



Appeal Decision

Site Visit made on 2 March 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/H4315/W/20/3263897

Land to the west of 74 School Lane, St Helens L35 6NW

- 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 Michael McMahon against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2020/0265/FUL, dated 6 April 2020, was refused by notice dated 6 July 2020.
 - The development proposed is the erection of a stable block, outdoor manège, creation of a new access road and track along with the erection of a 1.2m fence on the north boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council's decision notice which more accurately describes the proposal.
3. The appellant has confirmed that the proposed stables would be for private use only and I have assessed the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular reference to noise and disturbance;
 - The effect of the proposal on highway safety; and
 - If it 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

5. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development. However, it lists certain forms of development which are not regarded as inappropriate. This includes, 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 (paragraph 145 (b)).
6. Policy GB1 of the Council's Unitary Development Plan (UDP) (1998) defines the limits on development in the Green Belt. As relevant to this appeal, it includes essential facilities for outdoor sport and recreation. Moreover, Policy GB2 of the UDP refers back to Policy GB1 and seeks, amongst other things, that development does not conflict with the purposes of including land in the Green Belt. Although there are differences in the wording, insofar as they relate to the issues in the appeal before me, I consider these policies to be consistent with the provisions of the Framework.
7. The appeal site, other than a pylon, is free of built form. Due to this lack of development, the topography and post and wire fencing bordering, it is a particularly open and exposed field when viewed from School Lane (the lane). Openness is a key characteristic of the Green Belt. Given the site's open characteristics and its position between the settlement and the tree belt along the A570, the field makes a positive contribution to the openness of the Green Belt around Rainhill.
8. Although the proposed building would be single storey, seen against the backdrop of the tree belt and nearby houses, it would be a prominent structure in a highly visible location. Whilst stables are not uncommon in the countryside, the proposal would, nonetheless, result in moderate harm to the openness of the Green Belt.
9. One of the five purposes of the Green Belt set down in paragraph 134 of the Framework is to assist in safeguarding the countryside from encroachment. The proposal also includes a concrete apron, access track and all-weather manège which would occupy a large area. These additions, albeit at ground level, would nonetheless be prominent additions which would further represent encroachment into the open countryside.
10. I accept that the proposal would be used for private purposes and with the manège and other land holdings the stables would be appropriate facilities for recreation. However, the proposals would be dominant additions to the distinctly exposed open qualities of the field. Accordingly, even with a new hedge, the harm to the openness and its encroachment into the Green Belt would render the proposal as inappropriate development.
11. The proposed building would be significantly smaller than many agricultural buildings commonly found in the countryside. Moreover, stables are also common features and the Council has approved other stable facilities in the Green Belt. However, I have not been provided with the full details and plans of the stables that were approved and so cannot make a direct comparison with the proposals before me. In any case, my concerns relate not to the principle of stables in the Green Belt, but the specific development proposed and its

effect on the openness of this particular part of the Green Belt and the purposes of including the land within it.

12. I therefore find that the proposal would be inappropriate development in the Green Belt. It would therefore be at odds with Policies GB1 and GB2 of the UDP and paragraph 145 of the Framework in this regard.

Living conditions

13. The field is prominent, to varying degrees, from houses both to the east and to the west. The position of the stables would be such that the nearest neighbouring properties are the 2 houses on its eastern boundary.
14. The proposal would be for private use and, with the capacity for 4 horses, would be a scale that would not likely generate significant levels of activity and noise. Whilst residents of neighbouring properties would be aware of the equestrian activities, any noise generated would be irregular and likely to be intermittent.
15. A manure management plan could be secured by way of a condition if I were minded to allow the appeal. Moreover, the Council would also be able to investigate any alleged statutory nuisance or other impact, such as vermin, using its separate Environmental Health powers.
16. Overall, for private use, I find that the proposal would not result in harm to the living conditions of the occupiers of neighbouring properties with particular reference to noise and disturbance. The proposal would therefore comply with the requirements of Policy CP1 of the Council's Core Strategy (CS) (2012) and paragraph 127 of the Framework. These seek, amongst other things, to ensure good standards of living conditions for existing occupants.

Highway safety

17. The lane is narrow and terminates to the east of the appeal site near the A570. Large vehicles, such as tractors could use the lane already in connection with the agricultural field. I have no substantive details regarding the level of activity along the lane or the amount of movements likely to be generated by the proposal.
18. However, the proposal, for private use, for 4 horses is unlikely to generate a significant volume of traffic even if horses are moved between the appellant's land holdings.
19. Given the short length of the lane, forward visibility along it and the number of properties and other fields served from it, I do not consider that there would be a significant risk of conflicts between users. Even considering the location of the school, road users would be alert to other vehicles and pedestrians around the school. This may result in disruption to traffic along the road at peak times. However, there is no substantive evidence before me that the proposal would result in circumstances that would be detrimental to highway safety, even if vehicles associated with the stables travelled past the school at peak times.
20. I therefore find that the proposal is unlikely to result in any significant highway safety issues. Insofar as it relates to this main issue, the proposal would therefore comply with the requirements of Policy CP2 of the CS and the

Framework. These seek, amongst other things, to ensure that development does not have an unacceptable impact on road safety.

Other considerations

21. 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.

Conclusion

22. I have concluded that the proposal would not harm the living conditions of the occupiers of neighbouring properties and would not result in any significant highway safety issues. However, the proposal would be inappropriate development in the Green Belt, bringing conflict with Policies GB1 and GB2 of the UDP and the relevant provisions of the Framework.
23. The Framework stipulates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations.
24. I give moderate weight to the animal welfare and human health and wellbeing benefits. However, these do not clearly outweigh, either individually or cumulatively, the substantial weight given to the harm to the Green Belt. As such, the harm to the Green Belt is not clearly outweighed by any other considerations and therefore the very special circumstances necessary to justify the development do not exist.
25. As such, the proposal would conflict with the development plan when read as a whole. Moreover, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
26. For the reasons above, and having regard to all matters before me, the appeal is dismissed.

Robert Walker

INSPECTOR