant policies in the revised National Planning Policy Framework published in July 2018 include:

Paragraphs 143-146: Proposals affecting the Green Belt  
Paragraphs 124-131: Achieving well-designed places  
Paragraph 170: Conserving and enhancing the natural environment

## **ASSESSMENT**

### Background and Key Issues

There has been no significant changes to the site and its surroundings since the two recent appeal decisions. The first appeal was made against the Council decision to refuse planning permission for the retention of the existing building and was dismissed. The second appeal was made against the enforcement notice, which requires the existing building to be removed, and was also dismissed. Therefore, there are no reasons to disagree with the conclusions drawn previously by two separate Planning Inspectors that the proposals would not have any impacts on archaeology or ecology, would not be unneighbourly and would not have any highway safety implications

provided the building remained in the private use of the occupants of The Laurels.

As such, the key issues in the determination of the current application are similar if not almost identical to the key issues identified in the two recent appeals, which are:

- a) whether or not the building constitutes inappropriate development in the Green Belt once it has been altered as proposed in this application;
- b) the effect of the building on the character and appearance of the countryside once it has been altered as proposed in this application; and
- c) if the building once it had been altered still constitutes inappropriate development in the Green Belt, whether the resultant harm by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify grant planning permission for the current application.

#### Development in the Green Belt

Saved Local Plan Policy GEN9 says development will not be permitted in the Green Belt other than where the building is on a relatively small list of functional buildings including 'small stables' which may be acceptable in the Green Belt on an exceptional basis. This policy is consistent with national planning policies in the revised version of the National Planning Policy Framework published in July 2018, which says at Paragraph 145: a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of 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;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, 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; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In this case, the retained building would be 5.57m wide and 21m long with an eaves height around 3m above the adjacent ground level. Therefore, the altered building could be considered to be larger than the 'small stables' anticipated by Policy GEN9. However, there is also no current use of the land associated with The Laurels (c.2.5 hectares in area) and no evidence of any recent use of the land for keeping horses. The applicant has also not provided any evidence that horses are being kept elsewhere pending the determination of this application or any evidence that there are future intentions to keep horses at the Laurels.

It is also notable that the single stable doors are narrower and not as high as normal stable doors, the steps up to the doors are also not ideal for horses and the double doors would be normally considered to be impractical if not dangerous for horses. In these respects, it is not clear that the altered building has been purpose-designed for keeping horses but these issues could be resolved by further amendments to the submitted plans.

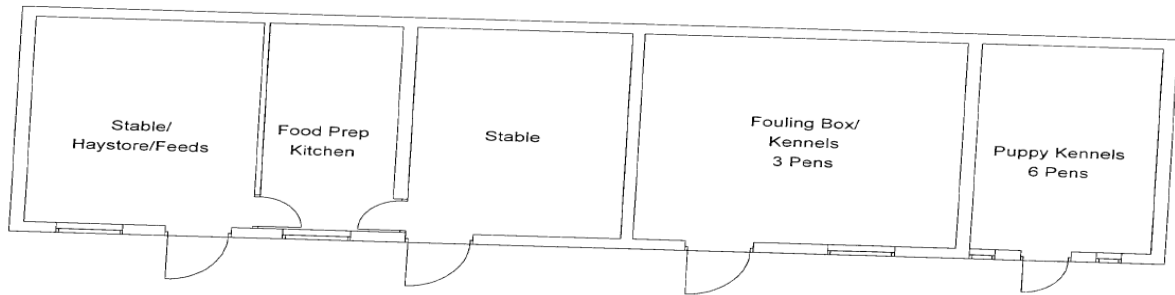
However, because it is not possible to conclude that the stables are proportionate in size to any particular past, current or intended future use of the land; it is not considered that the proposals accord with the exception in GEN9 that could in other circumstances allow planning permission to be granted for small stables in the Green Belt. In this respect, it is also considered the proposals do not fall within the scope of bullet point (b) in paragraph 145, which allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and/or outdoor recreation, amongst other things.

Aside from bullet point (b) in paragraph 145, it is considered that the proposals could only be considered under two of the other criteria in paragraph 145, which allow for: d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and g) the redevelopment of previously developed land, 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.

If the altered building were to be considered to be a replacement building even though the original building has been demolished; the new building would not be in the same

use as the original building on the site. The floor plan of the original / pre-existing building (shown below) was split almost 50/50 between kennelling and stabling whereas the altered building would be used solely for equestrian purposes with some incidental storage of equipment for management of the land.

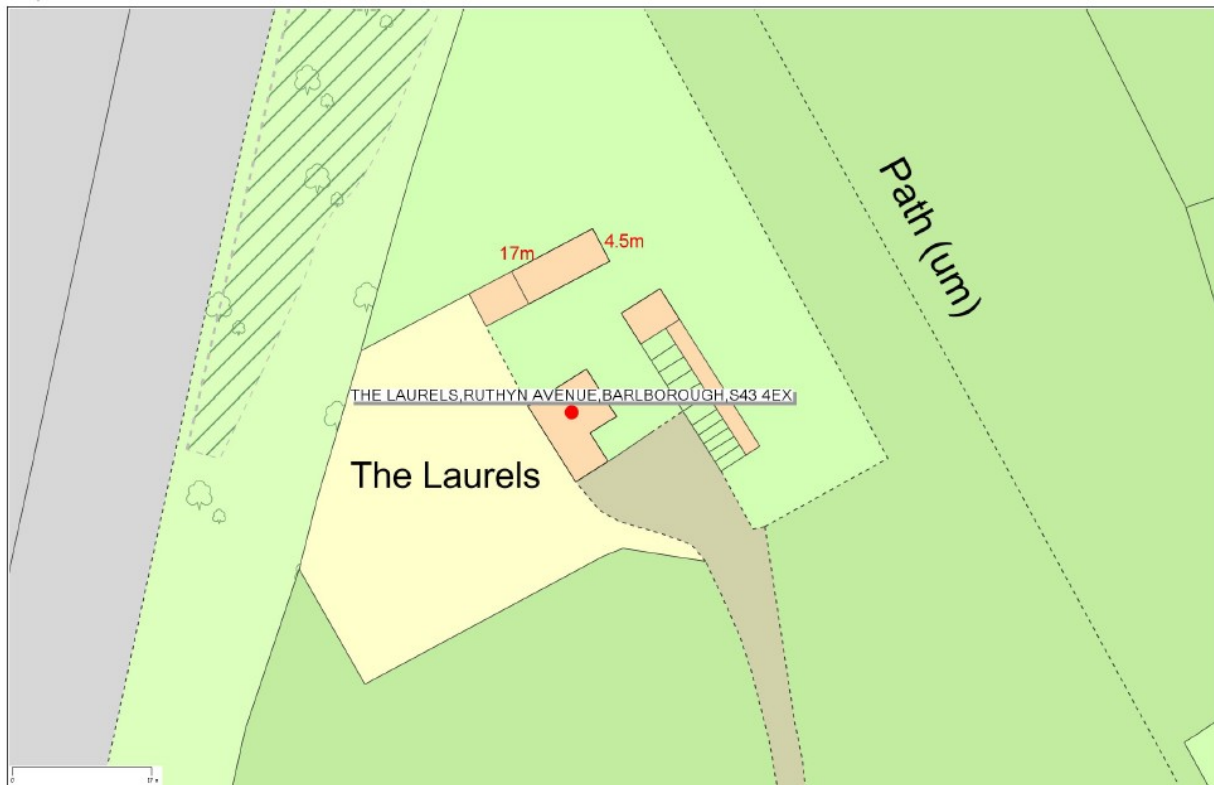
### Floor Plan of Original / Pre-existing Building



**Ground Floor Layout**

Furthermore, the new building is 5.57m wide and 21m long, from the OS maps the original/pre-existing building measured 17m x 4.5m (see below).

### Extract from GIS mapping



Therefore the altered building proposed in this application would not be in the same use as the original / pre-existing building and the altered building would be materially larger than the original / pre-existing building even though it would have a lower roof than the 'existing' building which was previously refused planning permission and is now the subject of the current enforcement notice. Taken together, these points mean that the altered building proposed in this application does not comply with the exception in bullet point 'd' of Paragraph 145 of the Framework that might otherwise allow permission to be granted for a replacement building in the Green Belt.

In terms of bullet point 'g' of Paragraph 145 of the Framework, the altered building proposed in this application would be located mostly on previously developed land but this building is larger than the original / pre-existing building and it is not a form of infill development. Therefore, also taking into account the original/pre-existing building is no longer there, the altered building would have a significant impact on the openness of the Green Belt. In summary, the altered building would increase the extent of the 'existing' built development at the property in the Green Belt and detract from the openness of the Green Belt beyond what might be permissible development on previously developed land under bullet point 'g' of Paragraph 145 of the Framework.

Therefore, the building proposed in this application does not comply with any of the descriptions of appropriate development in the Green Belt set out in paragraph 145 of the Framework or saved Local Plan Policy GEN9. Consequently, the building proposed in this application constitutes inappropriate development in the Green Belt as defined in the Framework and the adopted Bolsover District Local Plan and should be refused planning permission unless it can be considered there are very special circumstances to justify granting planning permission for the current application.

### Character and Appearance

Although the application site is within the Green Belt and the building proposed in this application would affect the openness of the Green Belt, it does not necessarily follow that the building would automatically have a significant visual impact. In the previous appeal decisions, it was concluded that the 'existing' building has a neutral effect on the character and appearance of the area and it might be said that a building with a lower roof (as proposed in this application) would have even less of a visual impact than the existing building.

However, it is not clear from the previous appeal decisions that it was properly acknowledged that saved Local Plan Policy ENV3 is consistent with national policies because it restricts new developments outside of settlements to conserve the intrinsic character and beauty of the District's countryside. In particular, this policy restricts development in undeveloped gaps between settlements to protect the locally distinctive character and appearance of the rural setting of many of the District's settlements including Barlborough.



ENV3 says that in this location, outside of the settlement framework, planning permission should only be granted for the building proposed in this location if it:

1. is necessary for it to be in this location; or
2. is required for the exploitation of sources of renewable energy; or
3. would result in a significant improvement to the rural environment; or
4. would benefit the local community through the reclamation or re-use of land.

In the first instance, it is clear that retention of the building in its altered form would not benefit the wider community given that the local highways authority would require the building to be restricted to private use if planning permission were to be granted for this application. It is also clear that the proposals do not include or incorporate any way of exploiting sources of renewable energy. Taking into account that it is not possible to conclude that the stables are proportionate in size to any particular past, current or intended future use of the land; it is also not possible to conclude that retention of the building as stabling (with or without its pitched roof) is necessary in this location.

Equally, it seems unlikely that a building that detracts from the openness of the Green Belt could make a significant improvement to the rural environment. However, the building proposed in this application is more likely to detract from the character and appearance of the surrounding countryside because of its design.

Although it is recognised that there are a wide variety of buildings that can be found in the countryside, saved Local Plan policy GEN2 requires particular attention to be paid to the design of new development. In this case, the proposed building does not reflect the styles of traditional rural buildings and the mono-pitch roof would be an especially unfortunate design feature that would detract from the overall appearance of the building and exacerbate the negative effects of the small windows in the rear of the building.

In summary, the building would not be visually attractive and would not be sympathetic to the locally distinctive character of the surrounding landscape setting contrary to the requirements of policy GEN2. This policy is consistent with national policies that promote and encourage high standards of design and notably, paragraph 130 of the Framework says permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In this case, despite the reservations expressed by the two previous Inspectors, the building is also clearly visible from public vantage points and it would be an obviously incongruous and intrusive development when seen from these vantage points. Therefore, the building proposed in this application would not be of an appropriately

high standard of design, it would materially detract from the character and appearance of the surrounding countryside and its retention is not necessary in this location.

Therefore, the current proposals conflict with the requirements of saved Local Plan policies ENV3 and GEN2 and national planning policies in the Framework and it is considered this conflict would be sufficient to warrant refusing planning permission for the building proposed in this application even if it were located in countryside outside of the Green Belt.

### Conclusions

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. From the above assessment, it is considered that the proposals would harm the openness of the Green Belt and harm the character and appearance of the surrounding countryside not least because of the poor design of the altered building proposed in this application. These conclusions weigh heavily against granting planning permission for the current application.

However, for the reasons above, it is not considered that retention of the building for stabling is necessary in this location if the building were even purpose-designed for equestrian use. For the above reasons, it is also clear that retention of the building would not give rise to any public benefits and there is no evidence to suggest that retention of the building in its altered state would give rise to any particular social, economic or environmental benefits. Therefore, there are no very special circumstances that would justify approval for this application and with regard to the harmful impacts of the proposed development; it is considered the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits of doing so.

Accordingly, the current application is recommended for refusal.

### **Other Matters**

Listed Building: The proposed building does not affect the setting of any listed building.

Conservation Area: The proposed building does not affect any designated Conservation Area.

Crime and Disorder: No issues arising.

Equalities: No issues arising.

Access for Disabled: No issues arising.

Trees (Preservation and Planting): The proposal does not impact on any trees.

SSSI Impacts: The proposed building does not affect any SSSI.

Biodiversity: No issues arising.

Human Rights: In accordance with Human Rights legislation and a right to a 'fair trial', the applicant would have a right of appeal if permission were to be refused for this application. In terms of the applicant's right to the peaceful enjoyment of his own

property, the impact of the building having to be removed as a consequence of a refusal of permission for this application has already been considered in the determination of the appeal against the enforcement notice that is currently in place. In more general terms, an individual's Human Rights do not supersede the wider public interest and in this case the recommendation of refusal is made in the wider public interest with due regard to local and national policies and all other relevant planning considerations.

## **RECOMMENDATION**

The current application is recommended for REFUSAL for the following reasons:

The building proposed in this application does not comply with any of the descriptions of appropriate development in the Green Belt set out in paragraph 145 of the Framework or saved Local Plan Policy GEN9. Consequently, the building proposed in this application constitutes inappropriate development in the Green Belt as defined in the Framework and the adopted Bolsover District Local Plan.

By virtue of its design and its location visible from public vantage points, the building would not be visually attractive and would not be sympathetic to character and appearance of the surrounding countryside. There is also no evidence to demonstrate that retention of the building in its altered state is necessary in this location. Therefore, the current application is contrary to saved Local Plan policies ENV3 and GEN2 and contrary to national policies in the Framework.

In this case, there is no evidence of very special circumstances that would otherwise justify approval for this application and in all other respects; the adverse impacts of granting planning permission for this application would significantly and demonstrably outweigh the benefits of doing so.

### Statement of Decision Process

It is considered that amendments to the design of the proposals would not address the Council's fundamental objections to this application. The Council's officers have also sought to act positively by allowing this application to be considered rather than declining to determine the application as they might have been entitled to as a matter of law.

# Site Location Plan

