
Appeal Decision

Site visit made on 15 November 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/B2355/W/16/3156194

Carter Place Stables, Hall Park, Haslingden, Rossendale BB4 5BQ

- 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 Leo Wrigley against the decision of Rossendale Borough Council.
 - The application Ref 2015/0453, dated 29 October 2015, was refused by notice dated 10 February 2016.
 - The development proposed is the demolition of a steel frame equine building, the removal of two wagon bodies and the erection of a single storey detached dwelling and a garage and the creation of a garden area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Correspondence has been received which questions land ownership. I note that Certificate B has been signed. This matter appears to be a longstanding dispute and ownership issues of this nature are a private matter between the relevant parties and not within my jurisdiction.

Main Issues

3. The main issues are:
 - i. Whether or not the proposal is inappropriate development in the Green Belt; and
 - ii. 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

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

4. The appeal site comprises a group of stables, ancillary structures and a riding arena used for livery purposes and for breeding horses. Two existing former wagon bodies and a steel frame equine building are proposed to be removed and a single storey detached dwelling and garage are proposed along with the
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creation of a garden area. There is currently no residential use on any part of the appeal site.

5. Although both parties make reference to the development plan policies, they have primarily relied on the National Planning Policy Framework (the Framework). In refusing the planning application the local authority has made no reference to the specific development plan policies in the decision notice itself.
6. The site is situated in the Green Belt. Paragraph 89 of the Framework indicates that, other than in the case of a few exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Under Paragraph 89 the partial or complete redevelopment of previously developed sites, which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development is one such exception.
7. It is agreed between both parties that the proposal would constitute redevelopment of previously developed land. The appellant contends that the proposed dwelling with the garage would result in a reduction in the footprint and overall volume of buildings across the site and therefore would increase the openness of the Green Belt. In its Written Statement the local planning authority does not dispute that the proposal would be smaller in volume than the existing equestrian building.
8. However, in dealing with a previous appeal for this site the inspector states that "openness goes beyond a numerical calculation". This is also an important consideration in determining the current appeal and, in accordance with the provisions of Paragraph 89 of the Framework openness is not purely numerical but also requires an assessment of impact in terms of the overall purposes of including land within the Green Belt.
9. Openness is not merely defined by comparing the size, mass and physical effect of a building or buildings before and after development. Such an approach would be far too simplistic and ignore the wider aspects of openness which go beyond the physical effect of buildings. Consequently, although it may be accepted that the proposal to redevelop a brownfield site may result in a reduced volume and footprint compared to the buildings and structures currently in place, there are wider factors that must be taken into account in defining the effect of the proposal on openness. This approach is clear from the previous appeal on the site *APP/B2355/A/14/2211358*.
10. In assessing the matter of openness there are a number of ways of determining whether there would be encroachment into the Green Belt. The effect of development as encroachment on the countryside may be in the form of loss of openness or intrusion. The Framework identifies that openness is an essential characteristic of the Green Belt.
11. One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment. The existing steel frame building and other structures on site are typical of buildings associated with equestrian related activity in the countryside. However, the proposed dwelling and garage would contrast greatly with the surroundings and would have the appearance of a development more typically found in urban areas. As well as the proposed buildings the proposal would include a parking area, fencing,

paving and other domestic type landscaping and would also be likely draw a range of domestic paraphernalia. This is partly evident from the remnants of the previous domestic use which I observed on site.

12. Consequently, by not complying with the listed exception the scheme would be inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering a planning application substantial weight should also be given to any harm to the Green Belt.
13. Although I agree that there is a clear distinction between openness and visual impact itself and that it would be contrary to the principles of the Framework to come to a conclusion on openness based on visual impact alone, there is a spatial aspect to the Green Belt and the absence of visual intrusion does not automatically lead to a conclusion that there is no impact on the openness of the Green Belt.
14. The proposed development would contrast greatly with the less formal mix and arrangement of buildings and uses on site at present. Given the prominence of the site from Hud Hey Road and also glimpse views from elsewhere around the area I find that the proposal would have an urbanising effect on this part of the Green Belt. Consequently, it would fail to meet the key objective of safeguarding the countryside from encroachment.
15. I have taken account that the site is close to a mobile home park which can also be clearly seen from Hud Hey Road. However, the appeal site is in an elevated position and the mobile homes are set at a lower level and are partly screened by existing landscaping and trees. The appeal proposal would be seen as being distinct from the existing mobile homes and is in a relatively isolated and exposed position when viewed from Hud Hey Road. I understand that over time proposed landscaping may screen the proposed development. However, during the time taken for the landscaping to establish and mature the development would be visually prominent and intrusive in its surroundings.
16. I therefore conclude that although the proposal would constitute the redevelopment of previously developed land, it would have a greater impact on the openness of the Green Belt than the existing development on the site. As such, it would conflict with one of the purposes of including land within it. Consequently, I find that the proposal is inappropriate development, which, by its definition, is harmful to the Green Belt and should not be approved except in very special circumstances. It therefore conflicts with the provisions of the Framework.

Other Considerations

17. The appellant argues that the proposal is not inappropriate development on the grounds that it is defined by the final bullet of Paragraph 89 of the Framework as one of the exceptions that may be allowed in the Green Belt. Therefore, in the Appeal Statement he does not seek to demonstrate that there are very special circumstances necessary to justify why the harm by reason of inappropriateness is outweighed by very special circumstances.
18. Consequently, there is no evidence before me which demonstrates 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.

Other matters

19. I have taken account of the site's planning history, various planning appeal decisions before me, including previous appeal decisions for this site and other cases nearby. I have also taken into account representations from interested parties. However, I have considered the current proposal on its own merits. Although similar developments may have been permitted elsewhere I have given them limited weight given the specific circumstances of the appeal site and its surroundings. In any case, my conclusions on the main issues are consistent with other appeal decisions.

Conclusions

20. Although both parties have referred to policies in the development plan, I have nothing to indicate that they would be determinative in this particular case where guidance in the Framework is clear with respect to the approach to development in the Green Belt.
21. The proposal would result in the partial redevelopment of previously developed land. However, as demonstrated above, it would have a harmful effect on the openness of the Green Belt and the purpose of including land within it. Consequently, it would be inappropriate development. The Framework states clearly that inappropriate development is harmful to the Green Belt, and that substantial weight should be attached to that harm.
22. I do not consider that very special circumstances have been demonstrated and therefore, in the context of the substantial weight that is attached to inappropriate development in the Green Belt, I consider that no clear benefits have been demonstrated which outweigh the harm caused by reason of inappropriateness. The very special circumstances necessary to justify the development do not exist and therefore the proposal does not constitute sustainable development as defined by the Framework.
23. For this reason, and having regard to other matters raised, I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR