



Appeal Decision

Site Visit made on 6 July 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2021

Appeal Ref: APP/B3438/W/21/3272764

Land off Troughstones Road, Biddulph Common, Staffordshire Moorlands Easting (x) 390537 Northing (y) 359996

- 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 Pauline Dishman against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0031, dated 16 January 2021, was refused by notice dated 8 April 2021.
 - The development proposed is erection of stables and change of use to the keeping of horses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal has been lodged the revised National Planning Policy Framework (the Framework) has been issued on 20 July 2021. However, there have been no material changes to the relevant parts of the Framework's policies concerning development in the green belt. Therefore, it has not been necessary to go back to the parties for further comments in this particular instance.
3. The proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been concluded that the development would not be of a scale and nature likely to result in a significant environmental impact and EIA is therefore not required.

Main Issues

4. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt including the effect on its openness.
 - (ii) The effect of the proposal on the character and appearance of the area including landscape character.
 - (iii) The effect of the proposal on ecology with particular regard to ground nesting birds.
 - (iv) The effect of the proposal on the use of Public Footpath No 31 (Biddulph Town Parish).

(v) If the proposal would be inappropriate, 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

Whether the proposal would be inappropriate in the Green Belt including the effect on openness

5. Policy SS 10 (Other Rural Areas Strategy) of the Staffordshire Moorlands Local Plan (2020) (LP) confirms amongst other things that strict control is to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by national policy.
6. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. The exception at Paragraph 149 b) allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments. Paragraph 150 e) of the Framework also allows for material changes of use of land such as for outdoor sport or recreation. However, in both instances the Framework confirms that such development is not inappropriate provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
7. There is no dispute between the main parties that the stables and change of use of the land would constitute a facility for outdoor recreation. I have no reason to disagree. However, I must assess whether the proposal would preserve the openness of the Green Belt.
8. From a spatial perspective, the building would comprise of four stables and its footprint, height and volume would undoubtedly affect openness when compared to the current undeveloped nature of the field within which it would be sited. There would also be an increase in hardsurfacing as a result of the additional hardcore placed on the site and the potential requirement for a concrete forecourt to serve the stables. The position of the development close to the boundary with Troughstones Road and next to the public right of way which runs through the field means that from a visual perspective the development would be clearly visible to passers-by. When the spatial and visual impacts of the proposal are considered together, the increase in built form on the site would result in a modest loss of openness to the Green Belt.
9. The appellant suggests that the proposal would not conflict with the five purposes of the Green Belt set out in the Framework. However, the Framework does not define encroachment into the countryside as being the 'gradual advance of a settlement into the countryside' as is contended. In any case, the above exceptions in the Framework requires that such proposals must both preserve openness 'and' not conflict with the purposes of including land in the Green Belt rather than an either/or approach. The development proposed would evidently encroach into a part of the countryside that is currently undeveloped and in that regard would be harmful to the essential characteristics of the Green Belt, namely its openness and permanence.

10. The loss of openness identified would mean that, in the context of paragraph 149 of the Framework, the proposal would constitute inappropriate development in the Green Belt.

Character and appearance including landscape character

11. The site forms part of a large field forming part of a predominantly open and undulating landscape. There are sporadic tree groups both on the site and within the wider landscape. Buildings including occasional dwellings and farmsteads are sparsely distributed across the surrounding landscape. Public Footpath No 31 Biddulph Town Parish runs through the site and links to Troughstones Hill a prominent feature in the wide open views available in the vicinity of the appeal site. In these respects, the site and its surroundings form part of a visually distinctive and predominantly natural rural landscape and are typical of some of the key characteristics of the Gritstone Uplands Landscape Character Type (LCT) as described in the Staffordshire Moorlands Landscape Character Assessment (2008) (LCA).
12. The design and scale of the proposal and the materials that would be utilised would be fairly typical of stables often seen in rural locations. However, the component parts of the scheme including the extensive hard surfacing proposed would result in some intrusion upon the predominantly open and natural qualities of this part landscape. This would be particularly appreciable from public vantage points given the prominent location of the development next to the public footpath and Troughstones Road.
13. I conclude, the development would result in some limited harm to the character and appearance of the countryside and this includes landscape character where such harm would be minor adverse. In that regard it would conflict with the aims to protect and enhance locally distinctive character and appearance including landscape character and the intrinsic character and beauty of the countryside in Policies SS1 (Development Principles), SS10 (Other Rural Areas Strategy), DC1 (Design Considerations), DC3 (Landscape and Settlement Setting) and C3 (Green Infrastructure) and the Framework.

Ecology

14. Given the open and natural characteristics of the site and that there are features within the surrounding landscape with potential biodiversity value, it is reasonable to expect that any potential effects on ecology are fully assessed. The Council's report identifies that the area is noted for curlew and lapwing and that these are a conservation priority species due to their population declines. The Preliminary Ecological Appraisal (2 February 2021) (PEA) does not specifically address the potential for ground nesting birds.
15. Despite the contention that the Council has not produced any evidence of its own, the onus is on the appellant to provide sufficient information to demonstrate that the proposal would have an acceptable effect on ecology. The appellant's appeal submission simply states that 'according to their expert' the site doesn't have characteristics to provide habitat for ground nesting birds such as lapwing and curlew and that the well-used public footpath would discourage such activity. However, I do not consider this represents particularly robust evidence and would have expected a specific comment from a suitably qualified ecologist. This could have been provided for example as an addendum

to the PEA. Without this, I cannot be certain that the Council's concerns are unfounded and that the site would not adversely impact on habitats.

16. I conclude that it has not been adequately demonstrated that the proposal would not have an adverse effect on ecology. In that regard, the proposal conflicts with the requirements to protect the natural environment and to conserve and enhance biodiversity in Policies SS1 (Development Principles), SS10 (Other Rural Areas Strategy), DC1 (Design Considerations) and NE1 (Biodiversity and Geological Resources) of the LP and the Framework.

Rights of Way

17. In addition to the Council's concerns, I have also seen the comments of third parties in respect of potential conflicts between the proposals and the use of the public footpath which runs through the site. The Peak and Northern Footpath Society, the Ramblers Association and the County Council's Rights of Way Officer did not raise specific objections but set out that the safety of users of the footpath should not be compromised and that the footpath should be kept open and available for use.
18. With regards to the potential conflicts of the use of the site for equestrian purposes and footpath users, there are many footpath routes in the countryside which cross through fields where footpath users are required to pass through with caution where animals are present within fields. The appellant has confirmed that the footpath would be safeguarded by post and rail fencing and I am satisfied that the specification of any fencing, gates and surfacing could be secured by a condition requiring precise details to be agreed in consultation with the County Council.
19. I conclude that the proposal would not be harmful to the use of Public Footpath No 31. In that regard, the development would comply with Policies SS1 (Development Principles), SS10 (Other Rural Areas Strategy), DC1 (Design Considerations) and C3 (Green Infrastructure) and the Framework which amongst other things require that developments contribute to a safe, active and healthy environment.

Other Considerations

20. The appellant contends that the proposal is the smallest building possible to comply with the welfare requirements of the British Horse Council. Whether or not this is the case, this does not convince me that the harm identified under the main issues would be justified.

Conclusion

21. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. As part of the assessment I have also found that the development would have a modest impact on the openness of the Green Belt. The development would also result in some limited harm to the character and appearance of the countryside and potential harm to ecology. Very special circumstances will not exist 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 development proposal to

overcome. The other considerations put forward in favour of the proposal would only carry limited weight.

22. In conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
23. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR