
Appeal Decision

Site visit made on 10 March 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 03 April 2020

Appeal Ref: APP/G1630/W/19/3243488

Land at Kayte Lane, Southam, Cheltenham GL52 3PD

- 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 Gilbert Smith against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00020/FUL, dated 4 January 2019, was refused by notice dated 26 June 2019.
 - The development is described as a "retrospective application for temporary retention of stable building until 17th December 2020".
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The above development is currently on the appeal site and being used for the purpose described by the appellant.
3. The appeal site is subject to a temporary planning permission for the stationing of caravans for residential occupation by a gypsy-traveller family with associated hard standing and utility block. The site is permitted to be used for this purpose until the 17 December 2020.
4. The Council have referred to Policy RCN4 of the emerging Tewkesbury Borough Plan (2011-2031) in their representations. The plan has gone through pre-submission consultation and is awaiting submission to the Secretary of State for review. Given the current status of the emerging plan I have afforded limited weight to this policy in this case.

Main Issues

5. The main issues are:
 - whether the development is inappropriate development in the Green Belt including its effect on openness and the purposes of including land within it;
 - the effect of the development on the character and appearance of the area; and
 - if the development is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development, openness and Green Belt purposes

6. Great importance is attributed to Green Belts under Paragraph 133 of the National Planning Policy Framework (the Framework). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, which are the defining characteristics of Green Belts. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) (adopted December 2017) reflects this objective. The appeal site is located on the corner of Kayte Lane, Southam Lane and the Gloucestershire Warwickshire Steam Railway, and is wholly located within the Green Belt.
7. The appeal development is a stable building used to store a small pony, hay, feed, horse tacks and traps, and potentially another horse which the appellant is in the process of acquiring. The appellant describes the appeal development as being a temporary structure on the basis that it does not have a foundation and could be dismantled/relocated with relative ease. However, based on the evidence provided and my observation during my site visit, the design and size of the stable appears permanent as though it were constructed on the site. I consider that it would require significant effort to dismantle/relocate and that it could not be easily or quickly moved around the site. Given this, and notwithstanding the absence of a foundation, as a matter of fact and degree I consider that the appeal development constitutes a building.
8. The Framework defines inappropriate development as a proposal which would be harmful to the Green Belt under Paragraph 143. Paragraph 145 expands upon this by specifying that the construction of a new building should be considered inappropriate, noting specific exceptions. The appellant confirms that the stable building is ancillary to the temporary residential use on site and is used for transport, hobby and heritage purposes. As such, the development would not qualify as an exception under Paragraph 145 and therefore represents inappropriate development in the Green Belt.
9. The stable building subject of this appeal is located along the boundary shared with the Gloucestershire Warwickshire Steam Railway. The close proximity of the development to both the railway corridor and Southam Lane results in the stable building appearing prominently within the surrounding landscape detrimentally expanding the built form of the site. Consequently, the development fails to preserve the openness of the site both spatially and visually and contravenes the purpose of including this land within the Green Belt, namely to restrict urban sprawl and protect the countryside from encroachment.
10. The appeal development therefore represents inappropriate development in the Green Belt and harms the openness of the Green Belt. It conflicts with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury JCS and the purposes of the Green Belt to restrict urban sprawl and protect the countryside from encroachment. Paragraph 144 of the Framework requires me to attribute substantial weight to the identified harm to the Green Belt.

Character and appearance

11. The area surrounding the appeal site is predominantly characterised by open fields with attractive and mainly unobstructed views across the countryside.

Policy SD6 of the Gloucester, Cheltenham and Tewkesbury JCS seeks to protect these landscape characteristics acknowledging the visual sensitivity of the area.

12. The appeal development appears in contrast to these open landscape characteristics and unduly expands the built form of the site to form a prominent feature visible from the public realm. Although the design of the stable building suitably reflects the rural character of the area, it does not adhere to the general pattern of development that sporadically occurs throughout the area. I note for example that similar stable buildings in the surrounding area are generally located in close relation to existing horse riding facilities, either well away from any public vantage points or obscured to avoid detrimentally harming the positive and distinctive landscape characteristics.
13. Accordingly, the appeal development harms the character and appearance of the surrounding area. It conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury JCS, saved Policy RCN6 of the Tewkesbury Borough Local Plan (LP) (adopted March 2006) and Paragraph 170 of the Framework. These policies collectively seek, amongst other things, to protect valued landscape areas from development and to ensure that horse riding facilities are appropriately grouped near the existing bridleway network.

Other considerations

14. The appellant considers the temporary design of the development (with no foundation), the time limit on how long the development can remain on the site, and the potential for more harmful means of storing horses on site (such as a horsebox lorry) would justify allowing the stable building to be retained within the Green Belt. I cannot be certain if the appellant would keep horses in a horse box lorry if planning permission was to be refused or indeed whether this would be an acceptable arrangement from an animal welfare perspective. In any event, I have determined this appeal on its individual planning merits. Although temporary planning permission is sought, there would nonetheless be harm caused to the Green Belt. In this case, I do not consider that there is reasonable justification for allowing the development temporarily in my view of the clear harm caused to the Green Belt.
15. Whilst I do not contest that the presence of horse riding facilities such as a stable building may be commonplace within a rural setting, each case needs to be considered on its own merits based on the evidence provided and in accordance with the local and national Green Belt policies.

Conclusion

16. In conclusion, the appeal development amounts to inappropriate development in the Green Belt. Harm has been caused to the openness of the Green Belt and the development conflicts with Green Belt purposes. Furthermore, harm has been caused to the character and appearance of the area. The harm by reason of inappropriateness, and the other identified harm, is not clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. Therefore, the appeal should be dismissed.

J Gibson

INSPECTOR