



Appeal Decision

Site visit made on 11 January 2022

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/P3040/C/21/3272554

Land on the south side of Radcliffe Road, Cropwell Butler, Nottinghamshire NG12 3AG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Peter Shore against an enforcement notice issued by Rushcliffe Borough Council.
 - The notice, numbered RS/756, was issued on 5 March 2021.
 - The breach of planning control as alleged in the notice is the construction of a building and laying of hardcore surfacing.
 - The requirements of the notice are to:
 - (1) Demolish the building and remove its foundations
 - (2) Remove the hardcore surfacing and any sub-base
 - (3) Remove all materials arising from requirements (1) and (2) from the Land
 - (4) Make good any damage caused to the Land by requirements (1), (2) and (3) and reinstate the Land to level grassland.
 - The period for compliance with requirements (1), (2) and (3) is 3 months
 - The period for compliance with requirement (4) is 4 months
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a building and laying of hardcore surfacing at Land on the south side of Radcliffe Road, Cropwell Butler, Nottinghamshire NG12 3AG referred to in the notice, subject to the following conditions:
 - 1) The building hereby permitted shall only be used for stabling horses and associated storage, and shall not be used as a riding school, livery or for any other business or commercial use.
 - 2) No security lighting or floodlighting shall be installed until details of any such lighting has been submitted to and approved in writing by the local planning authority. The lighting shall be installed only in accordance with the approved details.

Preliminary Matter

2. The appellant has provided a plan of the site which, in addition to the items enforced against, shows a lunge pen and manege, items which the Council says require planning permission. I have noted the appellant's suggestion that these items could be considered as part of this appeal. However, an appeal on

ground (a) can relate only to the matters stated in the notice as a breach of planning control (s174(2)(a)) and I am only able to consider granting planning permission in respect of those matters, whether in whole or in part (s177(1)(a)). Since the lunge pen and manege are not part of the matters stated in the notice, the appeal on ground (a) does not seek planning permission for them and I cannot grant any such permission.

Reasons

Main issues

3. The site lies within the Green Belt. As a consequence, the main issues are:

- Whether the building 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 development on the openness and purposes of the Green Belt.
- Its effect on the character and appearance of the area; and
- Whether any harm due to 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.

Green Belt considerations – inappropriateness, openness and Green Belt purposes

4. The appeal site is located in the countryside and appears to be used for grazing horses. The appellant states that the building that has been erected is a stable. The building is L-shaped and a loose-surfaced area has been created in front of it. This appears to be the hardstanding referred to in the notice. It clearly relates to the building and I regard it as part and parcel of the same development.
5. Policy 21 (Green Belt) of the *Rushcliffe Local Plan Part 2: Land and Planning Policies* states that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework. The Framework advises at Paragraph 149 that, other than in the case of a number of specified exceptions, the construction of new buildings within the Green Belt is inappropriate.
6. The appellant cites the second exception (b) listed at Paragraph 149, which is:
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;
7. It seems to me that the keeping of horses on the land is a use for outdoor sport or recreation. This leaves the questions of whether the building that has been erected is an appropriate facility for that use, whether the openness of the Green Belt is preserved and whether there is conflict with the purposes of including land within the Green Belt.

8. On the first of these matters, the building is constructed of blockwork with timber cladding, a concrete floor and a profiled sheet roof. It is laid out as a stable internally, with separate stalls, a heated 'solarium' area, tack room and a hay/machine store, which is reached via a roller-shutter door and contained a tractor, mower, trailer and hay bales when I viewed it. It also has a small room for a toilet and wash basin. While many stables might be built of less durable materials, that does not make this blockwork building inappropriate, and I have no reason either to conclude that the concrete floor is not suitable for horses.
9. Although the Council alleges that the building was finished using domestic type windows and doors, when I saw the building it had only a single domestic type window on an end elevation (serving the tack room). In the main, the building uses simple wooden doors, typical of those normally found on a stable. The building has lighting and electrical sockets installed, but they are reasonable and practical additions to the building and consistent with use as a stable in my view.
10. The building is similar in scale and general layout to previous, unimplemented schemes for a stable building permitted by the Council on the appellant's land. The hay/machine store is a significant element of the building, but I can appreciate that machinery and hay may be needed in connection with the keeping of horses and the management of the land on which they are kept, and the previous schemes had similar provision. The toilet and basin take up very little space and strike me as a reasonable facility, given the desirability of maintaining hygiene standards while looking after animals.
11. The hardstanding appears to have been added to prevent the area in front of the building becoming churned up by horses and is a practical feature, consistent with the intended use of the building. It clearly relates to the building and is not excessive in scale. Overall, the building appeared to me to be designed for the purpose of keeping 2 or 3 horses and I find that it is a suitable facility for outdoor sport or recreation.
12. Turning to the question of openness, the appeal development results in new built development where none existed previously. However, it is clearly not the intention of Paragraph 149 to rule out every building that facilitates outdoor sport or recreation on that basis. In this case, for the reasons I have already given, the building is not excessive in scale for its intended purpose. Its siting, fairly close to the appellant's home, means that it is seen in the context of that pre-existing building and does not protrude unnecessarily far into the field. The scale, design, materials and detailing of the building, including the stable doors, all mark it out as a stable rather than a type of building to be expected in an urban area. With these points in mind, I conclude that the openness of the Green Belt has been preserved.
13. The 5 purposes of Green Belt are listed at Paragraph 138 of the Framework. The only one of potential relevance in this case is 138(c), which is to assist in safeguarding the countryside from encroachment. However, the building relates to a countryside use and, in view of my findings above relating to its scale and siting, I conclude that it does not encroach into the countryside or otherwise conflict with the purposes of including land in the Green Belt.
14. For these reasons I conclude that the building falls within the exception set out at paragraph 149(b) of the Framework and is not inappropriate development within the Green Belt. It follows from this that it is not necessary to consider

whether very special circumstances exist to justify it. It also means that there is no conflict with Policy 21 of the Local Plan.

Character and appearance

15. As I have already indicated, the building has the appearance of a stable and is seen in the context of pre-existing development in the form of the appellant's dwelling. As a consequence, it does not appear out of place in this rural location. While the Council would prefer to see it finished in redwood timber with a more natural finish, the very dark finish used is not intrusive and does not appear incongruous on a building of this general type in my view. The detailing of the building is simple and appropriate for a rural building. The hardstanding appears appropriate in its context, being partly enclosed by the building and formed of a loose material, fairly muted in its colour. With these points in mind, I conclude that the development does not harm the character or appearance of the area and I find no conflict with the development requirements set out in Policy 1 of the Local Plan, which, amongst other things, seeks to ensure that the scale, density, height, massing, design, layout and materials of new developments are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.

Conclusion and planning conditions

16. For the reasons set out above I find no harm to the Green Belt or to the character or appearance of the area and conclude that the appeal should be allowed. I have attached a condition specifying the use of the building because the use proposed forms the basis of my decision to allow the appeal. I have imposed a condition relating to external lighting to protect the amenity of the locality.
17. I have not imposed any condition relating to the completion of the building, since it was complete when I saw it. I see no reason for a condition regarding the disposal of manure, since the keeping of horses seems unlikely to give rise to the need for such control in this rural location, away from residential areas and where such use may reasonably be expected. Nor is a condition requiring the building to be demolished if there is a cessation in its use justified, given my finding that it is not inappropriate within the Green Belt. The appellant suggests a condition relating to the removal of a field shelter on the adjoining paddock, but that does not appear to me to be justified on the facts of the case.

Peter Willows

INSPECTOR