
Appeal Decision

Site visit made on 13 February 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/K3415/W/19/3238747

Land at Rugeley Road, Burntwood, WS14 4RX

- 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 Russell against the decision of Lichfield District Council.
 - The application Ref 18/01147/FUL, dated 27 July 2018, was refused by notice dated 18 July 2019.
 - The development proposed is erection of 6no stables and 1no store including associated new access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the application the description of development was changed to reflect amended plans. I have therefore used the description which appears on the Council's decision notice and appellant's appeal form, rather than that on the application form.

Main Issues

3. The appeal site is within the West Midlands Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and development plan policy, including the effect on openness;
 - The effect of the proposal on highway safety;
 - The effect of the development on the living conditions of neighbouring occupiers with particular reference to noise, disturbance and odour;
 - The effect of the development on the character and appearance of the area, with particular reference to the removal of hedgerow;
 - If the development would be inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This approach is reiterated in Policy NR2 of the Lichfield District Local Plan Strategy 2015 (the Local Plan).
5. The appeal site is located just beyond the built up area of Burntwood. The site, which is currently used as a ménage, is within a wider area used for equestrian purposes.
6. The proposed development would involve the provision of 6 stables, which would be formed of two blocks in an L shape. A new access would be created off Rugeley Road and four parking spaces would be provided on an area of hardstanding in front of the stables.
7. Paragraph 145 of the Framework says that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. Criterion b) allows for appropriate facilities for outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. The stable block would be visible from the road but would be of modest size and height and would be viewed in the context of the adjoining woodland and housing, so would not appear unduly isolated. The existing and proposed hedgerow and other vegetation would provide some screening. That said, the proposed stables would introduce a new building into an area which is currently open, as other than a line of pylons close by and a small field shelter on the site itself, the area beyond the existing urban edge is generally free of development. The site is also in a relatively elevated position compared with the grazing land beyond, which slopes down into a shallow valley. In addition, the removal of a section of hedgerow to create the access would increase visibility of the site in that particular location.
9. Taking all these factors into account I consider that the stables, together with associated vehicles and other paraphernalia, would result in a modest loss of openness. As a result, the proposal does not fall under criterion b) of Framework paragraph 145.
10. The appellant has also referred to criterion d) of paragraph 145, but the proposal does not involve the replacement of an existing building in the same location so this criterion would not apply.
11. I therefore conclude that the development represents inappropriate within the Green Belt. It is contrary to Paragraph 145 of the Framework and to Local Plan Policies CP1 and NR2, which seek to protect the Green Belt from inappropriate development.
12. The Council has referred to Local Plan Policy NR1 in its decision notice, but this is supportive of activities which promote the recreation and enjoyment of the countryside, including equestrian activities. Therefore, despite the harm to the Green Belt which I have found, there is no conflict with Policy NR1.

Access

13. In order to create an adequate visibility splay for the proposed access it would be necessary to remove a stretch of hedgerow from the Rugeley Road frontage and set it further back, and also to keep a further section trimmed back. However not all of the hedgerows are in the appellant's ownership and the Council has concerns about the maintenance of long stretches of trimmed hedgerows which would be needed to maintain the visibility splay.
14. The Council has raised further concerns about the position of the access in relation to an existing speed limit sign. The sign would need to be moved to allow the access to be created, but this would also require the corresponding sign on the other side of the road to be moved. This could only be done through a Traffic Regulation Order, and there is no mechanism available to me to achieve this.
15. Additional concerns have been raised about the accuracy of the submitted plans and the position of the proposed access in relation to the change in speed limit from 30 to 60 miles per hour.
16. In the absence of any evidence to show how these concerns could be adequately addressed I conclude that the proposal would not provide a suitable and safe access and it would harm highway safety. It therefore conflicts with Local Plan Policy ST1 which requires that development takes account of access and egress to the public highway and highway safety.
17. The Council has referred to Local Plan Policy ST2 in its decision notice which relates to parking provision, but I am unclear as to its concerns in relation to this matter, so have given this little weight.

Living conditions

18. The stables would be approximately 17 metres from the private amenity space of the nearest residential property and the development could introduce noise and disturbance through additional comings and goings close by. Given the likely times when people may come to care for their horses, this could be early in the morning and in the evening.
19. The area is already in equestrian use and the proposal is relatively small in scale, so any additional disturbance would be limited in extent. Furthermore, the area of the site in which vehicles would be turning and manoeuvring would be a reasonable distance from the nearest property, close to the road which is already a source of traffic noise.
20. The Council has confirmed that any odour and nuisance from flies could be adequately controlled by appropriate conditions.
21. I conclude the proposal would not cause undue harm to the living conditions of neighbouring occupiers with particular reference to noise, disturbance and odour. As such, there is no conflict with Local Plan Policies BE1 or Core Policy 3, both of which protect of the amenity of residents.

Character and appearance

22. The scheme would involve the removal of a section of hedgerow to create the access. Whilst I agree that the hedgerows along Rugeley Road are important and contribute positively to the rural character of the area, I note that the

proposal would involve the replacement of the majority of the hedgerow, albeit set slightly further back from the highway. Furthermore, additional planting proposed within the site, including a new hedgerow along the boundary with the existing woodland, would help to assimilate the development into the site and minimise the effect of the loss of hedgerow.

23. Concerns about the effect of trimming on the longevity of the hedgerow, along with details of appropriate planting, could be addressed through a landscaping scheme.
24. I conclude that the proposal would not cause harm to the character and appearance of the area as a result of the removal of hedgerow. As such I have found no conflict with Policy BE1, which requires that proposals have a positive impact on the natural environment, or with Core Policies 3 and 13, regarding the protection and enhancement of the character and distinctiveness of the area, and the management of natural resources.

Other considerations

25. The appellant has referred to the importance of the stables for the long term stewardship of the land and the preservation of openness, as well as the benefits of additional woodland planting. References are also made to the positive effects of horicultural activities on health and well-being, which is supported in the Local Plan. These factors, together with the provision of shelter for the horses, are benefits of the scheme. However, the site is already in use for equestrian purposes, so although the proposal supports the continued use, the benefits identified are limited.
26. I also note the appellant's comments in respect of alternative stabling facilities for those displaced by the development at Coney Lodge Farm, but although the appellant refers to Council policies in this respect, no specific details of these have been put before me and I have already found conflict with the development plan.

The Green Belt Balance and Conclusion

27. The proposed development would be inappropriate development. Substantial weight has to be attached to any harm to the Green Belt. The proposal would also harm highway safety. The other considerations do not clearly outweigh these harms. Consequently, no very special circumstances exist and the proposal is contrary to both development plan policy and to the Framework.
28. I note the court judgements referred to by the appellant¹ and my decision is not inconsistent with them.
29. I therefore conclude that the appeal is dismissed.

R Morgan

INSPECTOR

¹ Vision Engineering v Secretary of State and Guildford Borough Council
Basildon DC, R (on the application of) v Temple EWHC 2759
Wychavon DC v Secretary of State and Other 2008