



Appeal Decision

Hearing Held on 26 November 2019

Site visit made on 26 November 2019

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/X4725/W/19/3224720

New Stables, Boundary Lane, Normanton, Wakefield, WF6 2JA

- 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 Opey Smith against the decision of Wakefield Metropolitan District Council.
 - The application Ref 17/03129/FUL, dated 6 December 2017, was refused by notice dated 29 January 2019.
 - The development proposed is retrospective application to provide an extension to an existing stables on existing private gypsy site.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to an existing stables on existing private gypsy site at New Stables, Boundary Lane, Normanton, Wakefield, WF6 2JA in accordance with the terms of the application, Ref 17/03129/FUL, dated 6 December 2017, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: NDS/17/SE1 Site Location Plan, NDS/17/SE2 Site Plan, NDS/17/SE3 Floor Plan, and NDS/17/SE4 Elevations (in so far as they relate to the 'proposed extension' only).
 - 2) The external surfaces of the extension hereby permitted shall be constructed in the materials shown on approved plan number NDS/17/SE4 Elevations.
 - 3) The extension shall not be used for any purposes other than those connected with animal grazing and stabling.

Procedural Matters and Background

2. The appeal site includes an area of hardstanding and an existing stable building which is used to keep horses. It is immediately adjacent to a gypsy and traveller site¹ and shares an access with it from the A655. There is open land to the north and west and the site is within the Green Belt.
3. The existing stable building was granted planning permission² in 2014. The plans submitted with the appeal application show that existing stable building, a 'proposed extension' to the west/front of it, and an 'adjacent building'

¹ Use of land for the siting of five residential caravans permitted under reference 17/03003/FUL

² Reference 13/03061/FUL

adjoining its eastern end. The Council considered the application on the basis of both the 'proposed extension' and the 'adjacent building'.

4. However, the appellant clarified at the hearing that the 'adjacent building' was included on the plans in error and does not form part of the scheme. I saw at my visit that it has not been constructed. The description of development on the planning application form refers to 'an extension to an existing stables' and indicates that the works had already started. The submitted Design and Access Statement refers to an extension measuring 5.7 metres by 5.7 metres, but not to the 'adjacent building' shown on the plans. The area of floorspace of the proposed development is indicated on the appeal form to be 33 square metres (which accords with the floorspace of the proposed extension only).
5. Whilst the Council considered the planning application on the basis of both these additions, I am satisfied that the scheme includes only the 'proposed extension' as shown on the plans. This is also the only extension to the building which has been built on site (although the materials used do not accord with those on the submitted plans). As such, I will deal the appeal on this basis and consider only the 'proposed extension'. Since we discussed these matters at the hearing, I am satisfied that to do so does not prejudice the cases of the Council or any other interested parties.
6. The Council accepts that the appellant meets the definition of gypsies and travellers set out in the Glossary to the Planning Policy for Traveller sites (PPTS) and it was confirmed at the hearing that he is an English Romany gypsy. I see no reason to come to a different view on this matter.
7. I have amended the description of development in my decision to remove wording which does not describe acts of development for the sake of clarity.

Main Issues

8. The main issues in this case are:
 - Whether the development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework); and
 - The effect of the development on the openness and the purposes of the Green Belt; and
 - The effect of the development on the character and appearance of the surrounding area.

Reasons

Whether inappropriate development?

9. The Framework is clear that the government attaches great importance to Green Belts and that their essential characteristics are their openness and permanence. Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. These include (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

10. Policy CS1 of the Wakefield Local Development Framework Core Strategy (CS) states that development within the Green Belt should conform to national policy, regional and local policies relating to the Green Belt (criterion f). CS Policy CS12 relates to the general extent of the Green Belt.
11. Policy D23 of the Wakefield Local Development Framework Development Policies Document (DPD) concerns existing uses in the Green Belt. Section 2 advises that extensions and/or free standing buildings within an existing developed site may be appropriate where they meet a number of criteria: (a) they are not disproportionate over and above the size of the existing buildings(s) when originally constructed, (b) the scale, materials and general design are in-keeping with the character of the buildings and their surroundings, and (c) it does not lead to major increase in the developed proportion of the site.
12. The approved stable building is around 10 metres by 6 metres with a footprint of some 60 square metres (as estimated by the Council). The extension measures 5.7 metres by 5.7 metres and has a floorspace of some 33 square metres. At the hearing the Council referred to guidance in its residential design guide which regards an extension of up to 50% of the floorspace of the original building to be proportionate. Whilst not directly applicable to a stables building, I agree that this is a useful rule of thumb. In this instance, the extension represents only very slightly more than 50% of the floorspace of the original building.
13. The extension is the same height as the existing building and so around half of its overall size. Although it has altered the shape of the building to create an L shape, the extension appears as a smaller wing to the main stable which remains the dominant element of the structure as a whole. Thus, in terms of its overall size increase (taking into account volume and external dimensions as well as floorspace), I am satisfied that it is generally subservient and proportional to the original building and does not overwhelm its appearance.
14. Thus, on balance, I am not convinced that the appeal scheme has resulted in a disproportionate addition over and above the size of the original building. Accordingly, it meets the terms of criterion (c) of paragraph 145 of the Framework and of criterion (a) of DPD Policy D23. I therefore conclude that the appeal scheme is not inappropriate development for the purposes of national Green Belt policy as set out in the Framework and accords with DPD Policy D23 (a) in this regard. As such, it is not contrary to CS Policy CS1.

Openness and purposes

15. Since I have found that the extension is not inappropriate development in the Green Belt, it should not be regarded as harmful to the openness of the Green Belt or to the purposes of including land in the Green Belt. The scheme's impact on openness and purposes is implicitly taken into account in the exceptions set out in paragraph 145 of the Framework and in the development's classification as not inappropriate. Accordingly, I conclude on this main issue that the extension causes no harm to the openness or purposes of the Green Belt.

Character and appearance

16. As set out above, DPD Policy D23 advises that extensions may be appropriate where their scale, materials and general design are in-keeping with the character of the buildings and their surroundings (b), and and they do not lead to major increase in the developed proportion of the site (c).
17. As previously described, the extension is not unduly large and although it is a maximum of some three metres high, it follows the same roof line as the existing building and is not taller than it. It is also well contained within the site which is for the most part laid to hardstanding and sits close to its high boundary wall adjacent to the access. Whilst the extension has introduced an increase in built development there, given its relatively modest size and siting, it has not led to a major increase in the developed proportion of the site or unduly undermined what remains of the site's open character.
18. The extension has been constructed using corrugated sheeting above the blockwork and the Council is concerned about its use of low quality materials and incongruous appearance. However, the extension as shown on the plans incorporates materials to match the existing approved stable building with blockwork walls and stained timber boarding above. The appellant confirms that timber boarding is intended in place of the corrugated sheeting and I am content that this could be secured via a planning condition. On this basis, the extension would have a generally rural appearance sympathetic to the existing building and in-keeping with the character of the surrounding countryside.
19. The site is well screened from the A665 behind a band of vegetation and a wall. Whilst some views are possible down the driveway these are for the most part of the rear of the main stable building only and not of the extension. From the north there are some intermittent views of the site from Boundary Lane to the north through the hedgerow and the gaps in it. This is particularly so during the winter months when not all the vegetation is in leaf. The site is also appreciated in longer distance views from public and private vantage points to the west from Warmfield Lane where it is seen on rising and elevated land in relation to the fields in the foreground.
20. That said, although there is open land nearby, the extension is seen from these viewpoints very much in the context of the existing permitted stable building on the appeal site and as part of the larger immediately adjoining permitted gypsy and traveller site. I appreciate that the Council is concerned about the incremental increase in development at the appeal site and the cumulative visual effect of this alongside other development on the adjoining site. Nevertheless, in practical terms the extension to the stables is not readily discernible against the backdrop of that existing enclave of development. Nor am I persuaded that it is appreciated as a prominent or particularly urbanising feature in the landscape in this context.
21. Although opportunities for additional landscaping at the appeal site were discussed at the hearing, these are limited and would have limited screening effect given the nearby topography. In any event, for the reasons given, I am not convinced that they are necessary. Additionally, the Council confirms that a scheme of landscaping is required by condition of the recent planning permission for the adjacent gypsy and traveller site. Whilst this is yet to be agreed, it is likely to include planting to that site's boundaries which would further limit some views of the appeal scheme from the north and west.

22. I therefore conclude on this main issue that the extension is not harmful to the character and appearance of the surrounding area. Thus, I see no conflict with DPD Policy D9 which concerns the design of new development. Criterion (a) states that proposals shall respect, and where appropriate enhance the character of the locality in terms of design, scale, massing, height, density, layout, materials and colour. Nor is the extension at odds with criteria (b) or (c) of DPD Policy D23. Furthermore, it supports paragraph 127 of the Framework which requires development to be sympathetic to local character including landscape setting (c).

Other matters

23. The appellant breeds and deals in horses as part of his traditional way of life. He owns 60 horses which are kept on the adjacent paddock, land at Crossley Street, and on another area of land to the west. The appellant's written evidence indicates that the extension was intended to allow the stabling of horses during inclement weather and at times of foaling or sickness. However, it was clarified at the hearing that the extension is to store hay, and this accords with the situation on site at the time of my visit. The appellant has no other stable buildings and, prior to being stored in the extension, the hay was kept outside and spoilt by wet weather. This is a benefit of the scheme which counts in its favour.
24. The appeal site along with the adjacent residential gypsy and traveller site has some planning history. Local residents and Warmfield cum Heath Parish Council object to the retrospective nature of the appeal scheme and other developments at the wider site and the creep of development that has occurred. Wider ranging issues associated with the principle of the residential occupation of the adjacent site, its planning history, the use of the access, the tidiness of the site and how it is run, along with the proliferation of hard landscaping and high boundary enclosures are also raised.
25. However, these matters do not form part of the scheme before me which is strictly limited to a consideration of the extension to the existing permitted stable building. I must determine the appeal scheme on its own individual planning merits and make my own assessment as to its impacts. Any unauthorised or future development at the appeal site or at the adjacent site is a matter for the Council to consider using its planning and enforcement powers as appropriate.
26. In terms of the impact of the extension specifically, concerns have been raised about an increase in activity at the site and an intensified use of the access in terms of highway safety and congestion as well as the potential for increased noise. However, since the extension is intended for use to store hay which was previously stored outdoors at the site, I see no reason why it would generate more vehicle movements or activity or be likely to give rise to increased levels of noise and disturbance. The Council raises no objections in terms of highway safety or the living conditions of nearby occupiers. Local residents are also concerned that the extension could be used for other purposes. The use of the permitted stable building is limited to purposes connected with animal grazing/paddock land, and I am content that a similar condition could be imposed to control the use of the extension accordingly.

Conclusion and Conditions

27. Bringing matters together, the extension is not inappropriate development in the Green Belt and does not harm the openness of the Green Belt or any of its purposes. Nor is it harmful to the character and appearance of the surrounding area. Additionally, it gives rise to some benefits to the appellant.
28. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.
29. I have considered the Council's suggested conditions in light of the advice in the Guidance and the discussions at the hearing. It is necessary that the development shall be carried out in accordance with the approved plans (in so far as they relate to the 'proposed extension' only) for the avoidance of doubt and in the interests of proper planning. A condition to ensure the extension is built of the materials shown on the plans is necessary in order to protect the character and appearance of the surrounding area. I have also imposed a condition limiting the use of the extension for purposes connected with animal grazing and stabling in the interests of the site's rural countryside setting and to accord with the terms of the permission for the original building.

Elaine Worthington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ophey Smith
John Pollitt

Appellant
Northallerton Draughting Services

FOR THE LOCAL PLANNING AUTHORITY:

John Holmes
Sarah Edson

Wakefield Metropolitan District Council
Wakefield Metropolitan District Council

INTERESTED PARTIES

Margaret Vasey
Tracy Johnson

Warmfield cum Heath Parish Council
Warmfield cum Heath Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Decision Notice for 13/03061/FUL new stable (approved 23 September 2014)