



Appeal Decision

Site Visit made on 26 October 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Appeal Ref: APP/T3725/W/21/3279694

Firs Cottage, Haseley Green CV35 7LT

- 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 Jeremy Smith against the decision of Warwick District Council.
 - The application Ref W/20/1947, dated 24 November 2020, was refused by notice dated 19 May 2021.
 - The development proposed is the erection of stabling and implement/hay store to replace existing hay store.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the Council's consideration of the planning application the appellant provided revised plans showing a reduced scale and revised design of the proposed building. As the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the reduced proposals into account and I have proceeded on that basis.
3. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the Framework and the relevant development plan policy
 - if the development is 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

5. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that

new buildings are inappropriate in the Green Belt. However, an exception is made in the case of the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and 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.

6. Policy DS18 of the Warwick District Local Plan 2011-2029 (WDLP) states that the Council will apply national policy to proposals within the Green Belt.
7. There is no dispute between the main parties that the use of the building to accommodate horses would fall within the scope of buildings associated with outdoor sport and recreation. In addition to the stalls, the proposal would include space for tack, feed, implement storage and transport associated with the keeping of the horses and maintaining the land for that purpose.
8. The size of the building is significant for the intended purpose of accommodating two horses on the land. The building incorporates relatively large stall areas and an ancillary storage element which would exceed the stabling component in all dimensions and by some degree. The use of a modest store for feed, bedding and tack is commonplace on most modern stable buildings. However, according to the appellant there is an additional need for the storage of associated equipment to maintain the paddock, move and store discarded bedding and to transport the animals.
9. The appellant describes the scale of the building as the minimum practical size. However, despite the dispute between the main parties in relation to the subsequent overall scale of the building which led the Council to refuse the application, there remains little to qualify or quantify the necessity for the large scale of the storage area associated with the limited number of stables.
10. Furthermore, it is unclear if there is a requirement for storage within the significant roof spaces which would make up the majority of the bulk of the building. In the absence of such information, I find the combined structure would be considerable on account of the overall footprint and high roof. It would be disproportionate to the extent of the recreational or sporting use proposed on a site of limited area.
11. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
12. The proposed siting of the building would be such that it would make good use of the local topography and existing trees to limit the effect of the development on the visual openness of the Green Belt. However, notwithstanding that the building's scale has been reduced from an original proposal which included 3 smaller stalls, I find that by reason of its overall size, the scale of the building would unduly affect the spatial openness of the Green Belt.
13. For those reasons, I find that the proposal would not be an appropriate facility for the intended purpose, nor would it preserve the openness of the Green Belt. The development does not fall within the exceptions outlined in the Framework and it would therefore constitute inappropriate development in the Green Belt. It would be contrary to Policy DS18 of the WDLP which seeks the aforesaid aims.

Other considerations

14. In support of the development the appellant asserts that the proposal would replace an existing isolated building and contends that the height to the eaves and ridge of the new building would be identical to the existing structure. However, according to the submitted plans of the existing and proposed buildings, there would be significant proportional increases in the overall height, length and width of the building compared to the existing shed. It would be materially larger than the building it would replace. This reinforces the view that the proposal would unduly affect the openness of the Green Belt.
15. According to the appellant, the building would be an off-the-peg design; it would incorporate hipped roof forms to reduce the sense of overall scale and use a style and materials to reflect other buildings in the area. However, many of the buildings in the locality are designed for different functions and are associated with other land uses. The building would contrast starkly with an example of a small stable building located nearby at Firs Farm. The alternative design of a building which leads to undue loss of openness is not a strong argument in favour of the development.
16. The appellant (and others) indicate that the Council has approved a similar building elsewhere. However, there is limited evidence before me to clarify the location of that development or the circumstances of that decision to allow me to draw comparisons, or otherwise. Accordingly, I have considered this case on its own merits.
17. I also note concerns that the existing building has become dilapidated and therefore is a visual detractor to some who use the lane. Whilst the proposal would provide a new building on the site, any failure to maintain buildings or land is not a strong argument in favour of an alternative development that would cause harm to the Green Belt. It is therefore a matter of limited weight.
18. I note the support from several residents of the area and that the land is subject to restrictions by covenant. However, these are not benefits in favour of the development.

Conclusion

19. The building would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The scale of the building would also cause harm to the openness of the Green Belt, which is one of its essential characteristics.
20. The considerations presented by the appellant do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to Policy DS18 of the Warwick District Local Plan 2011-2029 and the Framework.
21. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock INSPECTOR