
Appeal Decision

Site visit made on 11 February 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/C3430/W/19/3241298

Land opposite Finchfield Cricket Club, Trysull Road, Trysull WV5 8DQ

- 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 Kevin Thistlewaite against the decision of South Staffordshire Council.
 - The application Ref 19/00641/FUL, dated 16 August 2019, was refused by notice dated 17 October 2019.
 - The development is demolition of existing stables and erection of replacement stable block (part-retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of the site visit I noted that the shell of the stables has been substantially constructed broadly on the position of a now demolished stable block. A further stable remains in situ next to the development. The application has been submitted retrospectively and I have dealt with the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - 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 proposal would be inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for a number of specified exceptions.

5. The appellant contends that the development falls within the provisions of two such exceptions. One being the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The second being the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy GB1 of the South Staffordshire Core Strategy Development Plan Document (2012) (CSDPD) echoes paragraphs 145 and 146 of the Framework in respect of the approach towards development in the Green Belt. The Council's Green Belt and Open Countryside Supplementary Planning Document (SPD) offers further guidance and states that in considering whether a new building is materially larger or not the floor area should fall within a 10-20% range of the existing building. I acknowledge that the SPD does not carry the same weight as the development plan, however, it is a material consideration that carries weight in the decision-making process.
7. The Council state that the development represents a 45% increase in the floor area. This is not disputed by the appellant, although he contends that the proposal represents a 30% increase in the size of the developed area when taking account of the yard. The Framework does not define the term "materially larger" but the general intention of it is to allow the replacement of a building with another of a similar size which is reflected in the text of the SPD. The development, whichever figure is used, exceeds the range considered appropriate by the Council and in my judgement constitutes a building that is materially larger than the ones on site taken individually or cumulatively.
8. Turning now to the second exception, the Glossary of the Framework sets out the definition of 'previously developed land'. I acknowledge as an equine use the site falls within the parameters of previously developed land. However, due to the overall size of the development it would have a greater impact on openness. Consequently, the development constitutes inappropriate development as set out in paragraphs 145 and 146 of the Framework and Policy GB1 of the CSDPD.

The effect on openness

9. The shell of the stables has been completed and is positioned next to an existing stable. The new stable is T shaped, constructed from facing brickwork with a bulky gable roof giving it a more domestic appearance. The older stable whilst in a poor condition has a simple low key appearance and occupies a smaller footprint and is significantly lower in height. Although limited information has been provided, based on my observations on site the previous stables were located roughly in the centre of the position of the stables subject of this appeal.
10. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.

11. The appellant contends that a single building, albeit larger, would have a positive impact on openness by replacing two stable blocks and associated yard that are in a poor condition. I acknowledge that the development includes the partial redevelopment of existing stables and land. However, it has introduced a large permanent structure of considerable width, depth and height closer to the undeveloped paddock area which causes harm to the openness of the Green Belt.
12. The development has not increased but rather significantly reduced openness much more than the existing structures, notwithstanding their appearance. As such, I find that there is a loss of openness of the Green Belt contrary to the aims and objectives of the Framework.

Character and appearance

13. The development due to its size is closer to the undeveloped paddock. Albeit a small distance this shift in the built form away from the access road leading to the sports club and a neighbouring building results in an unwelcomed encroachment into the surrounding rural landscape.
14. The appellant contends that the development would tidy up the site and improve the visual quality of the access into the neighbouring sports ground. The existing structure on site despite appearances is more sympathetic and in keeping with the character and appearance of the area. I find that the development is visually intrusive and due to its size and domestic appearance appears as a notably discordant feature along the approach to Wombourne and is harmful to the rural character and appearance of the area, notwithstanding the condition of the site.
15. Consequently, the development is contrary to Policy EQ4 of the CSDPD which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.

Other considerations and overall balance

16. The appellant has progressed a number of factors that he contends cumulatively amount to very special circumstances. In summary these are the current condition of the site, an increase of 30% of the developed area; a commensurate increase in visual openness of the site; removal of structures in poor condition; enhancement in the appearance of the area and entrance to Wombourne; and consistency with the character and appearance of the area.
17. I have given these matters careful consideration and find that they would result in a minor benefit to the overall appearance of the site. This has moderate weight in my decision. However, I find that either individually or cumulatively they do not amount to very special circumstances to justify the development.

Conclusion

18. In line with the Framework the proposal would be inappropriate development in the Green Belt. It would also result in a loss of openness. I attach substantial weight to this harm, as required by paragraph 144 of the Framework.
19. I have also found harm with regard to the character and appearance of the area.

20. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

21. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR