
Appeal Decision

Site visit made on 1 November 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 9th January 2017

Appeal Ref: APP/Z4718/W/16/3155993

Land off Lane Head Road, Shepley

- 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 S Blyth against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/90650/E, dated 24 February 2016, was refused by notice dated 25 May 2016.
 - The development proposed is the erection of stables.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ("the Framework") and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt, and;
 - (c) 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 in Green Belt

3. The appeal site comprises a small disused piece of land, close to Lane Head Road. It contains two small outbuildings, a wooden garage in poor condition and a stone building with a corrugated iron roof. The appeal proposal would create a stable facility that could accommodate up to 3 horses, including a horse box (trailer) store and a feed store/tack room.
 4. Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is the provision of appropriate facilities for outdoor sport or outdoor recreation, so long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
-

5. It is common ground between the parties that the proposal would amount to a facility for outdoor sport and recreation. It would therefore be capable in principle of meeting this exception. However, paragraph 89 also requires that such proposals are "appropriate". In this case, the appeal site is only 0.1 hectares in size and does not contain sufficient land for the horses to be grazed or exercised. There is limited information before me as to where any grazing or exercise of the horses would take place, and it does not appear practical to transport up to 3 horses on a regular basis to land elsewhere. For these reasons, I do not consider that the proposal would constitute an appropriate facility for outdoor sport and recreation. It would therefore not comply with the relevant exception at paragraph 89 of the Framework.
6. The appellant has not sought to argue that the proposal would meet any of the other exceptions listed at paragraph 89 of the Framework, and it does not appear to me that it would do so. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

7. There are currently two domestic buildings on the site, which are modest in scale. The proposed stables, attached feed store/tack room and horse box (trailer) store would occupy a greater built footprint and would have a greater built volume than the existing structures. The Framework advises at paragraph 79 that openness is an essential characteristic of Green Belts, and the appeal proposal would therefore cause harm by reducing openness.
8. Whilst the development would be partially screened from view by existing trees and bushes, which would be retained, it would still be clearly visible from the road and other public vantage points. This consideration would not alter the loss of openness associated with the proposal. In view of these points, I conclude that the appeal proposal would fail to preserve the openness of the Green Belt.

Other considerations

9. The site is currently disused and the garage building in particular is in a poor state of repair. The appellant states that the proposal would visually improve the appearance of the site. However, the current condition of the land does not significantly detract from the appearance of the area in my view. In any event, the condition of land is a management responsibility for the owner.
10. In addition, the appellant states that the proposal would allow for the better use of the land, which is currently useless to the owner. However, this would be solely a private benefit.

Other Matters

11. The development would use the existing access onto Lane Head Road that is utilised by the adjacent property. Whilst this access would be onto a busy main road, there is good visibility in both directions and I am satisfied that it would not prejudice highway safety. In this regard I note that the Council's Highways section did not object to the development.

12. The appeal site is just outside the boundary of the Shepley Conservation Area. However, the proposed buildings would be relatively small in scale and would be of a design and materials that would be appropriate to a rural location. Accordingly, the appeal proposal would not harm the setting to the conservation area. For the same reasons, the development would not have any unacceptable visual impact on Toll Bar House, which is not listed.
13. A number of interested parties have raised concerns regarding the apparent lack of storage facilities for manure and other waste products. However, from the arguments put to me, this matter appears to be subject to other legislation, and it therefore carries no weight in my decision.

Conclusion

14. I conclude that the other considerations in this case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The development would therefore be contrary to Policy D10 of the Kirklees Unitary Development Plan (1999), and guidance contained in the Framework.
15. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR