



Appeal Decision

Site visit made on 12 August 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/X3405/W/19/3230040

Land off Colliery Road, Brereton, Rugeley, Staffs WS15 1QR

- 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 Rocky Lee against the decision of Cannock Chase District Council.
 - The application Ref CH/18/354, dated 22 September 2018, was refused by notice dated 30 November 2018.
 - The development proposed is for the retention of hard surface area and proposed stable block.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The hardstanding has already been laid. As such, I will consider the appeal as partially retrospective.

Main Issues

3. The main issues are:
 - whether the development would amount to inappropriate development in the Green Belt having regard to the policies of the development plan the National Planning Policy Framework (the Framework) and;
 - the effect of the proposal on the character and appearance of the area, with particular regard to Cannock Chase Area of Outstanding Natural Beauty (AONB); and
 - 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 very special circumstances to justify it.

Reasons

Inappropriate development

4. The appeal site is within the West Midlands Green Belt. Policy CP1 of the Cannock Chase Local Plan (Part 1) 2014 (LP) establishes the strategic objectives of the District. This identifies that development proposals within the Green Belt will be assessed against the Framework and policy CP14. This policy

- seeks to protect the landscape character and especially the Cannock Chase AONB.
5. The Framework explains that the Government attaches great importance to the Green Belt. Inappropriate development is harmful to the openness of the Green Belt and should only be approved if very special circumstances exist. Furthermore, substantial weight should be afforded to any harm to the Green Belt.
 6. Paragraph 145 and 146 establish that buildings and other forms of development would be inappropriate unless they meet a listed number of exceptions. The proposed stables would be a facility for outdoor sport and recreation and would therefore be subject to Paragraph 145(b). Also, paragraph 146(b) considers engineering operations, such as the proposed hardstanding. Both exceptions explain that such development would not be inappropriate development provided that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The five purposes of including land within the Green Belt are identified at paragraph 134 of the Framework. Of those, the Council maintains that the development would result in encroachment of development into the countryside.
 7. Therefore, to understand whether or not the proposal would be inappropriate development requires assessment of its impact on openness and whether it would result in encroachment into the countryside.
 8. Paragraph 133 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The adjacent highway is a country lane. The lane runs on a gradual incline passing the site and rising into and through woodland. The site is relatively flat and open hilly countryside is beyond it in the middle distance. There are some small sheds adjacent to the hardstanding area and a public right of way beyond these. The site is enclosed by close boarded fencing that I understand does not benefit from planning permission. There are limited trees and hedges on or around the perimeter of the appeal site; reinforcing its open character. Therefore, with limited regard to the fencing, most of the site presents an open and exposed view to the highway and fields beyond it.
 9. The proposal would result in the erection of a relatively small single-storey building. However, it would be located in an exposed location, away both from other buildings and pockets of landscaping. It would therefore be in a prominent location, highly visible from the highway and the adjacent public right of way. The proposal would therefore result in moderate harm to the openness the Green Belt.
 10. Furthermore, the proposal includes a substantial area of hardstanding. This has an urbanising effect to the existing rural environment. Consequently, the proposed stable and hardstanding would be dominant additions to the currently open character of the field. This would represent a substantial encroachment into the open countryside. Accordingly, the harm to the openness and its encroachment into the Green Belt would render the proposal as inappropriate development.

Character and appearance

11. The site is a field adjacent to Colliery Road. It is also within the Cannock Chase AONB. Being open and largely undeveloped the site makes a positive contribution to the character and appearance of the area.
12. Policy CP14 of the LP states that the District's landscape character will be protected, conserved and enhanced. Furthermore, the policy states that development will be supported where it meets the Cannock Chase AONB Management Plan. This seeks to protect and enhance green infrastructure and ensure that tranquil areas retain this quality. Furthermore, paragraph 172 of the Framework requires great weight to be given to the conservation and enhancement of AONB's.
13. The proposal relates to a large area of hardstanding, in the form of compacted gravel, and the erection of a stable building. The appellant refers to other stables having been approved in the local area, but these did not appear to be within sight of the appeal site. In any event, it is not unusual to find stables in a rural location. However, in this case the stables would be located near the centre of the field in a prominent location with no plant screening or other topographic features to diminish its visual impact. Furthermore, the hardstanding would have an urbanising effect on the site due to size and prominence. Consequently, the proposed development would be demonstrably harmful to the character and appearance of the area.
14. Accordingly, the proposal would not comply with policies CP3 and CP14 of the LP, which seeks amongst other things for development to complement the local area and enhance the green infrastructure. Furthermore, the proposal would not satisfy the Framework as it would not conserve the ANOB.

Other considerations

15. The appellant has drawn attention to six recent planning decisions that relate to the erection or extension to stabling on Colliery Road. However, the details of those decisions are not in evidence in regard to their location and the Council's reasoning to enable me to draw any parallels. In any event, ultimately each case must be judged on its own merits.
16. The appellant has identified that the site gained planning permission in 1998 for change of use for the keeping of horses and to erect a field shelter. The hardstanding was installed more recently due to problems gaining access, to deposit bedding and food to the stable, prevent horses escaping and to assist in site drainage. However, these points would not justify the especially extensive area of installed hardstanding.
17. The proposed shelter would be constructed of brick and tile. This would provide greater security for the stable and would be more resistant to fire. The gains of providing some on-site security would be of some benefit to the appellant. However, this would be a personal rather than public benefit and would be of limited broader merit in favour of the proposal. In any event, it has not been illustrated that the proposal would be essential for security or safety.
18. The appellant has alleged that the Council were concerned about his intentions because of his travelling family background. In my assessment of this case, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate

unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Given his stated background, the appellant is within a protected characteristic for the purposes of the PSED. I am also mindful that the keeping of horses may be of cultural importance to the appellant, given his stated ethnicity. That is a matter that attracts some weight. However, the site already has planning permission to be used for the keeping of horses and the right to use it for those purposes is not affected by my decision. Moreover, whilst other stable buildings may have been approved in the area, I have not been provided with details of those approvals in order to be able to draw a comparison with the scheme before me. It is not uncommon for different decisions to be reached for development of the same description in different locations because the circumstances will be specific to individual sites, particularly in relation to the effect on the Green Belt and character of an area. Thus, the evidence does not indicate that the Council's refusal was based on discriminatory views or prejudice.

19. For my part, I have determined the appeal having due regard to the stated aims of the PSED but am satisfied that a refusal to grant planning permission based on the legitimate planning concerns identified would not be contrary to those objectives.

Whether there would be Very Special Circumstances

20. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. The proposal would also harm the open character of the countryside, a point of significant weight. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist.
22. Therefore, the proposal would be contrary to policy CP1 of the LP, which requires Green Belt development to accord with the requirements of the Framework. Consequently, the proposal would also not accord with paragraph 145(b) and 146(b) of the Framework and be inappropriate development.

Conclusion

23. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR