



Appeal Decision

Site Visit made on 14 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/H4315/W/21/3277362

School Lane, Rainhill, Prescot, 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 Jason Scott against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2020/0883/FUL, dated 4 December 2020, was refused by notice dated 1 February 2021.
 - The development proposed is the replacement of 2no horse stables and ancillary facilities.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Jason Scott against St Helens Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. At the time of my site visit the stable building was present and from my observations appeared to be largely complete. This appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
4. The description above has been taken from the appellant's appeal form and I note that it was also used by the Council in their decision notice. Whilst it is similar to that used for the planning application, it is clearer and more concise. I have also removed the term "retention of" from the description as this is superfluous.
5. The council no longer raise any objection to the proposal in regard to the effect of the development on adjacent trees and confirm that they withdraw their second reason for refusal. Based on the evidence before me, I find no reason to conclude otherwise. I have therefore not considered this matter in my considerations below.

Main Issues

6. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- The effect on the openness of the Green Belt;
- Would the harm by reason of inappropriateness be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

7. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.
8. Subject to a number of exceptions, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions are set out in Paragraph 149 of the Framework and include 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; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it."
9. Saved Policy GB1 of the St Helens Unitary Development Plan (the UDP) is of some age, having been adopted in 1998. However, those parts relevant to the appeal before me broadly conform with the Framework. In particular, it sets out that essential facilities for outdoor recreation which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it are not inappropriate. Whilst the Policy refers to 'essential' rather than 'appropriate' I do not find that, for the purposes of this appeal, the difference is significant. Although UDP Policy GB2 is broader in its scope, I find the relevant parts to this appeal also conform with the Framework.
10. From the evidence before me, and my observations on site, it is clear that the building is for the stabling of horses, as such the building is connected with an existing outdoor recreation use. The building contains two stalls for the horses which are surrounded by an open plan area used for various purposes including storage, a tack room and grooming area. Either side of the stalls at the rear of the building are a kitchen and toilet.
11. The appellant has provided a copy of the Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids by the Department for Environment Food and Rural affairs. I note that the stalls meet the minimum size recommendations for large horses set out within this document. Whilst this is not the smallest size suitable for a horse, I find it to be reasonable as it is only marginally larger and would allow flexibility for the horses stabled at the building. Although I note there is disagreement as to whether any thefts have occurred on site, it is nevertheless reasonable that an internal storage area is provided for tools, including a lawn mower for the purposes of security. Furthermore, I do not find that the blockwork walls would necessarily result in a build that is any more permanent than a timber stable block and so, in this

instance, the materials of construction do not result in the building being inappropriate development.

12. Given the location of the appeal site away from facilities and that users are likely to spend extended periods of time on site, a toilet is an appropriate facility for the use. Although, as admitted by the appellant, the toilet could be smaller, given its size would allow for users to change and clean, it is not excessive given the nature of the use. However, whilst the appellant considers a kitchen to also be essential, this has not been demonstrated in the evidence before me. Given the scale of the stables, providing only two stalls, I find the presence of a kitchen, especially of the size before me, would not be commensurate.
13. In justifying the size of the hay and straw storage areas the appellant has made reference to stables permitted in the surrounding area. From the limited information available I am not aware of the overall circumstances under which these were permitted. It is also clear that the stables were larger than that before me, I therefore attach little weight to them in my determination of this appeal. No substantive evidence has been provided as to the amount of hay or straw required for the stable before me and therefore, given the size of these areas I find them to be excessive for the needs of two horses. Likewise, while a grooming area may be necessary it has not been demonstrated that this must be of a size similar to the horse stalls.
14. Whilst a large portion of the building provides facilities which are directly related to the equestrian use, it also provides facilities which, lacking evidence to the contrary, are not commensurate with the use. I therefore find that the building does not provide facilities which are appropriate to the use.
15. Having regard to the above, I conclude that the proposal would not provide appropriate facilities for the existing outdoor recreational use. Therefore, the building would not accord with Policies GB1 and GB2 of the UDP which set out what is considered to not be inappropriate development and requires that development does not conflict with the purposes of the Green Belt. It would also not comply with the exceptions of Paragraph 149 of the Framework and therefore would represent inappropriate development within the Green Belt.

Openness

16. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. Openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt.
17. Although the stable building is at the edge of a field against a wooded area, it is nevertheless visible from public viewpoints within the surrounding area. Moreover, when vegetation dies back during the colder months the building's prominence would be increased. Therefore, given the size of the building and its location, it would be experienced both visually and spatially.
18. I note that a building previously stood where the new stable has been erected. While the Council may have found that the siting of the previous building protected the openness of the Green Belt, the building before me is significantly larger than that it replaces and so its impact will be different. As

above, in this instance I find that the scale of the stables does impact on the openness of the Green Belt.

19. For this reason, the proposed development would compromise the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be modest in relation to the Green Belt as a whole, it would nonetheless occur. This matter carries substantial weight.

Other Considerations

20. I note the appellant's desire to provide improved stabling for their horses which is in line with the current guidance and secure storage for machinery and tack. Whilst I have no doubt that this would be of benefit to the appellant and their horses, it is likely that the development is permanent and would remain long after the current circumstances cease to exist. Therefore, I am only able to attach moderate weight to these matters.
21. The appellant has also raised that the new building is necessary because the previous building was in a poor state of repair following weather damage. While this may have been the case the building has been demolished and no evidence has been submitted to demonstrate this. I cannot therefore confirm this to be the case. As such this matter carries only limited weight in my overall consideration.

Green Belt Conclusion

22. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most, moderate weight has been given to the considerations cited in support of the proposal. I conclude that taken together, they do not clearly outweigh the harm to the Green Belt.
23. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with the Green Belt aims of saved Policies GB1 and GB2 of the UDP. It would also conflict with the Green Belt aims of the Framework.

Conclusion

24. The improvements to the quality of the stabling provision would be outweighed by the harm to the Green Belt and therefore, the proposal would conflict with the development plan. There are no other considerations, including the Framework, that outweigh this conflict. As such, for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR