



Appeal Decision

Site Visit made on 20 October 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/J3720/W/20/3256340

Land Off Small Lane, Earlswood, Warwickshire B94 5EL

- 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 Mrs K Rawlins against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/01028/FUL, dated 16 April 2020, was refused by notice dated 30 June 2020.
 - The development proposed is erection of 5 bay stables, tack room, haystore and reopening of access onto Small Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision is based on drawings submitted with the application. Revised plans were provided later and show a smaller building closer to the road. The amended proposal is significantly different to the original scheme and there is no indication it has been the subject of any public consultation. As such, to take account of the revised plans may cause prejudice or injustice to parties and so my assessment is based on the original drawings.

Main Issues

3. The main issues are:-
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy; and
 - if the development would be inappropriate, whether the harm 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 inappropriate development in the Green Belt

4. The proposal would be a facility associated with outdoor recreation. Under the terms of the Framework, the stable building would not be inappropriate development as long as it preserves the openness of the Green Belt.

5. The erection of the stables would reduce the spatial openness of the field which is vacant of buildings. They would be low and partially screened by hedgerow but nevertheless the stables would be seen from the road through the proposed access and from the adjacent property. Therefore, the development would also visually reduce the openness of the site. Consequently, the proposed building would not preserve the openness of the Green Belt and so would not fall within the definition at paragraph 145 b) of the Framework. As such, it would represent inappropriate development in the Green Belt as defined in the Framework and Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS).

Other considerations

6. The proposal would be of a typical rural design and use and so it would be sympathetic to the character of the area. However, this does not address or override the reduction in Green Belt openness and is a neutral factor rather than a benefit of the development. Also, the lack of objection to the proposal from bodies other than the Council does not in itself provide justification to depart from development plan policies.
7. Limited information has been submitted on the referred to stables approved at Rashwood and so it is difficult to draw comparisons with the appeal scheme. In any case, this development lies in a different local authority area and is a significant distance from the site. Therefore, it does not set a precedent that is bound to be followed in the determination of this appeal.
8. The proposal would be of benefit to the appellant and her family in addressing their particular recreation needs. In light of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, I give positive weight to this benefit in my assessment.

Green Belt balance

9. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The identified loss of openness would adversely impact on one of the essential characteristics of the Green Belt. The Framework dictates that substantial weight should be given to this harm in the balancing exercise.
10. On considering all the relevant matters, I conclude that the proposal's benefits and all other considerations would not clearly outweigh the harm the development would cause to the Green Belt. As such, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal would conflict with CS policy CS.10 which resists inappropriate development in the Green Belt unless very special circumstances exist.

Conclusion

11. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR