



Appeal Decision

Site visit made on 18 March 2020

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 March 2020

Appeal Ref: APP/K3415/W/19/3229601

Land off Bardy Lane, Upper Longdon, Rugeley WS15 4LJ

- 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 Graham Witherington against the decision of Lichfield District Council.
 - The application Ref 18/01474/COU, dated 4 October 2018, was refused by notice dated 4 December 2018.
 - The development is described as 'erection of outbuilding to form stable block and hay store, and retention of access track.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, the stable block and hay store had been erected, as well as the access track laid. From my observations the development appears to have been constructed to the size and scale and in the position shown on the submitted plans. Accordingly, I have dealt with the appeal on this basis, relying on what was on the ground in assessing the effects of the development.

Main Issues

3. The main issues in this case are:
 - Whether or not the development is inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the development on the landscape and scenic beauty of the Cannock Chase Area of Outstanding Beauty (AONB); and
 - If the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the development is inappropriate development

4. The appeal site is located within the Green Belt as defined on the Policies Map of the Lichfield Local Plan Strategy (2015) (the LLPS). Paragraph 145 of the

Framework regards the construction of new buildings as inappropriate in the Green Belt, with a limited number of exceptions. One of the exceptions, in sub-paragraph b), is the provision of appropriate facilities for outdoor sport and recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy NR2 of the LLPS also defines the limits on development in the Green Belt by reference to the exceptions in the Framework.

5. It is common ground that the stables and hay store comprise facilities for outdoor sport and recreation. Therefore, they fall to be considered against the exception in paragraph 145 b) of the Framework, in terms of their effects on the openness and purposes of the Green Belt. Paragraph 133 of the Framework explains that the Government attaches great importance to Green Belts, with the fundamental aim of preventing urban sprawl by keeping land permanently open. Therefore, openness is an essential characteristic of the Green Belt, which it is necessary to preserve for the Green Belt to be an effective policy instrument.
6. Openness is not defined in national policy or the development plan, but case law establishes that it has both spatial and visual aspects. The appeal site is located within an open field and is surrounded by other fields and agricultural land, which are characterised by their openness. Prior to the erection of the stables and hay store, the site was free of buildings. Although there was an agricultural building previously on the site, it was not present at the time the application was determined and there is no evidence before me to indicate that it had planning permission or prior approval. Therefore, it is not material in this case.
7. The stables and hay store are positioned at the far end of the field from Bardy Lane, around 140 metres (m) from Bardy Farm Cottage. The nearest buildings are White Cottage and the ancillary sheds and structures in the garden of Bardy Farm Cottage, approximately 95m away. As such, the appeal buildings are spatially isolated and have no physical or functional relationship with any existing built form. Although they are relatively modest in size and scale, with limited visibility from Bardy Lane, they can be seen in glimpsed views through gaps in the boundary hedge. Whilst stables are not uncommon in the countryside, the erection of the appeal buildings on open land in the Green Belt, located away from other buildings with which they have no functional relationship, fails to preserve the openness of the Green Belt.
8. One of the five purposes of the Green Belt in paragraph 134 of the Framework is to assist in safeguarding the countryside from encroachment. The erection of the stables and hay store in an otherwise open field, well away from other buildings, constitutes an encroachment into the countryside.
9. Paragraph 146 of the Framework lists engineering operations as a form of development which is not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. The access track to the appeal buildings is an engineering operation. Although it does not reduce openness as such, the significant length of the track adds further operational development on land which was previously undeveloped, eroding and encroaching into the countryside.
10. Accordingly, in line with paragraph 145 of the Framework, I conclude that the appeal scheme is inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I consider whether very special circumstances exist below.

The Cannock Chase AONB

11. The appeal site is located within the Cannock Chase AONB, close to its eastern edge. Paragraph 172 of the Framework gives great weight to conserving and enhancing the landscape and scenic beauty of AONBs. Saved Policy NA.1 of the Lichfield District Local Plan (1998) (the LDLP) does not permit development within the AONB, unless it is compatible with the conservation of the natural beauty of the area.
12. The wooded slopes and open fields of the AONB form the backdrop to the appeal site. The scale, materials and siting of the stables and hay store and their limited visibility from Bardy Lane are such that they cause little harm to the landscape character of the AONB.
13. However, the access track is visible from the gated field entrance on Bardy Lane. Although it is set against the side boundary of the field, the significant length of the track and the light coloured stone materials in which it is surfaced detract from the scenic beauty of the AONB landscape. Given the limited extent of the track's visibility, it causes only modest harm to the landscape character of the AONB, but it fails to comply with Policy NA.1 of the LDLP. The excessive length of the access track is also contrary to paragraph 172 of the Framework, which expects the scale and extent of development within AONBs to be limited.

Other Considerations

14. A number of factors are advanced by the appellant in favour of the development. I acknowledge that the provision of weatherproof accommodation for horses and a recreational facility in the Green Belt each carry moderate weight in terms of benefits for animal welfare and human health and wellbeing.
15. I have assessed the visual prominence of the development above as part of the consideration of its impact on the Green Belt and the AONB. The improvement to the access to enable a vehicle to park clear of the highway when entering or leaving the site serves to mitigate the impact of the development on highway safety and therefore has a neutral overall effect.

Green Belt Balance

16. The development amounts to inappropriate development. Paragraph 143 of 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 of the Framework establishes that 'very special circumstances' will not exist unless the harm to the Green Belt, and any other harm arising from the development, is clearly outweighed by other considerations.
17. The harm to the openness and purposes of the Green Belt, in this case, is limited by the modest scale of the stables and hay store and the limited visibility of the facility. However, paragraph 144 of the Framework establishes that substantial weight should be given to any harm to the Green Belt. Although the Framework gives great weight to conserving and enhancing the landscape and scenic beauty of AONBs, in this case the modest harm to the natural beauty of the Cannock Chase AONB carries only moderate weight.

18. The other considerations in this case, including the provision of safe and weatherproof accommodation for horses and the benefits to health and wellbeing are acknowledged to carry moderate weight. However, these do not clearly outweigh, either individually or cumulatively, the combination of harm to the Green Belt and the AONB. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the development is contrary to Green Belt policy as set out in the Framework and in Policy NR2 of the LPPS.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR