The Planning Inspectorate

Appeal Decisions

Site Visit made on 18 August 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal A Ref: APP/B3438/W/21/3273785
Land at Double Gates Nursery, Sytch Road, Brown Edge, Nr Stoke on Trent, ST6 8QX

- 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. A. Beardmore against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0547, dated 15 September 2020, was refused by notice dated 29 January 2021.
- The development proposed is retention of two stable blocks comprising of 5no. stables and tack room.

Appeal B Ref: APP/B3438/W/21/3273788
Land at Double Gates Nursery, Sytch Road, Brown Edge, Nr Stoke on Trent, ST6 8QX

- 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. A. Beardmore against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0549, dated 17 September 2020, was refused by notice dated 29 January 2021.
- The development proposed is retention of stable block comprising of 3no. stables and 2no. tack rooms.

Decisions

1. Appeal A is dismissed.

2. Appeal B is dismissed.

Preliminary Matter

3. The development pertaining to Appeals A and B exists on site. I have therefore based my decision on what I saw on site, together with the evidence before me.

Main Issues

4. The main issues in respect of Appeal A and B are

   i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;

ii) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;

iii) the effect of the proposal on the character and appearance of the area, and;

iv) if the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

5. The appeal sites lie within the Green Belt. National policy on development in the Green Belt is set out in the National Planning Policy Framework (2021) (the Framework), which advises that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. Most new development should be regarded as inappropriate, but for certain defined exceptions.

6. Policy SS10 of the Local Plan (2020) and paragraph 149 of the Framework lists exceptions to inappropriate development within the Green Belt and in doing so states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless the exceptions listed apply. Exception b) refers to 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.

7. There is a disagreement between the main parties about the existing use of the appeal sites. The parties agree that in 2010 permission was granted for part of the former nursery site to change to a livery. I have no evidence of permission being sought for the change of use of the appeal sites. Furthermore, notwithstanding the appellant's suggestion that the appeal sites have been in use for more than 10 years for the riding, grazing and exercising of horses, I have no evidence of this, nor of a Certificate of Lawful Existing Use to demonstrate that the sites are lawfully in use for equestrian purposes. As the stables are for equestrian purposes, the developments are not facilities that are in connection with the existing use of land or change of use.

8. In respect of Appeal A and B, therefore, the developments are not an appropriate facility for outdoor sport and recreation according to the terms of exception b) of the Framework and Policy SS10 of the Local Plan. As such, the proposals are inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Effect on openness of the Green Belt and purposes

9. The Framework states that "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." It has been established that openness has both a spatial and visual aspect.

10. In spatial terms, the footprint and massing of the developments proposed in Appeals A and B reduce the Green Belt's openness. Visually, although screened in part by soft landscaping, the buildings are clearly apparent in local views owing to the absence of built development around them. The buildings are, therefore, visually prominent and do not keep the land open. This harm to the Green Belt arising from the loss of openness and the conflict with Green Belt purposes is significant.

Character and appearance

11. The landscape within which the appeal sites sit is gently undulating with extended views from higher ground. Given the absence of development immediately surrounding the appeal sites, the area has a pleasing open and rural character. The appeal sites are bound, in part, by hedging which gives some vertical definition to the landscape and complements other hedging in the area which is an integral part of the Potteries and Churnet Valley character area and the Ancient Slope and Valley Farmlands character area.

12. The stables proposed in Appeal A are visually prominent, owing, in part, to the long blank elevation that faces south and its exposure to long distance views from this direction. The building is equally visually dominant in views from the public footpath. The hedge to the north helps to screen the building from views from this direction and the appellant's suggestion to screen the south elevation would help to do the same from this angle. Notwithstanding this, the stables, because of their scale and isolated position, appear unduly dominant in the landscape. Whilst the appearance of the stables complements their rural setting, this does not mitigate the harm found relating to their form, scale and position in the landscape.

13. In addition, there would be various comings and goings associated with the stables, including vehicle and pedestrian movements. These movements would be along the track which cuts across a large area of the open, rural landscape. As each stable would be rented out separately, the movement of people and vehicles would be separate from each other. This would exacerbate the prominence of the stables in the landscape and the harm identified.

14. The appellant suggests that a condition could preclude vehicles from the accessing the site, other than to move a horse on and off site. This would help to reduce the level of activity at the site but stables are associated with various activities including the delivery of bedding and foodstuffs. The suggested condition would not mitigate the visual harm associated with these activities.

15. The stables proposed in Appeal B are in an equally prominent location. However, the building is more readily screened by existing hedgerows and by being set further north than the stables in Appeal A, it is less obvious in long distance views. Nonetheless, the building would be accompanied by the independent movement of people and vehicles along the access track and across the wider landscape. Given the length of the access track, this would cause material harm to the character of the landscape.

16. In respect of Appeal A and B, therefore, for the reasons given, the developments are harmful to the character of the area and are contrary to

Policies DC3 and SS10 of the Local Plan which, amongst other things, seek development that protects and, where possible, enhances the quality and character of the local landscape.

Other considerations and very special circumstances

17. When determining applications, the Framework advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm resulting from the proposal, is clearly outweighed by other considerations.

18. The appellant draws my attention to other applications where the Council has given permission for stable blocks on land within the Green Belt. I do not have the full details of these cases to make fair and reasonable comparisons with the current appeals. Nonetheless, I note that development at Clough Lane and at Baileys Bank was adjacent to existing buildings which is not the same as at the stables under Appeals A and B. The stables at Springs Cottage Farm had the benefit of an earlier permission which is not the case for the current appeals. These applications, therefore, do not persuade me that the stables proposed should be granted permission.

19. I note the letter of support from a third party in respect of Appeal A. This carries limited weight in favour of the appeal.

20. I have concluded that the development in Appeals A and B is inappropriate development and is, therefore, by definition harmful to the Green Belt. I have also concluded that the proposals are harmful to the openness of the Green Belt. Substantial weight is given to these harms.

21. The 'other considerations' in this case carry limited weight in favour of the proposals and therefore do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the developments do not exist. As a result, the proposals do not accord with Policy SS10 of the Local Plan and the Green Belt policies outlined in the Framework.

Conclusion

22. For the reasons given above, I conclude that Appeal A and Appeal B are dismissed.

R Walmsley

INSPECTOR