



Appeal Decision

Site visit made on 15 May 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2020.

Appeal Ref: APP/P0119/W/20/3244289

Church Leaze Farm, Henfield Road, Coalpit Heath BS36 2UY

- 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 J Bracey against the decision of South Gloucestershire Council.
 - The application Ref P19/3869/F, dated 4 April 2019, was refused by notice dated 25 July 2019.
 - The development proposed is for the change of use of land from agriculture to private equestrian use and erection of stables.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has made reference to an additional plan that did not form part of the consideration of the application [Drawing Number:LPC 4010 PR02 Rev A] which details the purpose of internal parts of the proposed stable building. This represents new information and I am mindful that the appellant on their appeal form did not indicate that they were submitting any new information at the appeal stage.
3. Nevertheless, having regard to the Wheatcroft Principles¹, it is my view, that the additional information does not alter the scheme in terms of its design. The Council have had sight of the plan and had the opportunity to comment. Furthermore, I do not consider that the interests of neighbouring occupiers would be prejudiced in my accepting of the information. I have therefore assessed the appeal on the basis of the additional information.

Main Issues

4. The main issues in this appeal are:
 - whether the appeal proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework), including the effect of the development on the openness of the Green Belt;

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992].

- the effect of the proposed land use and stable building on the character and appearance of the area;
- the effect of the proposed land use and stable building on the safety and comfort of horses using the site; and
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site is situated in the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings and the change of use of land, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 145 b) of the Framework lists some of these exceptions as appropriate facilities, in connection with the existing use of land or a change of use, for outdoor sport and 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. Similarly Paragraph 146 e) of the Framework states that the material changes in the use of land, such as changes of use for outdoor sport or recreation would not be inappropriate development in the Green Belt providing Green Belt openness is preserved and there is no conflict with the purposes of including land within it.
7. In the context of the proposed development I am satisfied that the private keeping of horses on land and their housing within a stable building are a typical form of development associated with countryside recreation that would be in line with the development types included as exceptions within Paragraphs 145 b) and 146 e) of the Framework. However, whether the proposed land use and associated building constitutes inappropriate development is contingent on whether they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. Policy CS34 of the Local Plan² amongst other considerations protects the designated Green Belt from inappropriate development. I am mindful also that Policy CS5 of the Local Plan requires that proposals for development in the Green Belt comply with the provisions of the Framework or relevant local plan policies. Further policy alignment is provided in the Council's Supplementary Planning Document relating to the Green Belt (SPD)³, which refers to the general presumption against inappropriate development within it. Local Plan Policy CS4A relates to sustainable development and requires amongst other matters that development proposals accord with the policies of the Local Plan and the Framework.

² South Gloucestershire Local Plan: Core Strategy, adopted December 2013

³ Development in the Green Belt - Supplementary Planning Document, June 2007

9. Policy PSP7 of the Policies, Sites and Places Plan⁴ (PSPP) states that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt. It also requires amongst other matters, that new buildings for outdoor sport and recreation preserve the openness of the Green Belt and must not conflict with the purposes of including land within it. Policy PSP7 is consistent with the Framework in this regard, but it also requires further consideration of the scale and proportionality of new buildings to the proposed outdoor use and whether new buildings are directly related to, and ancillary to it. Notwithstanding this, these are not specific Green Belt considerations in the Framework and given that Policy PSP7 predates the Framework, I have given these additional considerations in the policy minor weight in my decision.
10. The Framework indicates that openness is an essential characteristic of the Green Belt. The Supreme Court has recently held that a consideration of openness in any given case is a matter for the decision maker and may or may not include a consideration of the visual aspect of openness. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
11. The appeal site comprises a linear parcel of gently sloping land that forms part of a larger area of pastureland bound in part by Serridge Lane, Henfield Road and a public footpath known as the Dramway. The proposal would introduce a new L shaped single storey building comprising 3 loose boxes, a haybarn, and tack / storage room into the southern portion of the site. Access would be obtained from the existing adjacent field entrance. An area resembling a forecourt and comparable to the footprint of the proposed stable would be located adjacent to it.
12. The land surrounding the stable would be used for equestrian use and together would be a facility for use by the occupiers of one of the new dwellings under construction at the corner of Serridge Lane and Henfield Road.
13. During my site visit, I observed a small boat on a trailer being stored on an area of raised hardcore roughly where the proposed stable would be sited, otherwise the appeal site is undeveloped and covered in grass. Consequently, the proposed stable would amount to a significant increase in development at the site that would have a materially greater impact on the openness of the Green Belt in spatial terms than the existing circumstances.
14. From the Dramway looking towards the proposed stable building there would be clear and uninterrupted views of the structure. Although the stable would be positioned at a lower land level the gently sloping topography would only obscure a limited amount of the structure. I note that the proposed stable would be set against the backdrop of the roadside hedge bounding Henfield Road. However, the angular form and scale of the L shaped stable would be clearly visible against this verdant background, from within the appeal site and from the Dramway to the north.
15. Although the proposed stable would be primarily screened by the roadside hedges along Henfield Road and Serridge Lane, it would nevertheless be visible to some extent from these locations partially rising above the hedge line and

⁴ South Gloucestershire Local Plan: Policies, Sites and Places Plan, adopted November 2017

through the existing field access points and gaps in the boundary vegetation. As a result, the proposal would have a greater visual impact, when compared to the existing state of the appeal site.

16. The proposed stable may not directly result in the merging of neighbouring settlements, however, it would nevertheless result in the siting of a building on an undeveloped area of land that would result in development that encroaches into the countryside.
17. Consequently, in both spatial and visual terms the proposal would materially diminish the openness of the Green Belt when compared to the existing situation. While the harm would be moderate, this would nevertheless be contrary to the Framework where it states an essential characteristic of Green Belts is their openness. Moreover, through the intensification of development which would occur as a result of the appeal scheme, it would fail to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt, and goes against the fundamental aim of Green Belt policy to keep land permanently open.
18. The Council has no objection in principle to the proposed equestrian use of the land while they have not referred to any specific harm in this respect in the reasons for refusal. Nevertheless, there is some concern regarding the effect of the site's subdivision from the larger area of pastureland. I am satisfied that this would have a limited impact and that openness could be preserved through appropriately worded planning conditions. These would be able to control vehicle parking and the placing of objects such as jumps on the land, as well as the form of boundary treatment used to subdivide the appeal site from the larger area of pastureland. On this basis, I do not consider that this aspect of the scheme would be inappropriate development and would therefore comply with the Framework and development plan policies in this regard.
19. I have been referred to a similar case where the Council approved a stable block and the change of use of land for equestrian use. That site is located close to Serridge Lane and the group of dwellings currently under construction, and that approved stable block has a smaller footprint in contrast to the larger appeal building. That development has a different visual and spatial relationship with its surroundings, and a reduced scale, it is therefore difficult to make a direct comparison with the appeal scheme. In any case, I have determined the appeal on its own merits.
20. Therefore, whilst the proposed equestrian use of the land would be acceptable when judged against the wording of Paragraph 146 e) of the Framework and local policy, the proposed stable building would be inappropriate development in the Green Belt which, according to the Framework is harmful by definition. It would therefore conflict with Policies CS4A, CS5 and CS34 of the Local Plan, Policy PSP7 of the PSPP, the SPD and Paragraph 145 b) of the Framework.

Character and appearance

21. Located in the open countryside, the area surrounding the appeal site primarily consists of field enclosures bound by trees and hedgerow. A golf course, and a cricket ground are also located nearby. Surrounding buildings are largely confined to small groups or clusters within the more undeveloped pastoral setting.

22. On the opposite side of Henfield Road to the appeal site, there is a large grouping of buildings partially concealed by hedgerows and trees, while further away are the new dwellings under construction adjacent to the junction between Henfield Road and Serridge Lane. Although there are larger groups of dwellings and buildings further afield, these are separated from the appeal site by fields and screened by existing vegetation making them much less apparent in the context of the appeal site.
23. Local Plan Policy PSP30 is specific to horse related development and requires amongst other considerations that new buildings are located, where possible, near to existing farmsteads or groups of buildings. It also requires that the design of buildings, the size of the site and the number of horses being accommodated, has proper regard to the safety and comfort of horses and to the preservation and enhancement of the landscape. The policy's supporting text states that consideration must be given to the siting, design, massing, materials and design of buildings to ensure that the character, openness and diversity of the landscape are preserved or enhanced. The use of conditions to minimise negative impacts (e.g. from horse jumps and equestrian equipment) on visual amenity, openness and the quality of the rural landscape may be appropriate.
24. The group of buildings on the opposite side of Henfield Road are set back from the highway and screened by existing vegetation. In addition to a generous separation distance any visible relationship between these buildings and the proposal would be limited due to the presence of the intervening road, mature trees and hedgerow. Furthermore, a sizeable gap between the proposed stable and the new dwellings under construction would be visible from the Dramway. Consequently, the proposed stable's solitary position within the appeal site and its divorced relationship with existing groups of buildings would appear incongruous in this largely rural setting, whilst being at odds with the prevailing pattern of development in the area.
25. The stable's design and use of materials would be reflective of its intended equine use and of wider examples in the locality. However, good design also relates to respecting the prevailing context and surroundings, and I have judged the proposal to be harmful in that respect.
26. I note the Appellant's desire to site the proposed stable away from the new dwellings under construction to avoid disturbance. However, it would be sited a significant distance from these in an isolated location close to the south eastern corner of the site that would have a harmful impact on the character of the locality.
27. It is acknowledged that the equestrian use of the land may result in the siting and storage of equine paraphernalia on the appeal site (e.g. mobile jumps and chattels), in addition to the parking of vehicles and horse trailers. The appeal site would also likely require the subdivision of the land by a physical boundary. However, I am satisfied that the impacts of these features on the landscape could be limited and adequately controlled by conditions that would overcome unacceptable impacts and comply with the relevant development plan policies in that regard.
28. In concluding on this main issue, even though I have found the proposed land use to be acceptable, the proposed stable building would be harmful to the character and appearance of the area. Therefore, it would fail to comply with

Policies PSP1 and PSP30 of the PSPP and Policies CS1, CS9 and CS34 of the Local Plan. These, in part, require development to respond to the distinctiveness of the site and locality, preserve and enhance the landscape and respect the character of the area. It would also conflict with Paragraph 127 c) of the Framework where it seeks to ensure development is sympathetic to local character.

Horse welfare

29. The proposed stable would be used for the keeping of two horses and include additional internal areas in connection with their upkeep. The parties have referred to the area of the proposed equestrian use being approximately 2.4 acres.
30. The Council's policy⁵ does not provide any specific details in relation to the space requirements for horse related development, nevertheless the main parties have referred to the British Horse Society guidance. Although that guidance is not referred to in the policy, it does provide a useful set of standards in which to assess the safety and comfort of horses, and I have considered it to be material in my consideration of this main issue.
31. The area of the appeal site would meet the outdoor space standards in the guidance. Furthermore, there are no obvious concerns that the proposed stable building is inadequate in terms of the internal space arrangements for each horse, or that they would present any concerns in respect of the safety and comfort of the horses that would be kept. In the event that I was to allow this appeal a condition could be applied limiting the number of horses on the site to two, in order that the land and stable building remain commensurate to the welfare of the horses.
32. Following clarification of the number of horses that would be kept, the Council contends that the proposed stable is too large, and would lead to pressures for other harmful alternative uses at the location. However, the acceptability of any such future works are not matters for my consideration as part of this appeal and I see no reason why, if this proposal were to be allowed, that it would undermine the Council's ability to exercise its judgement in relation to any such future proposals. Furthermore, the scale of the proposed stable and the internal arrangements that would support horse welfare therein, would be suitable for the keeping of two horses.
33. Therefore, the proposed land use and stable building would be acceptable in terms of their effect on the safety and comfort of horses using the site. Consequently, it would accord with Policy PSP30 of the PSPP, insofar as it requires the design of the building, the size of the site and the number of horses to be accommodated, to have proper regard to the safety and comfort of horses.
34. Notwithstanding the above conclusion, the proposal's assessment against other aspects of Policy PSP30 are dealt with in the second main issue.

Other considerations

35. The proposed land use and stable would be acceptable in terms of meeting the general welfare needs of the horses. The appellant has also demonstrated that

⁵ Policy PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan, adopted November 2017

the proposal would be within convenient access to a network of bridleways and riding routes. However, the Council's horse related development policy⁶ requires that proposals are also acceptable in preserving the landscape, and the proposed stable building would be unacceptable in this regard. I therefore give this matter limited weight.

36. By positioning the proposed stable close to the existing field entrance, it would reduce the need for additional surfacing for vehicles and provide a convenient location for them to access the proposed stable from the highway. Whilst this would not overcome the proposed stable's isolated position in the field or disconnected siting away from other buildings, I nevertheless attribute moderate weight to this matter.
37. Although the adjacent site may historically have had stables on the land, this is no longer the case. I acknowledge that horses are currently grazing on neighbouring field enclosures, however, this is insufficient reason to overcome the harm I have identified. I have therefore attached limited weight to these matters in my assessment.
38. There are no objections raised in relation to the proposal's effect on living conditions, highway safety or former coal workings. I also found that the proposed use of the land for equestrian use would have no harmful effects on the landscape and also accord with some elements of Green Belt policy subject to conditions. Nevertheless, the absence of other harm is a neutral factor and does not weigh in favour of the proposal. Similarly, the appellant indicates that no objection has been forthcoming from the Council's landscape officer, however, this does not alter my conclusions. I therefore attach little weight to these matters.

Green Belt Balance and Conclusion

39. The Government attaches great importance to Green Belts, and Paragraph 144 of the Framework establishes that substantial weight should be given to any harm to the Green Belt when considering any proposal for development within it. Very special circumstances will not be demonstrated unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. This is a high hurdle for a proposal to overcome.
40. The proposed stable building would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. Moreover, it would lead to a moderate loss of openness to the Green Belt. I have also found that the proposed stable building would harm the character and appearance of the area.
41. Taking into account the other considerations in this case, I recognise there would be some benefit in locating the stables close to the existing field access. However, I find that the other considerations in this case when taken together do not clearly outweigh the harm that I have identified, both in terms of the inappropriateness of the development and its effects on the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies CS1, CS4A, CS5, CS9 and CS34 of the Local Plan, Policies

⁶ Policy PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan, adopted November 2017

PSP1, PSP7 and PSP30 of the PSPP, the SPD and the provisions of the Framework (Paragraphs 127 c) and 145 b)).

42. Therefore, for the reasons given I conclude that the appeal is dismissed.

R. E. Jones

INSPECTOR