



Appeal Decision

Site visit made on 17 October 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 14 November 2017

Appeal Ref: APP/P2365/W/17/3181518 Plot 7, Chapel Lane, Parbold WN8 7TN

- 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 David Hughes against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0973/FUL, dated 12 September 2016, was refused by notice dated 28 June 2017.
 - The development proposed is a stable building with a tack room, change of use of land for keeping horses and engineering works to provide a private mooring.
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Decision

1. The appeal is allowed and planning permission is granted for a stable building with a tack room, change of use of land for keeping horses and engineering works to provide a private mooring at Plot 7, Chapel Lane, Parbold WN8 7TN in accordance with the terms of the application, Ref 2016/0973/FUL, dated 12 September 2016, subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr David Hughes against West Lancashire Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. I have used a slightly modified local planning authority description of the development proposed rather than the description on the original application form as this more accurately describes the proposal before me.

Main Issues

4. The appeal site is situated within the Green Belt and therefore the main issues are:
 - i. Whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - ii. The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - iii. If the proposal would be 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 it.

Reasons

5. The appeal site comprises a plot of land situated adjacent to the Leeds Liverpool Canal. It is relatively open with some tree and shrub coverage within the plot. The site is protected by an Article 4 Direction which restricts the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure and also restricts the erection of buildings, moveable structures and works.
6. There are two main elements to the current proposal, the first one being the erection of a stable building including two stables and a tack room and the second being engineering works to provide a private mooring on the side of the canal.

Inappropriate development

7. The Framework establishes that new buildings within the Green Belt are inappropriate unless, among other things, it involves the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Consequently, stables are acceptable in principle provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including the land within the Green Belt.

Openness, character and appearance

8. Openness is an essential characteristic of the Green Belt and the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The Council accepts that the proposal complies with the West Lancashire Borough Council Supplementary Planning Document Development in the Green Belt October 2015 (the SPD) with respect to the size, materials and construction methods. However, the location of the building is the key matter of conflict. Although I accept that the majority of the plot is undeveloped and relatively open the stable would be situated close to existing trees and the adjacent hedge boundary which would provide some screening. In these particular circumstances the loss of openness would be minimal and as such would not be materially harmful.
9. The SPD provides guidance on the design of stable blocks and states that such buildings should be of limited scale to suit equine need and requires buildings to be of less than permanent construction in order to avoid the proliferation of permanent buildings in the Green Belt. The current proposal complies with the SPD, being of a size and design suitable for equine need. It would be visible from the nearby canal towpath and bank, but I do not consider that it would be a particularly visually prominent or intrusive feature in the open landscape surroundings.
10. Therefore on this issue I conclude that the proposal would not have a harmful effect on the openness of the Green Belt or the character and appearance of the area. As such it is in accordance with the provisions of Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 and the Framework.

Other considerations

11. Given my conclusion above that the proposal is not inappropriate development I do not consider it necessary for it to be demonstrated that there are other considerations so as to amount to very special circumstances necessary to outweigh the harm by way of inappropriateness.
12. It is my understanding that the Council is concerned with how the site would operate if horses were to be accommodated there. However, I do not find this argument or concern to be materially related to the reason for refusal or the main issues I have identified. Furthermore, the operation of the site can be successfully controlled by the imposition of suitably worded planning conditions. I have also noted the Council's arguments regarding the proposed change of use of the land for keeping horses and note that they do not object to the change of use, but rather the siting of the proposed stable building.

Other matters

13. It is my understanding that along the canal bank towards the western side of the site is a group of trees subject to a Preservation Order. Given the location of the proposed stables and mooring I am satisfied that the proposal would not result in harm to the protected trees.
14. The access road which would serve Plot 7 is a private road which serves other plots of land in the vicinity of the appeal site. I do not consider that the current proposal would lead to a significantly more intensive use of the track than at present. As such I am satisfied that the proposal would not be prejudicial to highways and access interests in the locality.
15. Subject to conditions I am satisfied that the proposal would not be harmful in terms of visual intrusion associated with the stables or mooring and associated paraphernalia such as horse boxes. I have no evidence to suggest that the proposal would lead to the site becoming untidy and cluttered.
16. I have no evidence that the local planning authority's consultation on the application was unsatisfactory. However, such matters should be dealt with directly with the Council and are not within the remit of this appeal decision.

Conditions

17. The Council has suggested a list of conditions which I have considered, and where necessary amended, in line with national policy and guidance. I have specified the approved plans as this provides certainty. In order to safeguard the character and appearance of the locality and the living conditions of the occupants of any nearby residential properties I have attached conditions restricting the use of the stables, controlling the storage of manure and precluding the burning of waste on site.
18. To safeguard protected species and in the interests of nature conservation I have attached conditions regarding ecological mitigation and restricting the period during which site clearance or other works shall be undertaken. External lighting is also controlled in the interests of nearby habitats and the visual appearance of the area.
19. Finally, a condition relating to the existing canal wall/bank is necessary to establish whether mitigation works are necessary to ensure that the

development does not adversely affect the Leeds and Liverpool Canal by weakening the canal bank/wall.

Conclusion

20. For the reasons given the proposal would not be inappropriate development within the Green Belt and would not be harmful to the openness, character and appearance of the area. Therefore, it is acceptable and accords with the development plan as a whole. As such, I allow this appeal.

Alastair Phillips

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location / Site Plan and ML/CB/5513.
- 3) The stables building, including the tack room and store shall be used for private purposes only and shall not be used for riding school, livery or any other commercial purposes.
- 4) The stables, including the tack room shall be used only for the housing of horses, ponies or donkeys, associated equipment and feedstock and for no other purposes, including any other forms of animal boarding.
- 5) The storage of manure and soiled bedding is not permitted within 30 metres of the curtilage of a residential property.
- 6) No burning of hay, straw, soiled bedding or manure shall take place on the site. All bedding and manure shall be removed from the site at least once every four weeks.
- 7) The mitigation/recommendations set out in section 7 of the Ecological Appraisal for the land adjacent to the Leeds and Liverpool Canal, Parbold by Envirotech dated 23 August 2016 shall be implemented in full throughout the duration of all phases of the development, including site preparation and construction, subject to any amendments required by Natural England at licensing stage. In the event that works do not commence within 12 months of the date of this permission no works to the site shall take place until the results of an additional survey / surveys to confirm the presence or absence of protected species have been submitted to and agreed in writing by the local planning authority. In the event of a presence is detected a scheme of mitigation shall also be submitted for agreement.
- 8) Clearance works or other works that may affect nesting birds shall not be undertaken during the months of March to September inclusive unless the absence of nesting birds has been confirmed by surveys or inspections. Such surveys and inspections shall be carried out by a suitably qualified and experience ecologist. If nesting birds or dependent young are found to be present, works shall be delayed until such time as the nesting is complete and young have fledged.
- 9) No sources of temporary or permanent external lighting shall be provided on the site without the prior written permission of the local planning authority.
- 10) No works on or adjacent to the existing canal wall/bank shall take place until the developer has secured and implemented a scheme of investigation(the content of which shall be first approved in writing by the local planning authority) to establish the structural condition of the canal wall/bank, the extent to which any works will increase loadings on the wall and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the canal wall/bank can be maintained. Any works on or adjacent to the canal wall/bank shall thereafter only be carried out in accordance with the recommendations

set out in the approved scheme of investigation and maintained as such for the duration of the development hereby approved.

END OF SCHEDULE