
Appeal Decision

Site visit made on 24 January 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/R3705/W/16/3163176

Moor Farm Stables, Wall Hill Road, Corley Moor, Corley CV7 8AP

- 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 Mrs Liz White against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0091, dated 12 February 2016, was refused by notice dated 18 May 2016.
 - The development proposed is the erection of an equestrian indoor practice arena.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The development was described originally as retrospective and from my site visit it was clear that the indoor practise area had already been erected, completed and was in use.
3. Planning permission was granted for the erection of an indoor practise arena in 2014¹. That arena was to be positioned roughly in the same position as that now built, but was to be shorter in length and height than that now built and partly set into the ground.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties in respect of their outlook;
 - if the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

¹ PAP/2014/0533

Reasons

Inappropriate development

5. The site is within the Green Belt. The explanatory text to Policy NW3 of the North Warwickshire Core Strategy (NWCS) advises that there is a general presumption against inappropriate development in the Green Belt. Paragraph 87 of the Framework is clear that inappropriate development is harmful to the Green Belt. I can therefore give substantial weight to Policy NW3 as it accords generally with the advice in paragraph 87 of the Framework.
6. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. However, it adds that an exception to this is the provision of appropriate facilities for outdoor sport or outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
7. It is not disputed by the parties that the development is a facility for outdoor sport or recreation, but the Council consider that it is not an appropriate facility as the building is around 1.5 metres taller than that granted planning permission. I do not consider the extra height means the building is necessarily not an appropriate facility, as it provides the same function as the arena previously permitted.
8. It is agreed between the parties that the five purposes of the Green Belt as listed in paragraph 80 of the Framework are not affected by the proposal, and I have no reason to come to a different view. The remaining consideration as to whether the development is not inappropriate is whether the building preserves the openness of the Green Belt.
9. There is a row of trees that runs along the boundary of the site with Wall Hill Road. Supplementary planting has been provided to help thicken up this vegetation and provide a better screen. However, during the winter months as was the case at the time of my site visit, the building does appear prominently from Wall Hill Road and I do not consider the additional planting, even when fully grown, would be likely to mitigate its prominence completely.
10. Moreover I saw that the building is visible from a number of longer distance viewpoints, such as from along the footpath which flanks the south side of the M6 motorway and from points to the north along the B4102 which runs between Fillongley and Meriden. From these locations the building is set against the backdrop of trees and seen in the context of the other farm buildings, and I note some planting has been provided just in front of the building which may help to lessen the visual effect in time. Nonetheless the size and height of the arena make it visually conspicuous.
11. I recognise the Landscape and Visual Impact Assessment assesses the impact of the development as low. However this assessment is not directly comparable to an assessment of the effect on openness as required by the Framework. Overall, taking account of short and long distance views, I consider the building does not preserve openness visually.
12. Furthermore, the effect of the development on openness includes a spatial impact as well as its visual impact. Due to its scale, height and partly elevated position, the building dominates the site. Therefore the spatial openness of the site, and the Green Belt, is compromised.

13. As such, I consider the development, visually and spatially, does not preserve the openness of the Green Belt and, furthermore, that the degree of harm is significant. The proposal is inappropriate development. Paragraph 87 of the Framework says inappropriate development is, by definition, harmful to the Green Belt and shall not be approved except in very special circumstances. It is therefore necessary for me to consider whether any other harm is caused by the proposal and then balance the other considerations against the totality of that harm.

Living conditions

14. There are a small number of properties opposite the site on Wall Hill Road which directly face the development. Although the building does appear prominently from these properties it is separated from them by the width of the road and the vegetation on the site and on the highway verge. As such its impact on these properties is softened. Whilst, as set out above, I consider the building does not preserve visual openness in this vicinity, I do not consider it harms the living conditions of these neighbouring residents. Therefore the development accords with Policy NW10 of the NWCS which seeks to ensure development avoids unacceptable impacts on neighbouring properties.

Other considerations

15. I note the Council considered the building granted planning permission would not have been inappropriate in the Green Belt. However the building on site is materially larger in terms of its length and its height and, because it is partly elevated, appears significantly higher. As such I give little weight to the extant permission. Similarly although the building has no windows facing the neighbouring properties, I do not consider this is necessarily an advantage of the development as the previous proposal was considered acceptable by the Council.
16. The timber walls do appear striking as they are new, but they will weather over time and this would help the building to blend in with its context. Also the building does appear to be well constructed and generally has an agricultural design. However these factors do not address the size of the building which is the main source of its effect on openness. As such I give limited weight to this consideration.
17. The evidence presented does suggest that the erection of the building different from that granted permission was a genuine mistake by the appellant. Furthermore, substantial evidence has been provided to demonstrate that the cost of removing the existing building and constructing the building which has planning permission would be such that the business would no longer be viable, and would lead to its closure.
18. It is clear from the level of support for the scheme, that the stables provide a valuable facility for many sections of the community including children, the disabled and elite equestrians. I also accept that paragraph 28 of the Framework does lend support to the growth of businesses in rural areas. However I have no evidence to suggest that the removal of the existing structure alone and the subsequent absence of any indoor arena, which may be the consequence of my decision, would necessarily result in the closure of the business. As such, after careful consideration of this matter, I give it only moderate weight.

19. Furthermore whilst I recognise the advantages to the business of the indoor arena over the other outdoor arenas on site, there is little evidence to demonstrate that the building is required to be the size it is and that a smaller building such as that already consented, would not suffice. As such I give limited weight to this matter.

Planning Balance and Overall Conclusion

20. The Framework advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. I consider that the development causes significant harm to the Green Belt by way of its inappropriateness and substantial weight should be given to this harm. Balanced against that are the other considerations identified above.
21. For the appeal to succeed the combined weight of the other considerations must clearly outweigh the harm arising. Whilst the combined weight of the other considerations is considerable, I conclude that it does not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.
22. Consequently, the development conflicts with Policy NW3 of the NWCS and the Framework which aim to protect the Green Belt from inappropriate development, and Policy NW12 and NW13 of the NWCS which require development to protect the character and quality of the environment.
23. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR