
Appeal Decision

Site visit made on 4 April 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 8 May 2017

Appeal Ref: APP/B3030/W/16/3166076

Land Opposite the Old Volunteer Pub, Caythorpe Road, Caythorpe, Nottingham NG14 7EB

- 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 Cundy Farms against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00923/FUL, dated 7 June 2016, was refused by notice dated 11 October 2016.
 - The development proposed is Replacement of existing sheds with stables.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the appellant was given as 'Cundy' on the application form. The right of appeal can only legally be exercised by the applicant. It has however subsequently been confirmed that the correct name of the applicant is 'Cundy Farms' and the appeal has been determined under this name.
3. The appellant has indicated that the ridgeline of the proposed building could be lowered. The Inspectorate's published guidance¹ explains that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I have therefore determined the appeal on the basis of the plans which were considered by the Council.

Main Issues

4. The main issues are:
 - (a) Whether or not the proposed development would constitute inappropriate development in the Green Belt taking into account its effect on openness; and
 - (b) If the proposal would be inappropriate development in the Green Belt, whether the harm 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.

¹ 'Procedural Guide Planning appeals – England', Planning Inspectorate 2016 – paragraph M.2.1

Reasons

Inappropriate development

5. Paragraph 89 of the National Planning Policy Framework (the 'Framework') establishes that the erection of new buildings in the Green Belt is, subject to specified exceptions set out in its 6 bullet points, inappropriate.
6. The new stable block would be used in connection with the use of the adjacent land as a horse paddock, which is identified as covering an area of 3.62 hectares. It would, according to the evidence before me, support the use of the land for outdoor recreational use. Under bullet point 2 of paragraph 89, a new building which provides appropriate facilities for outdoor recreation is not inappropriate as long as it *'...preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'*.
7. The new building would also replace 3 existing buildings. I have no reason to doubt the appellant's view that the site constitutes previously developed land. Under bullet point 6 of paragraph 89, the redevelopment of such a site is not inappropriate provided the new development would not *'...have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*. The concept of Green Belt openness for the purposes of bullet points 2 and 6 includes a spatial and a visual aspect, although the latter is separate from issues concerning character and appearance which I address later.
8. The proposed building would enable buckets and other items, which are currently stored externally, to be stored internally. However, its length of 32.9 metres would be almost double the combined length of the existing structures which would be replaced². Its ridge height of 4.74 metres would considerably exceed that of the highest of the existing buildings. The Council has estimated, and I have no reason to doubt, that the overall volume of the building would be 194% of the combined existing volume.
9. I acknowledge that when viewed 'end on' the existing buildings appear quite wide in combination due to an 'offset' in their alignment. The hedging along the north boundary of the site, which could be strengthened by means of further planting, would reduce the apparent effects of the proposal on openness when viewed from Caythorpe Road. However, these points do not fully mitigate these effects.
10. I conclude that the new building would not preserve the openness of the Green Belt and would therefore not fall into the exceptions to 'inappropriate development' set by bullet points 2 and 6 of paragraph 89. As it would be much larger than the existing buildings in combination it would also not fall under bullet point 4. None of the other exceptions in paragraph 89 apply. As it would not be in an urban area the proposal would not be consistent with the 5th bullet point of paragraph 80 of the Framework. Its effects on openness mean that it would conflict with the fundamental aim of Green Belt policy.
11. I acknowledge that Spatial Policy 4B of the Newark and Sherwood Core Strategy 2011(NSCS) is focussed in part upon housing and employment

² All measurements in my decision are taken from the submitted plans. According to these plans the existing buildings have a length of 5, 6 and 6.2 metres respectively i.e. a total of 17.2 metres

development. However, its last line states that '*other appropriate development in the Green Belt will be judged according to national Green Belt policy*'.

12. I conclude that the proposal would constitute inappropriate development in the Green Belt as defined in the Framework and in Spatial Policy 4B of the NSCS. Under paragraph 87 of the Framework inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

Other Considerations

13. I acknowledge that the proposed building would have a simpler overall form than the 3 existing structures and that stables are a common feature of the rural landscape. The extra storage capacity would help to tidy up the appearance of the site. Extra planting, for example within any gaps in the hedgerow on the northern side of the site, could be required by condition. I also acknowledge that if as seems likely the existing buildings were substantially completed more than 4 years ago they would be immune from any enforcement action by the Council. However, these points are countered by the substantial bulk and height of the proposed building, which would be apparent for example in views from the access to the Caythorpe Cricket Club. The large expanses of sheeting on its roof would also, notwithstanding their proposed green colour, have a rather utilitarian appearance. I consider that the overall effects of the proposal on the character and appearance of the site would be neutral.
14. I acknowledge that the proposed building would provide improved accommodation for the horses within the site. I also have no reason to doubt that 6 horses could be accommodated as proposed on the appellant's land without conflicting with welfare requirements and that the scale of the building would enable more horses to be accommodated comfortably on the land than at present. However, whilst these points weigh positively in the planning balance it is not clear that the land could not be productively used without a building of the size and height proposed. No other substantive public benefits arising from the proposal have been drawn to my attention.
15. I have noted the examples of stables which have been approved elsewhere in the district. However, these have not substantially affected my consideration of the appeal proposal which I have assessed as I must on its own merits.
16. I acknowledge that there is no evidence that the existing buildings provide a habitat for bats or nesting for birds and that the proposals are acceptable in terms of flood risk, access and evacuation procedures. However, these points constitute a lack of harm in relation to these matters rather than positive benefits that would arise from the proposal. Whilst I have noted the views of officers working for the Council these do not constitute significant material considerations.

Conclusions

17. Against the proposal, I have found that it would constitute inappropriate development in the Green Belt. Paragraph 87 of the Framework establishes that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight be given to such harm.

18. Whilst I have identified some other considerations which weigh in support of the proposal, having regard to the points which I have set out earlier these carry only moderate weight at most. Consequently, I find that the other considerations in this case would not, considered cumulatively, clearly outweigh the harm that I have identified. Therefore, the very special circumstances needed to justify the development do not exist. The proposal would also not accord with the development plan or amount to sustainable development in the terms of the Framework.
19. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR