The Planning Inspectorate

Appeal Decision

Site visit made on 27 May 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/B3438/W/20/3246652
Land at Baileys Bank, Gillow Heath, Biddulph ST8 6QR

- 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 & Mrs Smith against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0705, dated 20 November 2019, was refused by notice dated 15 January 2020.
- The development proposed is erection of replacement equestrian building.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a replacement equestrian building at Land at Baileys Bank, Gillow Heath, Biddulph ST8 6QR in accordance with the terms of the application Ref SMD/2019/0705 dated 20 November 2019, subject to the conditions attached to this decision.

Main Issues

2. The main issues are (i) 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, (ii) the effect of the development on the character and appearance of the area, and (iii) if the development is inappropriate, 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 required to justify the proposal.

Reasons

Whether inappropriate development

3. The site is a parcel of land used for equestrian purposes, and constitutes a manege and a timber stables building, located within the Green Belt. Details of previous planning permissions granted on the site have been supplied, including approvals that have not been implemented.

4. Policy SS6c of the Staffordshire Moorlands Core Strategy Development Plan Document (2014) (the CS) is the 'Other Rural Areas Area Strategy', which the appeal site falls under, and states that development should provide only for development that meets an essential local need, supports rural diversification, promotes sustainable tourism or enhances the countryside. Section 1 of this policy allows the replacement of an existing rural building. The policy also 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.

5. Green Belt Policy is set out in the Framework and Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 sets out the exceptions to inappropriate development in the Green Belt.

6. Taken in isolation, the appeal proposal does not meet the exceptions set out in the Framework. The proposed building occupies a larger footprint than the existing stables and would be also be taller than the current structures. As a result, I conclude that it would be inappropriate development, and contrary to Policy SS6c of the CS and Framework paragraphs 143 and 145.

Character and appearance

7. The appeal building would be of sufficient size to keep four horses, as well as a tack room, feed store and hay/bedding store, all based around a central passage, with doors at either end allowing for horses to exit the building and machinery to enter the building for the purposes of dropping off hay and feed.

8. It would be larger than the existing stables, but would be of a very similar design to the proposals that have consent, but not constructed. The appellant has stated that if the appeal proposals are dismissed, then the fall-back position of the approved stables would be constructed. I have little doubt that this would be the case.

9. The appeal building would be visible on the approaches from Baileys Bank. Close to the site is a building of similar design, but larger proportions which is also visible within the street scene. I find that the timber cladding used in construction and relatively low roof height and pitch are consistent with agricultural buildings that are used in countryside areas and would not cause harm to the character and appearance of the locality.

10. In conclusion, on this issue, I find that the appeal building would be of rural character and appearance and would not cause harm to the character and appearance of the locality and as a result, is consistent with Policies SS6c and D1 of the CS and the advice contained within the Framework.

Very special circumstances

11. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

12. An approved fallback position has been demonstrated, with a similar design, and slightly smaller overall footprint. It would provide three stables rather than four. The appeal proposal is not significantly different in terms of size and design and would not result in any greater harm to the character and appearance of the area or the openness of the Green Belt than the fallback scheme, which could not be built if the appeal proposals were implemented. I attach significant weight to this fallback position, and I find that given the similarities, this consideration would clearly outweigh the harm to the Green Belt identified with the appeal proposals. As a result, I conclude that the very

special circumstances necessary to justify the development exist. The proposal therefore accords with the advice set out in Section 13 of the Framework, which aims to protect Green Belt land.

Conditions

13. I have considered the planning conditions suggested by the Council. I have imposed the time limit condition and plans condition in the interests of good planning and certainty. A condition to secure the type of materials is necessary in the interests of the character and appearance of the area. Imposing a condition to not allow commercial usage is fair and reasonable, given the location of the development, as well as a condition ensuring removal of buildings on site.

14. I have noted the comments of the appellant in relation to manure disposal but note that this appears to be an informal arrangement, and some form of formality is necessary to ensure amenities are protected, therefore I will impose the condition as requested by the Council.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:- 1583-AL03C; 1583-AL04C; 1583-AL05F.

3. The stables building hereby approved shall have materials with a finish entirely in timber with a type, colour and texture which matches the existing timber stables buildings on site.

4. The use of the stables hereby approved shall be restricted to the private equestrian use of the application site owner and shall not be used for any commercial purposes, including livery stables or riding school. There shall be no gymkhanas held on the land.

5. Prior to the stables being brought into use, details for the location, storage and timetable for the disposal of manure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented before the stables are first brought into use and shall be retained for the lifetime of the development.

6. All existing buildings within the red line application site shall be removed in their entirety from the site as shown in the drawing AL03C before the building hereby approved is brought into use.

END OF SCHEDULE