



Appeal Decision

Site visit made on 21 November 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 14 December 2017

Appeal Ref: APP/J4525/W/17/3181811

8 Over The Hill Farm Steadings, Houghton-le-Spring DH4 4NY

- 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 & Mrs Douglas against the decision of Sunderland City Council.
 - The application Ref 17/00672/FUL, dated 31 March 2017, was refused by notice dated 5 July 2017.
 - The development proposed is change of use from agriculture to the keeping of horses and erection of field shelter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant states that Policies CN4, CN5 and B2 of the Sunderland Unitary Development Plan 1998 (UDP) are out of date and are no longer consistent with the National Planning Policy Framework (the Framework) taken as a whole. Policy CN4 states that engineering works must conform to the purposes of including land within the Green Belt. As such, it is consistent with Paragraph 90 of the Framework. Policy CN5 relates to the visual amenities of the Green Belt not being adversely affected by development which, although not prejudicial to the purposes of the Green Belt, might be inappropriate by reason of its scale, siting, materials or design. In addition, Policy B2, amongst other matters, states that proposals should respect and enhance the best qualities of nearby properties and the locality and should relate harmoniously to adjoining areas.
3. Having carefully considered these policies, I find them to be consistent with the design principles and guidance within the Framework. As a result, all policies identified by the Council in its reasons for refusal are consistent with the Framework, taken as a whole. Therefore, I do not consider these policies to be out of date. Accordingly, I have determined this appeal having had due regard to all policies and guidance identified by the Council on the Decision Notice and I have given due weight to them.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;

- the effect of the proposal on the character and appearance of the area; and
- if the development is inappropriate, 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

5. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they are buildings for agriculture and forestry; buildings that provide 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; or are buildings which represent limited infilling in villages or the partial or complete redevelopment of a previously developed site.
6. The appeal site is part of ten steadings that were approved under application Ref: 09/01790/FUL for the redevelopment of the buildings and land around the former Over The Hill Farmhouse. The site is located within an area of open space which forms part of the wider open countryside and it is also within the Tyne and Wear Green Belt. The topography of the area is such that the site undulates. However, in general terms the landscape rises from south to north. The wider site is bounded by High Lane to the north, from which access to the site is gained, and the A690 Durham Road to the south. The proposal seeks a change of use from agriculture to equine activities and includes the erection of a field shelter. There are currently no structures on the site.
7. The proposed change of use and the erection of a field shelter does not fall within any of the categories of development considered to be not inappropriate in the Green Belt, as set out in paragraph 89 of the Framework. Furthermore, I consider the categories identified in the Framework to be comprehensive and complete. Notwithstanding this, the appellant argues that the proposed change of use would have no visual or physical impact on the Green Belt and would therefore due to its minimal impact it would be a 'not inappropriate' development within it. In addition, the appellant argues that the proposed field shelter would be equivalent to 'small stables' as referred to in paragraph 11.32 of the supporting text for Policy CN3 of the UDP. Therefore, the field shelter would be a 'not inappropriate' form of development in the Green Belt as, it is argued, it would fall within the category of essential facilities for outdoor sport and recreation.
8. Having considered the above and notwithstanding its minimal impact on the Green Belt, I find that the proposed change of use would be 'inappropriate' in accordance with the terms set out in the Framework. Furthermore, whilst the proposed field shelter would be small and would provide some protection for horses in extreme weather, I consider that it would not constitute an essential facility for outdoor recreation in relation to the simple keeping of horses on the site. Moreover, I find there to be a clear distinction between a simple field shelter providing short term, convenient shelter for horses in a field and small stables within which horses could be kept and fully enclosed for a longer period of time. Therefore, in my view, the non-essential nature of the field shelter means that the proposal would not fall within a category of 'not inappropriate' development in the Green Belt.
9. Accordingly, I find that the proposed scheme would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the

Green Belt. Therefore, the proposal would be contrary to Policy CN3 of the UDP and paragraph 89 of the Framework in this regard.

Green Belt openness and purposes

10. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. The proposed change of use, including the construction of a field shelter would result in built development where there is presently none. I acknowledge that the footprint of the proposed field shelter would be relatively small. However, whilst it would be located close to hedges and other features in the landscape, I find that its scale and the solid enclosures of its walls and roof would lead to a loss of Green Belt openness.
11. On the basis that I consider the appeal site to be characterised as open countryside, I find that the proposal would lead to the encroachment of development into the open countryside and would therefore impact on the related Green Belt purpose. Whilst the impact on Green Belt openness would be limited, paragraph 88 of the Framework is clear that any Green Belt harm should be given substantial weight.
12. Consequently, I find that the proposed development would lead to a loss of Green Belt openness and have an adverse impact on the Green Belt purpose of safeguarding the countryside from encroachment. Therefore, the proposal would be contrary to Policy CN2 of the UDP and the Framework.

Character and appearance

13. Policy B2 of the UDP states that the scale, massing and layout of new developments should respect and enhance the best qualities of the locality. In addition, Policy CN5 seeks to ensure that the visual amenity of the Green Belt is not adversely impacted by development.
14. I note that there have been numerous enforcement proceedings undertaken in the wider Over The Hill Farm area since 2013. These have resulted in the removal of unauthorised land uses, hard surfacing and structures due to their harmful and obtrusive appearance. Furthermore, I note that the Council has issued such proceedings for developments similar to the current proposal. As such, these proceedings are a material consideration and I have had due regard to them.
15. Notwithstanding this, I confirm that I have considered the proposal before me on its own merits and circumstances. As a result, I find that the proposal would introduce a structure to an area where currently there are none. Due to the open character of the site and its surroundings and its position within the Green Belt, I find that the proposed field shelter would appear isolated and would introduce a feature which would be out of character with the large area of open farmland within which it would be located.
16. Therefore, the proposed development would have an adverse impact on the character and appearance of the area, resulting in material harm to the open character of the site and wider countryside. Therefore, it would conflict with Policies B2 and CN5 of the UDP and the Framework.

Other considerations

17. The appellant has referred to two appeal decisions which relate to similar matters regarding the appeal proposal, particularly whether very special circumstances exist to outweigh the presumption against inappropriate development. In the first appeal decision which relates to land near to this appeal proposal, although the use

and proposed development on the site were considered 'inappropriate' by the Inspector, the proposal was considered to have a minimal impact on Green Belt openness and the character and appearance of the area. Therefore, with no material impact on the purposes of including land within the Green Belt, it was determined that 'very special circumstances' existed to justify the scheme. The second appeal decision reaches similar findings in that minimal harm to the Green Belt would result from a proposal considered to be inappropriate. As a result, the very special circumstances required to justify the development were found to exist.

18. I have had due regard to these decisions and their relevance to the appeal before me. However, I find that whilst there are some similarities between those decisions and this appeal, there are also many differences, including the context and circumstances of each proposal. Moreover, I do not have full details of the other cases before me. As such, I give limited weight to these other appeals. Notwithstanding this, and in any event, each proposal must be determined on its own individual merits and circumstances.
19. In this case, I find that whilst the Green Belt harm resulting from the proposed development would be relatively small, it must be given substantial weight in accordance with paragraph 88 of the Framework. Furthermore, having considered the evidence and all relevant matters before me, I find that there is no substantive evidence to indicate that very special circumstances exist in this particular case to justify the proposed development.

Conclusion

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although in this case the effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment would be moderate, substantial weight should still be given to any harm to the Green Belt. Furthermore, very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
21. Based on what I have seen and read, I conclude that the proposal would be inappropriate development in the Green Belt and would have an adverse impact on Green Belt openness and its related purposes. Furthermore, it would have a detrimental impact on the character and appearance of its surroundings. Consequently, having carefully considered these matters, I conclude that the substantial weight to be given to Green Belt harm would not be outweighed by other considerations in this particular case sufficient to demonstrate the very special circumstances necessary to justify the proposal development.
22. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR