The Planning Inspectorate

Appeal Decision

Site visit made on 1 March 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/B3438/W/21/3281667
Micklea Farm, Micklea Lane, Longsdon ST9 9QA

- 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 M Jones against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0538, dated 13 September 2020, was refused by notice dated 26 February 2021.
- The development proposed is stables.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development, removing those parts that do not refer to acts of development.

3. A building was in place at the time of my visit, although the plans which the Council determined the appeal application on were different to the building that was in place at the time of my visit. This included elevational alterations and the plans not containing a projecting gable. For clarity, I am considering the development as proposed, based on the plans the Council made a determination on.

Main Issues

4. The main issues are:

    - whether the proposal is inappropriate development in the Green Belt;
    - the effect of the proposal on the character and appearance of the area;
    - whether there is an essential need for the proposal to be located in the countryside having regard to local development plan policy; and
    - if the proposal is inappropriate development, 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 necessary to justify the development.

Reasons

Inappropriate Development

5. The appeal site is situated in the Green Belt. The National Planning Policy Framework (the Framework) states (at paragraph 149) that, other than in connection with a number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Policy SS 10 of the Staffordshire Moorlands Local Plan (Local Plan) states that strict control will continue to be exercised over inappropriate development within the Green Belt, allowing only for exceptions defined by Government policy.

6. One of the exceptions states that 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 are not inappropriate in the Green Belt as long as the facilities preserve its openness and do not conflict with the purposes of including land within it. Policy SS 10 of the Local Plan states that within the Green Belt, to only allow for exceptions defined in Government policy.

7. I note the Council has raised concerns on animals not being present on the site at various visits, but based on my site observations, although only a snapshot in time, animals were being kept on the site. I also note in this regard the details of the 2005 application[1]. As a double stable had been granted permission, this would indicate that animals were being kept on site. The application form on this same 2005 approval refers to grazing as the 'present use of land or buildings' which further lends support to this position. Despite the absence of a lawful development certificate, there is no clear evidence that the existing use of the land is for anything other than equestrian purposes.

8. The Council do not consider that the appeal building has been designed for its intended use and reference the design not meeting the Department for Environment, Food & Rural Affairs Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (DEFRA Code of Practice). This document provides guidance only and I have not been made aware of any policy which stipulates the size, design or type of construction requirements.

9. The proposal would have double skinned block walls and is said to be of an overly large size. However, based on the description of development and the amended plans which show a stable and a separate store / tack room, there is no compelling evidence that the use of the appeal building would be used for other purposes. The description of development references stables and this use is also shown on the submitted plan. Although the store does not form part of the description of the development, an ancillary store is not unusual in this form of development, as shown in the examples referenced by the appellant. The use of part of the building for the storage of machinery and equipment in association with the maintenance of the land could be controlled by condition if the scheme was otherwise acceptable. Given the above, the size of the stable room and the adjoining store would be commensurate with a small-scale equestrian use. In order to meet the exception at Paragraph 149 b), it is necessary for the facility to preserve the openness of the Green Belt and to not conflict with the purposes of including land within it.

[1] LPA Reference: SMD/2005/1249

10. A stable building previously existed on the appeal site, although I note that this building may have been constructed in a different orientation to that approved[1] by the Council. In any event, either the stable building or that approved by the Council have now been removed from the land. Although the appellant considers that the effect of the proposal on the openness of the Green Belt should be assessed based on the former wooden stable building, having regard to the case of *Athlone House Ltd v Secretary of State for Communities and Local Government and London Borough of Camden*, this assessment cannot be based on a historical position that no longer exists, whether that be the development as approved by the Council in 2005 or that which was constructed thereafter.

11. Although there is a building that currently stands on the appeal site, which was constructed after the removal of the former wooden stable building, this does not benefit from planning permission, and it cannot therefore be used as a comparison for the assessment of openness. As such, none of these comparators set the baseline position for my assessment of the proposal, which will be based on the site without any building.

12. As the proposal would introduce a building, where there is currently none, it would be harmful to the spatial aspect of openness. It would also be located close to Micklea Lane, where it would be clearly seen above any planting. As such, it would have a significant visual effect on openness.

13. Given the proposal would be located in the corner of the appeal site, it would not result in unrestricted sprawl and would safeguard the countryside from encroachment. None of the other purposes of including land within the Green Belt are relevant to the scheme and I do not therefore consider that there would be any conflict with the purposes of including land within the Green Belt.

14. It has also been advanced that the proposal could be considered as a replacement building, under the exception at paragraph 149 d). However, for the reasons set out, I do not consider that there is an existing building to be replaced.

15. I therefore conclude that the appeal proposal would be inappropriate development in the Green Belt. It would conflict with the Framework in this regard and it would be contrary to Policy SS 10 of the Local Plan which seeks, amongst other matters, for strict control to be exercised over inappropriate development in the Green Belt.

Character and Appearance

16. The appeal site is an area of land situated off a rural lane that contains intermittent buildings amongst areas of open land. The lane is bounded by hedges, trees and low stone boundary walls. These features, alongside the varying land levels provide views over the surrounding fields which give the area a verdant, rural character.

17. The proposed development would have a simple rectangular form and be of a single storey height. Although the building would be formed of blockwork, externally, it would be finished in horizontal timber cladding with wooden doors. As such, and despite its tiled roof, it would not appear as a domestic building but would rather have the appearance of an equestrian building typically seen in the countryside.

18. The building would be situated close to Micklea Lane but having regard to the presence of various buildings along the lane in the vicinity of the site as well as an established hedge separating it from the adjacent dwelling, whilst the proposal would be clearly seen from the lane, I do not consider it would be unduly prominent and appear incongruous in its rural setting.

19. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the area. As such it would not be contrary to Policies C 2, DC 1 and DC 3 of the Local Plan, which require, amongst other matters, for development to be well designed and reinforce local distinctiveness. It would also not be contrary to the Framework which seeks at paragraph 130 c) for development to be sympathetic to local character.

Countryside Location

20. Local Plan Policy SS 10 sets out, amongst other matters, that rural areas will only provide for development which has an essential need to be located in a countryside location. Local Plan Policy C 2 supports new recreation facilities including in the open countryside subject to certain criteria. The Council acknowledge that equestrian uses are generally required to be located in a rural area and I have no reason to disagree with this position. I have already found that the existing use of the land is for equestrian purposes and that the proposed building would be for stables, as per the description of development.

21. As such, I therefore conclude that the appeal proposal has demonstrated an essential need to be located in the countryside and it would not therefore conflict with Local Plan Policies SS 10 or C 2.

Other Considerations

22. The appellant has set out that the stable building sought would provide for the differing needs of a horse and donkey and enable an additional horse to be accommodated on the site. This is a matter that weighs in favour of the proposal.

23. My attention has been drawn to appeal decisions[2] on another site for stables and tack rooms as well as a number of approved planning applications. I am not aware of the full circumstances of those cases, but it is evident from the details presented that they turned on their own particular merits. I can confirm that I have dealt with this appeal based on the evidence before me.

24. I note the appellant erroneously constructed a building on the appeal site on the understanding that planning permission was not required and has subsequently sought to regularise the situation, including through discussions and amendments to the appeal scheme. These are not however matters that would alter my conclusions on the main issues.

Planning Balance and Conclusion

25. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special

[2] Ref: APP/B3438/W/21/3273785 and APP/B3438/W/21/3273788

circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

26. I attach moderate weight to the provision of a building that provides for the needs of the appellant's animals.

27. There would not be harm caused to the character and appearance of the area and there is an essential need for the development to be located in the countryside. These are however neutral matters and not ones which weigh in favour of the development.

28. With this in mind, the substantial weight I have given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.

29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR