

Appeal Decision

Site visit made on 26 October 2016

by **Alexander Walker MPlan MRTPI**

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

Decision date: 11 November 2016

Appeal Ref: APP/M3455/W/16/3155463

Woodlands Farm, Cocknage Road, Cocknage, Stoke-on-Trent ST3 4AB

- 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 Sydney Phillimore against the decision of Stoke-on-Trent Council.
 - The application Ref 59634, dated 31 March 2016, was refused by notice dated 20 May 2016.
 - The development proposed is stable and dog kennel buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the proposed works had already been completed. Accordingly the proposal seeks to retain the stable and dog kennel buildings. I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to relevant development plan and national planning policies, taking into account the effect on the openness of the Green Belt and the purposes of including land within it; and
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development, Openness and Green Belt Purposes

4. The appeal site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their permanence and openness. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. However, there are
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exceptions to this presumption against development in the Green Belt. One such exception is the *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.*

5. Saved policy GP1 of the Stoke-on-Trent Local Plan 1990-2001 (1993) (Local Plan) deals with development in the Green Belt and specifies outdoor sport or recreational uses as being an exception to the general presumption against development in the Green Belt. Whilst this policy pre-dates the Framework, it is nevertheless consistent with it and therefore I attribute it full weight.
6. The Council confirm that the stables and kennels are used in association with the residential use of the main dwelling and therefore are considered to be appropriate facilities for outdoor recreation. Based on the evidence before me and my own observations made on site, I find no reason to disagree with this view. However, the development can only be considered not inappropriate development in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.

Openness

7. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
8. The appeal site forms part of a large site comprising a detached dwelling with gardens; a complex of large buildings which appear to be used for commercial purposes; large areas of hardstanding for parking and storage; and, a manege. Both parties confirm that the previous use of the site was for livery stables.
9. The Council has provided aerial photographs taken prior to the construction of the stables and kennels, which indicate that the land on which they are situated was previously undeveloped open land adjacent to the existing manege. The appellant does not dispute this.
10. Both buildings are single-storey, timber constructions. The buildings are located within proximity of the high, close-boarded timber fence boundary with the adjacent highway, Cocknage Road. As a result, much of the buildings are screened from views from the adjacent highway. Furthermore, the land falls from west to east and as a result the ground level of the buildings is below that of the road.
11. The appeal site is located on the side of a hill with an open aspect to the east. As a result, the buildings enjoy clear, uninterrupted views of properties located on the fringe of the urban development to the east. Therefore, views from these properties and nearby roads, including the entrance road to the nearby quarry, as evidenced by the Council, would enjoy equally uninterrupted views of the appeal buildings. However, the buildings would be read against the backdrop of woodland and in the context of the larger building complex. Overall, I find that the development would not represent an unacceptable visual intrusion.

12. However, despite my finding that no visual harm arises from the development, I find that the erosion of three-dimensional space arising from the overall size of the buildings would in itself result in an erosion of openness, which would conflict with paragraph 79 of the Framework which identifies openness as an essential characteristic of Green Belts. Accordingly, I attribute significant weight to the effect it would have on openness.
13. Furthermore, the addition of the stables and kennels on what was previously undeveloped open land introduces a built form where there was previously none. I acknowledge that there are other buildings on the wider site; however, the buildings extend and consolidate the overall built form of the site in a westerly and southerly direction, encroaching further into the countryside. Therefore, it fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within it, in particular safeguarding the countryside from encroachment.
14. As such, the development does not satisfy any of the exceptions set out in paragraphs 89 of the Framework. I find therefore that it is inappropriate development, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances¹.

Other Considerations

15. Paragraph 88 of the Framework states 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, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness and the conflict with the purposes of including land within it so as to provide the very special circumstances required to justify a grant of planning permission.
16. The appellant states that the kennels are required to accommodate three working dogs; two of which are gun dogs and one is a security dog. Due to the working nature of the dogs, the appellant does not want them located directly adjacent to the dwelling due to his young children, presumably for safety reasons.
17. The stables have been located adjacent to the manege and within short distance from the dwelling for ease of access. Similarly, the kennels have been located close to the stables so that all of the animals could be attended to at the same time. I also note that the stables have been utilised during lambing season for shelter.
18. Whilst I appreciate the convenient accessibility of the buildings, the safety reasons, and their provision of animal welfare, I do not find that these matters, individually or cumulatively, amount to the very special circumstances required to clearly outweigh the harm to the Green Belt.

Summary

19. The appeal scheme has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and

¹ Paragraph 87 of the Framework

the conflict with the purpose of including land within it. In accordance with national policy, such harm carries substantial weight, which the other considerations put forward by the appellant do not clearly outweigh. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal would fail to comply with saved Policy GP1 of the Local Plan and the Framework.

Conclusion

20. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR