

Appeal Decision

Site visit made on 1 September 2016

by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/C4235/W/16/3143223

Holly Farm, Torkington Road, Hazel Grove, Stockport, SK7 6NP

- 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 T Booth against Stockport Metropolitan Borough Council.
 - The application Ref DC059449, dated 12 August 2015, was refused by notice dated 12 October 2015.
 - The development proposed is the importation of soil to Holly Farm.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both the appellant and the Council have identified the development as being *retrospective* within the description of development. Whilst on the basis of my observations of the appeal site I would accept this to clearly be the case, I have nevertheless omitted the reference within the description of development to the scheme as being retrospective, and have focussed the description solely on the development in question.
3. In considering the planning application, the Council had also highlighted within a reason for refusal that the appellant had failed to demonstrate that best and most versatile agricultural land would not be lost, or that its loss would not be outweighed by other factors. The appellant has subsequently submitted an Agricultural Land Classification including the sampling of top and subsoil layers, which classifies the appeal site as being Grade 3 (b) low quality agricultural land. As a consequence of the additional evidence, the Council has indicated that the submitted soil analysis has satisfactorily overcome the reason for refusal, a conclusion with which I would agree. The appeal therefore now focusses solely on matters related to the impact of the development on the Green Belt.

Main Issues

4. The main issues are:
 - whether the proposed development would amount to inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect on the openness of the Green Belt and the purposes of including land within it;
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- if the development is deemed inappropriate, whether the harm to the Green Belt 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.

Reasons

5. The appeal site was formerly comprised of a sloping parcel of land situated within Holly Farm, which provides wider facilities for the accommodation and grazing of horses. Further to the importation of the soil, the land has essentially been graded to provide a 'level' grassed field, which is defined on the eastern and southern boundaries by existing hedgerows, with the remaining boundaries indicated by sloping banks and post and wire fencing.

Whether inappropriate development

6. Paragraphs 87-89 of the Framework state that inappropriate development 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 and "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 90 of the Framework also sets out certain other forms of development which are also not inappropriate in Green Belts, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.
7. The listed exceptions in paragraph 89 of the Framework address the construction of new buildings within the Green Belt, which would not be applicable in this instance. Turning to paragraph 90, I note that the Council has concluded that the importation of rubble and soil would not accord with any of the listed exceptions. However, whilst I accept that such a specific description of the works as undertaken is not incorporated within the exceptions set out in the paragraph, I consider that it would be reasonable to describe the works as amounting to an engineering operation, which is included within the listed exceptions. Nevertheless, I note that the exceptions set out within this paragraph are explicitly subject to the preservation of the openness of the Green Belt and the purposes of including land within it.
8. In this respect, whilst the exact amount of imported material has not been quantified within the submitted evidence, it is evident that the importation of a substantial amount of material would have been required to complete the operation. The effect of the works in replacing the previously sloping land with a more level surface has been to artificially raise the land by approximately 2 metres at the deepest point along the western and northern boundary between the appeal site and the neighbouring field, with the depth of the infill gradually reducing moving broadly eastward across the appeal site. This inevitably has resulted in a limited impact on the openness of the Green Belt as a consequence of the changes to the natural contours of the land, and the introduction of an evidently man-made and comparatively uniformly graded slope.
9. Paragraph 80 of the Framework highlights that the Green Belt serves five purposes, including checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns from merging into one another; safeguarding

the countryside from encroachment; preserving the setting and special character of historic towns; and assisting in urban regeneration by encouraging the recycling of derelict and other urban land.

10. The Council has not highlighted any conflict with the five purposes as set out at paragraph 80, and on the basis of my observations on site I would agree with this conclusion. However, as a consequence of the limited impact on the openness of the Green Belt, there would be conflict with the essential characteristics of Green Belts as set out at paragraph 79 of the Framework, and specifically the openness of the Green Belt, and therefore the development fails to accord with paragraph 90 of the Framework. I therefore attach substantial weight to the harm arising due to the inappropriate nature of the development. In this respect, the proposal would also be contrary to saved Policy GBA1.2 of the Stockport Unitary Development Plan Review 2006 (the UDP Review), which the Council has cited as comprising its position related to development in Green Belts.

The effect on the Green Belt and the purposes of including land within it

11. As I have already highlighted in paragraph 10 above, whilst there would not be a conflict with the five purposes of the Green Belt, there would be a limited impact on openness, which is identified as one of the two essential characteristics of Green Belts.

Other considerations

12. I have identified that the proposal would amount to inappropriate development in the Green Belt, and the presumption against inappropriate development would mean that this harm alone attracts substantial weight. The development would also have a limited adverse effect on the openness of the Green Belt, and would therefore be contrary to the essential characteristics of the Green Belt as set out in the Framework.
13. I have carefully considered the submissions from the parties in respect of the anecdotal evidence related to the provenance of the rubble on the appeal site, the uncertainty over its depth, the need to exclude animals from the appeal site, and the absence of any documented planning permission for the original deposition of these materials on the appeal site. In this respect, I have noted the appellant's contention regarding the commercial and practical benefit of the importation of materials rather than the excavation of the existing rubble, particularly in light of the uncertainty over the extent of the deposited materials, and the benefit of bringing the land back into use for animals, both of which I consider would be matters which would attract some limited weight in support of the development. Furthermore, whilst I have had regard to the submitted evidence regarding the provenance of the materials and the absence of planning permission, I do not consider these to be matters which have any significant bearing on my decision, but to be matters to be addressed separately by the parties beyond the parameters of this appeal.
14. The appellant has contended that the development meets an identified need within the business for the provision of a dedicated outdoor area for horses with injuries or during convalescence, with the land providing the opportunity to 'visually' separate these horses from the healthy as a means of aiding their recovery and avoiding additional injury. This has been highlighted as facilitating

diversification of use as a means of supporting the viability of a small farm within the urban fringe.

15. In this respect I have no reason to doubt the merits attached to the separation of injured horses from healthy horses as a means of aiding their recovery or that a change in levels combined with planting would provide such a solution. However, I would agree with the Council's concern that the appellant has not submitted any detailed or substantiated evidence to support the contention that there are no other available options to allow the provision to be met in this regard within the extent of the farm, beyond an assertion that there is no other available land. Whilst I have noted the appellant's suggestion that a 2 metre high fence would have the same affect but would be visually more intrusive, the erection of such fencing would also require the benefit of planning permission and assessment against national and local Green Belt policies. Nevertheless, whether such an alternative approach would or would not be acceptable in the context of the Green Belt is not a question which is formally before me, and does not distract from the omission of sufficient justification that the approach taken is the only option, or that the viability of the existing business would be reliant on the diversification of the use as indicated. I am not therefore persuaded that these matters would provide any significant weight in support of the development.
16. I have noted that the land is also located within the Hazel Grove – High Lane Landscape Character Area, but that the Council have not raised any concerns over conflict with the objectives of the designation. I have also noted the Council's consultee response in respect of land contamination, and the absence of neighbour objections. However, these would be neutral factors and would not weigh in support of the proposal.

Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations

17. Notwithstanding the harm identified above, I have had careful regard to the contended benefits of the development as advocated by the appellant, but do not conclude on the basis of the information provided that these would carry any more than limited weight in favour of the proposals. As a consequence, these would not be sufficient to clearly outweigh the harm to the Green Belt and other harm. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

18. For the reasons above, and having regard to all matters before me, the appeal must be dismissed.

M Seaton

INSPECTOR