The Planning Inspectorate

Appeal Decision

Site visit made on 11 February 2020

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2020

Appeal Ref: APP/K3415/C/19/3238710
Land at Coney Lodge Farm, Rugeley Road, Chace Terrace, Burntwood, Staffordshire WS7 1NT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Wayne Russell against an enforcement notice issued by Lichfield District Council.
- The enforcement notice was issued on 30 September 2019.
- The breach of planning control as alleged in the notice is: without planning permission the erection of 14 stables and storage shed.
- The requirements of the notice are:
  i) Demolish timber stable blocks.
  ii) Demolish storage shed.
  iii) Remove all debris resulting from compliance with steps i and ii from the Land.
  iv) Reinstate the land previously occupied by the unauthorised development by reseeding with grass.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. The three reasons for refusal cite development plan Core Policy 1, and Policies NR2, NR5, BE1 and ST2 of the Lichfield District Local Plan Strategy 2008-2029 (adopted 2015) and Appendix D of the Sustainable Design Supplementary Planning Document (December 2015), which relates to parking standards.

3. Reason ii) for issuing the Notice combines the matters set out in the three reasons for refusal, but omits to mention relevant Policies NR5 and ST2. And instead of referring to Appendix D from Sustainable Design Supplementary Planning Document, the Notice refers to the Rural Development and Sustainable Design SPD, which is not directly relevant.

4. The missing policies and Appendix D have been requested and provided and I shall take them into account in my decision.

Background

5. Planning permission 16/01316/FUL was refused 17 January 2017 for the retention of 14 stables and storage shed and a planning appeal was dismissed[1]. I have been made aware of a further planning application that has been refused[2] for a reduced scheme for 6 stables and 1 store building in a new location south of the current appeal. This is subject to a separate planning appeal[3].

Appeal on Ground (a) and the Deemed Application

6. The appellant has made an appeal on ground (a) – that planning permission ought to be granted for the matters alleged in the notice. The prescribed fees have been paid within the specified period. Hence the application for planning permission deemed to have been made under section 177(5) of the Act, as amended, falls to be considered.

Main Issues

7. The main issues are:

- Whether the proposal would be inappropriate development in the West Midlands Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies and the effect on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of Cannock Chase Area of Outstanding Natural Beauty (AONB);
- Highway safety; and
- If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the scheme is inappropriate development in the Green Belt and effect on openness

8. The Framework is a material consideration in determining Green Belt proposals. Paragraph 133 identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. At paragraph 143 the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 directs that any harm to the Green Belt should be given substantial weight.

9. Policy NR2 of the Lichfield District Local Plan Strategy 2015 (the 'Local Plan') states that the Council will not permit inappropriate development in the Green Belt unless in very special circumstances. Local Plan Core Policy 1 recognises,

[1] APP/K3415/C/17/3176460 dated 1 November 2017.
[2] 18/01147/FUL
[3] APP/K3415/W/19/3238747

amongst other things, the important role of the Green Belt. These policies are broadly consistent with the Framework.

10. The proposal is for the erection of 14 stables arranged in 2 rows with the storage building to the south of them, effectively creating a 'U' shape configuration. The buildings are located adjacent to the road but behind the hedge. They are located beyond the built up limits of Burntwood, surrounded by fields and so are in countryside as well as the Green Belt.

11. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the proposal falls within one of the listed exceptions. Exception b) allows for the provision of appropriate facilities for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

12. The stables represent a sizeable development. According to the Council's delegated report, the longest block nearest the road measures approximately 24m long and the other block about 7m. Both blocks are approximately 3.5m wide and have heights to eaves level of between 2 and 2.95m, with projecting front canopies.

13. The openness of the Green Belt is clearly evident, with open fields around the appeal site and the Gentleshaw Common, part of the Cannock Chase AONB, a short distance away to the north. The size and scale of the stables has both a spatial and visual impact on openness of the Green Belt arising from their physical presence in an open field surrounded by open countryside where other development does not exist. This reduces the openness of the Green Belt and undermines the fundamental aim of keeping land permanently open.

14. I find the stables and storage buildings cause harm to the openness of the Green Belt and are an encroachment into the countryside, which conflicts with one of the five purposes of including land in the Green Belt listed in paragraph 134 of the Framework. The development therefore constitutes inappropriate development, which is by definition, harmful to the Green Belt and to which substantial weight should be given. Accordingly, it conflicts with Local Plan Policies Core Policy 1 and NR2, whose aims are outlined above.

Cannock Chase AONB

15. AONBs are a statutory national landscape designation and Local Authorities have a general duty[4] to have regard to the purpose of conserving and enhancing their natural beauty. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

16. The nearest part of the Cannock Chase AONB to the appeal site is Gentleshaw Common, which has a network of footpaths and waymarked routes across and around it. Some paths run close to the north eastern boundary of the appeal site and its 'Land' edged red on the enforcement notice. During my site visit, I observed the nearby car park area off Rugeley Road and the footpaths were used by walkers, many with dogs.

[4] Under section 85 of the Countryside and Rights of Way Act 2000

17. The stables can be clearly seen from some of the footpaths and elevated viewpoints on Gentleshaw Common, where walkers are afforded wide views over the surrounding countryside. However, the wider views are dominated by the houses on the edge of Burntwood elevated above the appeal site, electricity pylons and power lines. Furthermore, the stables sit against the roadside hedge, do not punctuate the skyline and form part of the wider countryside view of fields. As a result, I find the stables do not significantly detract from the views out of the AONB or its enjoyment of users.

18. From Rugeley Road approaching from the south, the Cannock Chase AONB and the raised ground of Gentleshaw Common are clearly visible. However, the stables in the foreground do not form a significant visual part of the wider vista towards the AONB, as they are largely screened from sight by the roadside hedge. Similarly, approaching the stables from the north, the roadside hedge and undulating ground screens them from wider views.

19. Therefore, I find the appeal buildings do not harm the character and appearance of the countryside and conserve the natural beauty of the Cannock Chase AONB. Accordingly, I do not find conflict with Local Plan Policies Core Policies 1, NR5 and BE1, which collectively seek to ensure that development does not negatively impact on important landscapes and respects the character of the surrounding area.

Highway Safety

20. Access to the site is off Rugeley Road via a gated opening in the roadside hedge. This leads to an area of ground north of the stables that is used for parking.

21. The Highways Authority have objected to the planning application due to insufficient information as there are no details of visibility splays from the access onto Rugeley Road, no specific details about the level of parking available on the site, and they are not satisfied there is sufficient turning and manoeuvring space to allow vehicles to exit the site in a forward gear.

22. From my site visit I saw the hedge is in close proximity to the edge of the highway. The appellant has not presented any plans, details or evidence to demonstrate that satisfactory visibility splays can be achieved. Nor is there any evidence to indicate adequate parking, turning and manoeuvring can be achieved within the site. I note the previous appeal Inspector expressed similar concerns in her decision already mentioned above. In light of the above, I find the development fails to demonstrate that adequate on-site parking and turning can be provided and that highway safety is not adversely affected. Accordingly, the proposal is contrary to Local Plan Policy ST2 that seeks, amongst other things, to ensure that off street parking is in accordance with the parking standards sets out in Appendix D of the Sustainable Design Supplementary Planning Document.

Other considerations and Green Belt Balance

23. I have been made aware that stables were demolished at the former Coney Lodge Farm and planning permission granted[5] for its redevelopment for 8 new houses. The appellant claims that the stables have been erected on the appeal

[5] 15/0147/FUL

site as 'replacement' for the ones demolished, and falls under one of the Green Belt exceptions under paragraph 145 of the Framework. I note that the description of the planning application for the new houses did not include the erection of replacement stables elsewhere, which would explain why the Council did not refer to them. I have not been presented with details as to the reasons why the farm was redeveloped and the previous stables demolished, and no substantial case has been put forward for their replacement on a different site. I am not aware that there were buildings on the appeal site that the stables are replacing. I therefore give this matter limited weight.

24. I find the case for their 'replacement' does not clearly outweigh the totality of harm I have identified, which is the test that they have to meet in light of the national importance given to protecting Green Belt. Consequently, I find very special circumstances do not exist to justify the development.

25. The appeal proposal would be inappropriate development, in the terms set out in the Framework, and would lead to a significant loss of openness to the Green Belt. This harm carries substantial weight. The scheme is at odds with at least one purpose of designating land inside the Green Belt, which is serious planning objection. Although I find there is no harm to the Cannock Chase AONB, additional weight is given to the adverse effect on inadequate parking and turning and highway safety. As such the proposal is contrary to the development plan and the Framework taken as a whole.

Conclusion

26. For the reasons given above I conclude that the appeal should not succeed. As the appeal on ground (a) fails I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

K Stephens
INSPECTOR