



Appeal Decision

Site visit made on 3 September 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/R1038/W/19/3229777

Blueberry Farm, Westfield Lane, Middle Handley, Nr Eckington, Sheffield S21 5RY

- 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 Ms Joy Harrison-Roycroft against the decision of North East Derbyshire District Council.
 - The application Ref 18/00963/FL, dated 23 September 2018, was refused by notice dated 29 November 2018.
 - The development proposed is a change of use to equestrian with hay barn and field shelters.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use to equestrian with hay barn and field shelters at Blueberry Farm, Westfield Lane, Middle Handley, Nr Eckington, Sheffield S21 5RY, in accordance with application Ref 18/00963/FL, dated 23 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (TQRQM18278071557581), Field Shelters, Tack and Feed Room Elevations Plan and Proposed Hay Barn Plan.
 - 2) The materials to be used in the construction of the hay barn, field shelters and tack and feed room structures hereby permitted shall be constructed in the materials set out on the application form.

Procedural Matters

2. The description of development given on the application form is lengthy. It is set out in sections to include a site description, the proposal, the policy context, a justification and details of the field shelters. A full but different description was included on the appeal form. This also provided both a background to the proposal and a justification for it. However, it is clear that permission is being sought for a change to equestrian use along with a hay barn and field shelters. For clarity, I have therefore used the description on the Council's decision notice in the header and in my formal decision.
3. The application form refers to the use of the site for grazing and keeping horses and sheep. The Council dealt with the proposal on this basis, as a mixed agricultural and equestrian use, and so shall I.
4. On my site visit I saw that there were both horses and sheep on the site and the equestrian change of use had commenced. I also observed that the

construction of both the hay barn and field shelters had started. However, the application form confirms that the works have not been completed. Accordingly, whilst taking note of what I observed on site and what has been built, in respect of the hay barn and field shelters, I have determined this appeal on the basis of the submitted plans.

5. On 19 February 2019 the Government published an updated revised National Planning Policy Framework (the Framework). The revisions do not materially alter the national policy approach in respect of the issue raised in this appeal. Therefore, no party has been prejudiced by my having regard to this updated document.
6. The Council's Officer Report refers to a new Local Plan (2014-2034), which was submitted for examination in May 2018. It identifies four emerging policies to be most applicable to the proposal, although none are cited in the Council's reasons for refusal. These include emerging policy SS10 relating to the Green Belt and the circumstances in which development would be permitted. Having regard to Paragraph 48 of the Framework and the weight to be attached to relevant policies in emerging plans, I acknowledge that the plan is at an advanced stage in the adoption process and the emerging policies would appear to be broadly consistent with the Framework. However, it does not form part of the adopted development plan and in the absence of any detailed evidence to confirm that there are no unresolved objections to these policies, I afford them limited weight at this time.

Main Issue

7. The main issue is the effect of the proposal on the Green Belt as follows:
 - Whether the proposal is inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - Its effect on the character and appearance of the area;
 - 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

8. The appeal site is a long rectangular field within the Green Belt to the west of Middle Handley, bounded by a combination of fencing/planting/hedgerows. To each side there is a similarly linear open plot. Along its southern boundary, the site adjoins Westfield Lane from which it slopes up towards its northern boundary and an access track that extends from Bramley Moor Lane. This top part of the site occupies an elevated position with views to the wider countryside. The surrounding area is rural in nature, typically comprising small settlements bordered by a network of large open fields.
9. The appeal proposal would introduce 4 single storey timber buildings in the north-east corner of the site. They would comprise two open field shelters, each with two openings and two buildings that would each accommodate a stable/feed room in one and a stable/tack room in the other. A hay barn with an open fronted access would be positioned in the south-western corner. A

previous scheme for a mixed agricultural/equestrian use on the site, with buildings located towards the southern end, was refused in 2018¹.

Whether inappropriate development

10. The Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. In this context, Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, unless one of the stated exceptions apply. The exceptions include, as relevant to this appeal, Paragraph 145(a) buildings for agriculture and forestry and at Paragraph 145(b) the provision of appropriate facilities in connection with the existing use of land or a change of use for outdoor sport and outdoor recreation. The latter is subject to a test of the preservation of the openness of the Green Belt and not conflicting with the purposes of including land within it.
11. This broad approach is reflected in Policy GS2 of the North East Derbyshire Local Plan (Adopted November 2005) (NEDLP), with one relevant exception. Policy GS2 also identifies exclusions to inappropriate development in the Green Belt. As relevant to this appeal, in addition to agriculture and forestry, it includes essential facilities for outdoor sport and recreation. However, paragraph 145(b) of the Framework cited above refers to 'appropriate' facilities rather than essential. I consider the latter to imply that a new building would be necessary to the functioning of the specific outdoor sport or outdoor recreation facility. Whereas 'appropriate' implies that the development should be suitably linked. In my view, this is not as rigorous a requirement as that set out in the local plan policy. For this reason, I give significant weight to the Framework.
12. The appeal scheme is a mix of equestrian and agricultural uses. On my site visit, I observed a small flock of sheep penned within the lower part of the field towards Westfield Lane with horses kept at the top. From the evidence before me and my observations on site, the hay barn to the lower part of the field would therefore primarily be for the keeping of sheep pertaining to the agricultural part of the proposal with the remaining structures for equestrian use.
13. The Council contend that the proposal has not been reasonably justified for the purposes of agriculture. However, Section 336 of the Town and Country Planning Act provides a definition of agriculture, which includes the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land) as well as the use of land as grazing land. It does not introduce a size threshold.
14. Within this context, whilst it would be small scale, I am satisfied that the keeping of sheep, which would be grazing on the land, would constitute an agricultural use. Consequently, the hay barn, which would be modestly sized at approximately 7m in width and 5.5m in depth and proportionate as a means to provide shelter as well as some hay storage, would reasonably be required as a building for agriculture. It would therefore fall within one of the specific exceptions at Paragraph 145(a) of the Framework. Consequently, it would not be inappropriate development in the Green Belt and could not be regarded as

¹ Council Ref: 18/00155/FL

- harmful either to the openness of the Green Belt or to the purposes of including land within it.
15. Turning to the equestrian element and the field shelters, the Council do not appear to dispute that the use would relate to outdoor sport and recreation but contend that, in addition to the preservation of openness test, the proposal would not amount to the provision of appropriate facilities and would, consequently, be inappropriate.
 16. The field shelters would provide six enclosures overall as well as a small feed and tack room. In the absence of any evidence, such as guidance to specifically restrict the size of equestrian buildings or number of horses to be kept per hectare, I find that they would be proportionate to the extent of the plot overall. From my observations on site, I also consider that they would be functionally appropriate to be used in conjunction with equestrianism, and therefore, for outdoor sport and recreation.
 17. Consequently, the proposal would constitute appropriate facilities for outdoor sport and recreation and in accordance with Paragraph 145(b) of the Framework, they would not be inappropriate provided that they would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
 18. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it. Whilst the proposal would introduce new structures within the Green Belt, the field shelters would be single storey and sited in a 'c' shape. This would provide a compact form. Due to the topography and size of the field, they would not be visible in long views from Westfield Lane and would only just be seen from the upper floors of dwellings in Middle Handley. The mature hedgerow planting to field boundaries would screen them from Bramblemoor Lane. Whilst they would be apparent from the access track, given their height and construction in timber cladding, which would have a natural appearance, they would not be particularly prominent.
 19. Moreover, keeping horses would also preserve the openness of the Green Belt and I do not doubt that the structures would be genuinely required to provide shelter for them, as well as the ancillary facilities for tack and feed. I have no evidence before me and, therefore, no reason to dispute the appellant's assertion that the plot is large enough to sustain the animals. Consequently, the proposal would be commensurate with and proportionate to the keeping of horses on the scale proposed and I find that the development would not harm the overriding sense of openness as a result.
 20. Taken together, the proposal would not have an adverse effect on the openness of the Green Belt. Nor, given their scale and location at the top of a field used to keep the horses, would the field shelters represent encroachment into the countryside, or conflict with the other purposes of including land within the Green Belt established at Paragraph 134 of the Framework.
 21. For these reasons, I find that the proposal overall would satisfy the exceptions set out at Paragraph 145(a) and (b) of the Framework. Therefore, it would not represent inappropriate development in the Green Belt. Consequently, it would not be at odds with the objective of protecting the Green Belt set out within the Framework.

Character and appearance of the area

22. Both the hay barn and the field shelters are relatively well screened from much of the surrounding area by existing mature hedgerows and planting. The hay barn, which lies to the west of Middle Handley, would be visible from the settlement. Nevertheless, its scale is such that it would not be dominant in views from it and it would be set against a well-established hedgerow.
23. The field shelters would be visible from windows within the rear upper floors of properties on Westfield Lane but given the modest scale of these structures and the distance to them, they would not appear incongruous within the wider landscape, aided further by their construction largely in timber cladding.
24. I recognise that there are other stable structures that are visible from the access road within the vicinity of the appeal site. However, they are not so close to result in a cumulatively harmful effect on the open character of the area. The slope of the field would also ensure that they would be visually distinct from the hay barn to the south-east corner. In any event, neither stables/equestrian uses, nor barns, are uncommon within the countryside.
25. For these reasons, I conclude that the proposal would not harm the intrinsically rural character and appearance of the area. I therefore find no conflict with policies GS6 and R9 of the NEDLP (2005). These policies broadly seek to protect the open character of the countryside and ensure that development is appropriate to such a location. They are largely consistent with the Framework in seeking to protect the open character of the countryside and can be afforded significant weight accordingly.

Whether very special circumstances

26. I have found that the appeal proposal would not amount to 'inappropriate development' in the Green Belt. As it would not harm the Green Belt nor constitute 'inappropriate development', I do not need to consider whether very special circumstances exist. Furthermore, I do not find that the proposal would be harmful to the character and appearance of the area. Its overall accord with both the development plan and national policy is not outweighed by any other consideration. I will therefore allow the appeal.

Conditions

27. A condition relating to the standard time limit for commencement of development is not relevant as it has started. However, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans. In order to protect the character of the area, I have also imposed a condition requiring the external materials used in the construction of the buildings to match those set out on the application form, where they are detailed.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

Kate Mansell

INSPECTOR