



Appeal Decision

Site visit made on 19 June 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/A1015/W/19/3221931

Dunston Hole Farm, Dunston Road, Chesterfield S41 9RL

- 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 Heppenstall against the decision of Chesterfield Borough Council.
 - The application Ref CHE/18/00550/FUL, dated 7 August 2018, was refused by notice dated 28 November 2018.
 - The development proposed is new equestrian manège.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether or not the development represents inappropriate development in the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - The effect on public rights of way; and
 - whether, if the development is deemed inappropriate, 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.

Reasons

Whether Inappropriate Development

3. The appeal site is located within the Green Belt. It consists of part of a field located to the south west of a farmstead which contains a mixture of buildings. The farmstead has a relatively self-contained character within the countryside, although I saw that there were features including equestrian facilities to the east which extended beyond the built extent of the farmstead.
4. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless it falls into one of a number of exceptions. These exceptions include the provision of appropriate facilities for outdoor sport

and recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

5. The proposed manège would be constructed using a cut and fill operation which would introduce relatively sharp gradients and an angular form which would contrast with the more natural form of the field. The proposed fencing would add to this man-made appearance and I am not persuaded that the use of natural sand would give the manège an appearance similar to a ploughed field as contended by the appellants. Furthermore, it would be sited some distance from the buildings within the farmstead and would be located on part of a field which has a distinctly separate and open character. Within this context, the proposal would appear as an obviously man-made feature which would significantly extend development into an existing open field with subsequent detriment to openness.
6. I therefore conclude that the proposal would not preserve openness and would conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. On that basis, the proposal would be inappropriate development within the Green Belt. The proposal would therefore be contrary to Policy CS9 of the Council's Core Strategy 2013 (CS) due to the harm to the function of the Green Belt. The proposal would also be contrary to the Framework with regard to protecting Green Belt land.

Character and Appearance

7. For the reasons stated previously with regard to openness, the proposal would introduce a man-made feature onto an open field which is distinctly separate from the buildings which make up the farmstead. The countryside around the farmstead has a gently undulating character and within this context the flat angular nature of the proposal would appear as intrusive development. Although I note that the area has previously been subject to open cast mining the landscape has been restored and has retained its rural character. Whilst equestrian facilities are not unusual within the countryside, the form of the proposal and its degree of separation from the farmstead would introduce an intrusive development into the open countryside.
8. I saw that the proposal would not be prominent in long distance views from the surrounding area, but would be readily apparent as intrusive development when viewed from a public footpath which passes the site. The appellants refer to the potential for additional planting, but I consider that this would lead to a contrived appearance for the development.
9. The Council's third reason for refusal refers to the site being within an Area of Multiple Environmental Sensitivity (AMES) which are noted for their historic environment, ecology and landscape. However, the appellants have questioned the status of the AMES designation and whether this is appropriate for assessing small-scale development. On the basis of the evidence before me, the AMES designation is not referred to in extant or emerging development plan policy and I therefore give this little weight in my consideration of this appeal.
10. Notwithstanding my conclusion with regards to the AMES, I conclude that the proposal would be of a form and location which would harm the character and appearance of this area of countryside. The proposal would therefore be contrary to Policy CS18 of the CS which seeks to preserve or enhance the

landscape character of the Borough. The proposal would also conflict with the Framework due to the harm to the intrinsic character and beauty of the countryside.

Public Rights of Way

11. As stated previously, there is a public footpath which passes adjacent to the northern extent of the proposed manège. The Council considers that a raised bank which would result from the proposal would impinge on the users of the path as a result of an uneven surface.
12. I acknowledge that the sections through the proposal indicate that limited space would be provided for the footpath. However, the proposed site plan depicts the wider context and this shows that adequate space would be retained to enable access for pedestrians along the footpath.
13. The Council also refers to the proposal creating an enclosed corridor along the path. However, even allowing for the earthworks and proposed means of enclosure, this would relate to a limited extent of the path and in any event would not lead to an oppressive degree of enclosure to the detriment of users of the path.
14. I therefore conclude that the proposal would not lead to undue harm to public rights of way. The proposal would therefore not conflict with Policy CS20 of the CS with regards to encouraging walking.

Other Considerations

15. The appellants emphasise that the proposal would provide a safe area to exercise their horses in winter and train horses throughout the year. I attach moderate weight to this benefit.
16. Reference has been made to potential alternative locations for the manège including a location suggested by the Council. Based on what I have seen and read, these alternatives would sit more comfortably within the landscape with regard to the location and extent of the farmstead. I acknowledge that some of these alternatives may need more significant excavations and retaining walls. However, consideration of these alternatives does not outweigh my concerns with regard to the unsympathetic form and distinctly separate location of the development in relation to the existing farmstead. The appellants refer to the relocation of storage, though they do not substantiate why this would lead to greater harm than the appeal proposal. These matters do not therefore weigh in favour of the proposal.
17. The appellants also refer to other planning permissions for equestrian development in the Green Belt. This includes a manège to the east of the farmstead, although I note that this is of some age and pre-dates both the CS and the Framework. In any event, I saw that this served to confirm the harm that such development can have to the openness of the Green Belt and the appearance of the open countryside. Reference is also made to the Dunstan Park Equestrian Centre, although I have not been provided with full details of this scheme and so cannot be certain that the circumstances are the same as the appeal before me. These other planning permissions do not therefore weigh in favour of the appeal proposal which in any event I have considered on its own merits.

Conclusion

18. Notwithstanding my conclusion in respect of public rights of way, I conclude that the proposal would be inappropriate development within the Green Belt and would harm the character and appearance of this area of countryside. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances, including the moderate weight that I have given to the exercising and training of the appellants' horses. The overriding consideration is that the proposal would conflict with the development plan and the Framework considered as a whole with regards to protecting Green Belt land and the effect on the intrinsic character and beauty of the countryside.
19. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR