



Appeal Decision

Site visit made on 2 December 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2020

Appeal Ref: APP/E3715/W/19/3237497

Lodge Farm, 301 Easenhall Road, Harborough Magna CV23 0HX

- 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 Mrs Davinia Sheppard against the decision of Rugby Borough Council.
 - The application Ref R19/0848, dated 21 May 2019, was refused by notice dated 5 September 2019.
 - The development proposed is for a New Barn for Storage Related to Existing Equestrian Use.
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Decision

1. The appeal is dismissed.

Procedural matters

2. During consideration of the planning application, amended plans were submitted to the Council showing a reduced footprint¹ and a storage layout of the interior. I have taken these amended details into account in my decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposed barn on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; 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 site is within the West Midlands Green Belt. Policy GP2 of the Rugby Borough Local Plan 2011-2031 (LP) (2019) states that the Council will resist new development in the Green Belt and only permit it where it would apply

¹ Plan Reference: J0058 Pe1 rev A

with national planning policy. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to the Green Belt. Furthermore, the Framework explains that substantial weight is to be afforded to any harm.

5. Paragraph 145 of the Framework establishes that new buildings would be inappropriate in the Green Belt unless they would meet one of a listed exception. Paragraph 145(b) explains that the provision of appropriate facilities for outdoor recreation would not be inappropriate, provided that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Although the term 'outdoor recreation' is not defined in the Framework, this could relate to buildings that are required to support equestrian use. It is therefore incumbent upon the appellant to illustrate how the proposal would satisfy this requirement.
6. The proposed building would have a footprint of around 300sqm. An accompanying plan shows areas within the building designated for hay storage, storage for a variety of mechanised equipment and for two horseboxes. Furthermore, half of the interior is either annotated as being for manoeuvrability or is not annotated for any specific purpose.
7. The Council consulted with a specialist agricultural consultant². The consultant met with the applicant to understand her storage requirements. He concluded that the barn would be too large for its intended purpose and needed to only have a footprint of around 64sqm. Although, the appellant questions these conclusions, finding them underestimating her needs, the evidence submitted does not provide a clear explanation as to where these conclusions are fundamentally wrong.
8. Furthermore, although the proposal includes secure storage for horse-boxes I am unconvinced that these would need to be garaged. Moreover, there is no evidence submitted to indicate that local crime figures necessitate such a need. The building is partly required to meet a future need for further hay storage and the expansion of equestrian related needs. This additional accommodation is therefore beyond the capability of the evidence to illustrate a current need for the proposed building.
9. Therefore, although I am satisfied that some of the storage provided by the proposal may be necessary for equestrian use, most of the use of the space would be ambiguous and/or superfluous. Accordingly, it is not convincing that the proposal, in its entirety, is directly necessary for current equestrian use. It has therefore not been shown that the proposal would provide 'appropriate facilities' for outdoor recreation.

Effect on openness

10. 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.
11. The proposed building would be close to the centre of a paddock, within the open countryside. It would be relatively tall and be located on comparatively flat land. It would encroach into the Green Belt and result in a harmful spatial effect. Furthermore, it would be visible from the public realm and the wider

² Rhodes Rural Planning and Land Management – Appraisal July 2019

countryside from several vantage points. The proposal would not be shielded from long views as it would be visible over the limited field boundary hedge and tree planting. Therefore, the proposal would result in substantial harm to the openness of the Green Belt, both visually and spatially. This harm would be in addition to the harm identified in regard to it being inappropriate development.

12. Accordingly, the proposal would be inappropriate development as set out by paragraph 145 of the Framework, being both not an appropriate facility for outdoor recreation use and being harmful to the openness of the Green Belt. Therefore, the proposal would be inappropriate development and be harmful to the Green Belt. Consequently, it would not accord with policy GP2 of the LP, which seeks to resist new development in the Green Belt and only permit proposals that would comply with national policy.

Character and appearance

13. The site for the proposed barn is within a large plot located between the settlements of Harborough Magna and Easenhall. It is opposite a row of dwellings and adjacent to the dwelling of Wheelwrights Barn. The site is within a paddock behind buildings. These existing buildings include the dwelling of Lodge Farm, stabling, garages and other smaller buildings/sheds. The paddock itself is open and relatively flat. The field boundaries are a combination of post and rail fencing and hedging. These are were relatively open and afford limited screening. Furthermore, on my visit I observed that the site provides distant views of the open countryside. Consequently, the site makes a positive contribution to this rural setting.
14. The proposed building would be set some distance from the existing buildings on the property and be of a substantial scale. It would be read as a separate element of built form. It would be visible from parts of Cathiron Lane to the east and the bridleway to the west of the site. It would also be seen from various points along Easenhall Road. It would be out of character with the existing low-key buildings on site, which are more domestic in scale. Public views of the proposal would be comparatively overt. The proposal would therefore be an intrusive addition to local views of the countryside. Subsequently, the effect of the proposal would be harmful to the open and rural character of the site.
15. The proposed building would therefore fail policy SDC1 of the LP, which seeks amongst other things for development to be of a scale and design that responds to the character of the area in which they are situated. Furthermore, the proposal would not accord with the Framework which seeks development that would be sympathetic to the local character.

Other considerations

16. The Council granted consent for a change of use of two fields to equestrian use, a stable and ménage in 2013³, a vehicle access in 2013⁴ and garage in 2016⁵. However, although these built developments have increased the quantity of built form on site, they are clustered together and are low-key in

³ Planning Application Reference: R12/2110

⁴ Planning Application Reference: R13/1447

⁵ Planning Application Reference: R16/1275

character. They are therefore fundamentally different to the visual impact of the proposal.

17. The appellant asserts that the previously approved buildings on site illustrate that the Council has previously concluded that development on site would not impact on the openness of the Green Belt. However, although each case must be judged on its own merits, the proposed building would nevertheless be significantly larger and dislocated from those buildings.
18. The appellant also draws attention to a barn approved for Lilac Cottage⁶, with details provided at appendix C of their Statement of Case. This is alleged to have a similar effect on openness as the proposed barn. However, this appeared to have a smaller footprint and consisted of brick and tile. The appellant also acknowledges that this was for agricultural use and considered by the Framework to not be inappropriate development. Consequently, its effect on openness would not have been a consideration under paragraph 145(a) of the Framework. That was therefore a different proposition and one from which I am unable to draw any substantive comparisons.

Whether there would be Very Special Circumstances

19. 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.
20. I have concluded that the appeal scheme would result in substantial harm to the openness of the Green Belt and would harm the character and appearance of the area. I have therefore also concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
21. 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. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

22. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR

⁶ Planning Application Reference: R18/2143