
Appeal Decision

Site visit made on 6 July 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/P2935/W/21/3270685

**Horsley Banks Farm, B6528 Horsley Main Road through the village,
Horsley NE15 0NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr W Collard against the decision of Northumberland County Council.
 - The application Ref 20/01794/VARYCO, dated 15 June 2020, was refused by notice dated 5 February 2021.
 - The application sought planning permission for construction of stable block, change of use of paddock to equestrian menage and construction of agricultural building under permitted development without complying with a condition attached to planning permission Ref 17/00229/FUL, dated 12 June 2017.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in complete accordance with the approved plans. These plans are: Drawing No. THD15-041-23 Rev A: Proposed Site Plan; Drawing No. THD15-041-21 Rev A: Proposed Stable Plans and Elevations.
 - The reason given for the condition is: for the avoidance of doubt, and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission was granted for a stable block and menage area at the appeal site in June 2017¹. Subsequently, the stable block and menage were constructed. However, the stable block was not constructed in accordance with the approved plans, but as detailed on the plans submitted with this appeal. There is no evidence before me that the menage was constructed other than in accordance with the June 2017 planning permission, therefore, the development has begun, and the planning permission remains extant. The appeal relates to the variation of condition 2 of the extant planning permission to amend the details of the stable block.
3. The parties agree that more recently further alterations have been undertaken to the stable block and the building has been brought into use as a dwelling. The Council has made its decision based on its observations on site of the dwelling use, but I have no details of this scheme before me.

¹ under local planning authority reference 17/00229/FUL

4. It is not within the scope of this section 78 appeal to determine the acceptability or otherwise of the scheme currently on site, rather the scheme before me relates to the variation of condition 2 to amend the details of the stable block from those originally approved under condition 2 of the extant planning permission. This is the basis on which the Council advertised the planning application and on which consultees were invited to comment, and I have determined the appeal accordingly.
5. Furthermore, although the parties agree that the stable block was implemented in accordance with the proposed amendments before me, I saw at my site visit that the building no longer corresponds to these plans. Consequently, I have dealt with the appeal under section 73 of the Town and Country Planning Act 1990 (as amended).
6. The appeal site is within the Green Belt. The stable block is also within the Horsley Conservation Area (HCA). I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that I pay special attention to preserving or enhancing the character or appearance of conservation areas.
7. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the Framework.

Main Issues

8. Having regard to the above and the evidence before me, the main issues in respect of varying condition 2 are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it;
 - whether the development would preserve or enhance the character or appearance of the HCA; and
 - if the proposal is inappropriate development, whether 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

9. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 149). Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions to this is the provision of appropriate facilities for outdoor sport or outdoor 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 (Paragraph 149 b))

10. Saved Policy NE7 of the Tynedale District Local Plan (TDLP) pre-dates the Framework. It is supportive of essential facilities for outdoor sport and outdoor recreation and its aims are broadly compatible with the Framework. Even so, the wording of the policy is inconsistent with the Framework and I therefore attach only limited weight to the policy approach for the purposes of this appeal and my decision relies on the Framework in this regard.
11. The appellant considers that the proposed extension to the stable building falls within exception paragraph 149 c) of the Framework, *'the extension or alteration of a building provided that it does not result in disproportionate addition as over and above the size of the original building'*. However, the appeal is for the variation of a condition to a planning permission. The result of allowing the variation is to provide a new permission for the construction of stable and menage incorporating the amendments sought that would run alongside the approved development. As the building constructed on site does not have planning permission, and is not therefore original, there is no original building to extend or alter, therefore the proposals could not comply with paragraph 149c).
12. The approved stable block would be a facility for outdoor recreation and would therefore be subject to paragraph 149b) of the Framework. The approved scheme provided four stables and a tack/feed room. The amended plans are noted as 'existing stable plan', but the spaces within the building are changed from the approved plans and the use of each space is not designated. The proposed extension is a notably different design providing a lesser floor area and larger openings. The purpose of the extended floor area is not identified. Further, the proposed elevations do not show the treatment of window and door openings and those new openings proposed on the south and west elevations have a domestic form. Consequently, the drawings do not provide sufficient detail to establish if the proposed amendments would result in a building that would be suitable for a stable use. I cannot therefore be satisfied that the building as proposed on the amended plans would be an appropriate facility for outdoor recreation.
13. In addition, paragraph 149 b) of the Framework supports appropriate facilities as long as the facilities preserve the openness of the Green Belt and do not conflict with Green Belt purposes. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.
14. The approved stable block would inevitably have an impact on openness. However, the proposed extension and roof alterations would introduce further development on to the site, increasing the overall footprint and mass of the structure and reducing spatial openness. In addition, due to the increase in footprint and mass, the building would be more visible from the adjacent public footpath. For these reasons, the proposed amendments would not preserve openness.
15. With respect to the purposes of Green Belt, because of the siting of the menage area the increase in the size of the stable would not lead to encroachment into the countryside. Nor would it represent sprawl or urbanisation and I find no conflict with the purposes of Green Belt.
16. However, overall, for the reasons I have set out, I conclude that the proposal to vary condition 2 would be inappropriate development in the Green Belt and

would conflict with paragraphs 149 b) and c) of the Framework. In so far as Policy NE7 is compatible with the Framework the proposed amendments to the stable block would also conflict with Policy NE7 of the TDLP.

Conservation Area

17. The significance of the HCA in part derives from its attractive rural setting and the visually robust buildings which add aesthetic quality and illustrate the social and economic history of the village. Local sandstone and blue grey slate are the dominant building materials.
18. Horsley Bank Farm is part of a group of stone constructed buildings which positively reflect the character of the HCA. Although not visible from the road frontage, the building group is highly visible from the public footpath that runs adjacent to it. The stable block as approved would be sited adjacent to this group.
19. The appeal plans indicate the use of a mix of stone and brick for the walls, and this is reflected in the building already constructed. I acknowledge the appellant's reference to the use of other materials within the village, but the appeal site is within a group of buildings constructed of stone. Whilst the brick work on the recessed front elevation would not be conspicuous, the use of brick work on the west and east elevations and the proposed extension would be prominent within the landscape. The brickwork would appear incongruous with the materials within the building group and would detract from the prevailing distinctive character and significance of the HCA.
20. Further, the design of the side extension with its larger openings, more limited depth, and different roof pitch would be detrimental to the simple form of the original stable design. The amendments to the design would be prominent from the public footpath, would fail to be sensitive to the defining characteristics of the local area, and would look harmfully out of place.
21. The degree of harm to the special interest and significance of the HCA would be less than substantial having regard to the Framework. Even so, I give this harm great weight and importance. Framework paragraph 202 requires such harm to be weighed against the public benefits of the proposal.
22. I acknowledge that there would be some small economic benefit to jobs and expenditure during the building's construction or alteration. The appellant indicates that there may be further economic benefits, however, these are not set out. These limited benefits do not outweigh the less than substantial harm to the HCA as a heritage asset.
23. Overall, I conclude that the development would not preserve or enhance the character or appearance of the HCA. The proposal would conflict with Policies BE1 and NE1 of the Tynedale LDF Core Strategy (Core Strategy) and Policies GD2 and H32 of the TDLP where these policies seek to conserve and where appropriate enhance the quality and integrity of Tynedale's built environment and protect and enhance the quality of the landscape. It would also conflict with the Framework.

Other Considerations

24. The approved stable block may be considered a fallback position. However, for the reasons I have set out the amendments proposed would be inappropriate

development and would not preserve or enhance the character or appearance of the HCA. The appeal proposal would be more harmful than the extant planning permission for the stable block. Further I have no evidence that there is a reasonable prospect that the original approval for the stable block would be implemented given the changes that have taken place at the appeal site. Therefore, I can only attribute limited weight to the fallback position.

25. There would be limited economic benefits linked with the proposed amendments to the stable design which are for private use.

Conclusion

26. The proposal would be inappropriate development in the Green Belt and openness would not be preserved. The development would not preserve or enhance the character or appearance of the HCA. The Framework indicates 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.
27. I give limited weight to the economic benefits of amendments to the private stabling and I attach limited weight to the fallback position. The other considerations in this case do not clearly outweigh the harm to the Green Belt and the other harm identified. Therefore, the very special circumstances necessary to justify development within the Green Belt do not exist.
28. Overall, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR