
Appeal Decision

Site visit made on 25 April 2017

by Iwan Lloyd BA BTP MRTPI

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

Decision date: 19.05.2017

Appeal Ref: APP/D2320/W/17/3166752

Hill View Stables, Buckholes Lane, Higher Wheelton, Chorley PR6 8JL

- 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 Asakir Asghar against the decision of Chorley Borough Council.
 - The application Ref 16/00368/FUL, dated 19/04/2016, was refused by notice dated 22/12/2016.
 - The development proposed is replacement of stable block and temporary storage buildings with new timber stable and equestrian storage building.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of stable block and temporary storage buildings with new timber stable and equestrian storage building at Hill View Stables, Buckholes Lane, Higher Wheelton, Chorley PR6 8JL in accordance with the terms of the application, Ref 16/00368/FUL, dated 19/04/2016, and the plans submitted with it, subject to the conditions in the schedule below.

Site, surroundings and the proposal

2. The existing stables are situated to the east of High Wheelton adjacent to Buckholes Lane within the Green Belt designation. The site comprises a linear stable block of 8 stalls situated alongside the established hedge and tree landscaping bordering the highway. Fronting the stables is a concrete apron and a ménage. There are also storage units stationed on land, a caravan and an area of hardstanding adjoining the access from the highway. The remainder of the unit is grazing land.
 3. The proposal would be to replace the existing stables with a new building incorporating an internal central corridor leading to stables either side, totalling 6 stalls, storage room for straw and a tack room. There would be a central door leading into the corridor under the apex of the dual pitch building. The concrete apron would be largely retained but the building would occupy a more central position between the hedge and the ménage. The caravan is shown to be removed and so are the storage units. Additional landscaping is proposed between the parking area and boundary fence and between the ménage and the parking area. The appellant indicates that the revised plan was reduced in size and now comprises an area of 171m².
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4. The reason for the proposal was to reduce the coverage of storage units on the site and to incorporate them into the new building, provide stabling for the appellant's horses and to improve site security.

Planning Policy

5. The Council has referred to the Central Lancashire Rural Development Supplementary Planning Document (SPD) adopted in 2012. This in turn provides advice on equestrian development in section F of this document. The Council also refers to Policy BNE5 of the Chorley Local Plan, but has offered no explanation or copy of the policy and how it is engaged in relation to the proposed development. The appellant draws support for the proposal from the second, third, fourth and sixth bullet point of paragraph 89 of the National Planning Policy Framework (the Framework).
6. The appellant in later submissions has solely relied on the third bullet point of paragraph 89. This explains that the construction of new buildings are inappropriate in the Green Belt, with the exception of the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

Main Issues

7. The main issues are;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, and, if so,
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, if so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the development is inappropriate development in the Green Belt

8. The existing building is reported to be 118m² and the proposal would amount to 53m² additional floor area. There is no measure in the Council's SPD on this type of development so as to determine what is considered to be a disproportionate addition. The SPD refers to small private development of not more than three horses. In my view, the application of the SPD would be unreasonable in this context given that the lawful use of the site would permit the stabling of eight horses, and that the appellant has accepted a reduction to six stalls. Other measures stated in the SPD refer to a maximum ridge height of 3.5m and that tack rooms and hay stores should form part of the same building. In this case the proposal complies with these criteria. In this regard, in the absence of an objective measure in the SPD as to what might be regarded as a disproportionate addition, the development would not conflict with the SPD. The development in this context would not be inappropriate development in the Green Belt.
9. In the event that this development would not squarely fall within the third bullet point of paragraph 89, the fourth bullet point refers to the exception of a replacement building provided the new building is in the same use and not materially larger than the one it replaces. Again, I would conclude along

similar lines that a materially larger building in the same use is not quantified by local policy or SPD. I do not regard the replacement building materially larger than the one it replaces where there is no objective measure of that issue in local policy so as to set a threshold beyond which it could be regarded as unacceptable.

10. An exception regarding the construction of a new building in the Green Belt has been met. Both exceptions do not expressly require an assessment of the development on the openness of the Green Belt.
11. I conclude that the proposal would not be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies. No other matter or other harm has been raised, I therefore consider that the appeal should be allowed.

Schedule of conditions

12. The Council has provided a suggested list of conditions. The appellant has not commented on them, but I regard conditions 2-6 to be necessary and reasonably required in the interests of the visual amenity of the Green Belt.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The stables hereby permitted shall be used for the stabling of horses and storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.
 - 3) Where use of the stables for the authorised purposes does not commence within 6 months of completion or ceases for a period exceeding 6 months within 10 years of their substantial completion they shall be removed and the land restored to its former condition.
 - 4) The existing stables building shall be demolished and all resultant materials removed from the site before development pursuant to this permission is commenced.
 - 5) No source of external illumination or sound amplification shall be installed on the development hereby permitted.
 - 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 7) The development hereby permitted shall be carried out in accordance with the following approved plans: [location plan; proposed replacement stables plan reference BBS01/4/16].

Iwan Lloyd

INSPECTOR