



Appeal Decision

Site visit made on 7 March 2022

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/C3430/W/21/3284953

Cookley Lane Stables, Cookley Lane, Kinver, Stourbridge DY7 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 Mrs Julia Edwards against the decision of South Staffordshire District Council.
 - The application Ref 21/00162/FUL, dated 18 January 2021, was refused by notice dated 26 August 2021.
 - The development proposed is storage building for hay, bedding, machinery and equipment.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - ii) the effect of the proposal on the character and appearance of the area, and;
 - iii) if the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal site lies within the Green Belt. Policy GB1 of the Local Plan (2012) together with Paragraph 149 of the National Planning Policy Framework (2021) (the Framework) and exception b) of this paragraph state that the construction of new buildings in the Green Belt will normally be permitted if the development is for the provision of appropriate facilities for outdoor sport or recreation and as long as the facilities preserve the openness of the Green Belt and do no conflict with the purposes of including land within it.
4. The appeal site concerns an equestrian facility which, whether for commercial purposes or not, relates to outdoor sport or recreation. The development

proposed would be to store hay, bedding, machinery and equipment to support the activities on site. The development proposed, therefore, is for the provision of appropriate facilities for outdoor sport or recreation.

5. The building proposed would be notable in size and therefore would occupy a sizeable area, in terms of floorspace and volumetrically. Furthermore, whilst in views from the west, the building would be seen in the context of the existing stables, it would sit in a prominent position on the site and would, as a result, extend the boundaries of existing built form.
6. The building would be situated firmly within the appeal site and therefore away from immediate views from outside. Furthermore, given the gradient of the land and existing vegetation on boundaries, the building would largely be seen from within the site and within the context of the existing buildings and activities associated with the equestrian facility. Visually, therefore, the building would not appear incongruous or unduly dominant. However, the lack of visual harm does not outweigh the harm found relating to the building's spatial impact.
7. The area of the site proposed for the storage building is currently open in visual terms given the absence of built form on it. The area is currently identified for horses, evident by the presence of fences and managed ground. Functionally, therefore, the land is less open given that it is actively used and managed. However, the use of the land does not detract from its openness in visual terms.
8. The Framework is clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Taken in isolation, due to its overall size, the proposed storage building would inevitably result in a reduction in openness of the Green Belt due to its position on the site and the presence of a structure where previously there was none.
9. Consequently, having found that the development would not preserve the openness of the Green Belt, it would not meet the exception b) of Paragraph 149 of the Framework nor would it comply with Policy GB1 of the Local Plan.
10. The Local Plan predates the Framework and in this regard is inconsistent with the Framework. Para 219 states that the weight to be given to policies that predate the Framework is predicated upon consistency with the Framework. As such, I give greater weight to the Framework and conclude that the development would be inappropriate development in the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Character and appearance

11. The storage building would be notably different in appearance to the existing buildings on site. The development would also be notable in scale. As a result, the development would sit uncomfortably alongside existing buildings and appear dominant in views from within the site. However, the appeal site is enclosed in character, owing to the lie of the land and the vegetation on site boundaries. And so, whilst the development would be notable in form and scale, it would not impact on local views or appear unduly dominant in the context of the surrounding area. For this reason, the proposal would not be harmful to the character and appearance of the area.

12. Policies EQ4 and EQ11 of the Local Plan seek high quality development that does not have a detrimental effect on local landscape character. This is broadly consistent with the Framework which seeks development that is sympathetic to local character and therefore I give equal weight to them. Having found that the development would not be harmful to the character and appearance of the area, the proposal would be compliant with these policies.

Other Considerations and Very Special Circumstances

13. When determining applications, the Framework advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. I am aware of the need to store increasingly large bales of hay and equipment associated with the paddocks within a secure building. I recognise too, that the existing buildings on site are not fit for this purpose. However, I am not aware that the amount of equipment and the number of hay bales concerned demands a building of the form and scale proposed. Nor is there evidence before me to suggest that the building is the optimum solution, after other buildings and site configurations have been discounted.
15. The Council raised no objection on grounds of ecology, highway safety, biodiversity and residential amenity. This is neutral in the planning balance.
16. I have concluded that the development is inappropriate development and is, therefore, by definition harmful to the Green Belt. Substantial weight is given to this harm.
17. The lack of harm to the character and appearance of the area and the 'other considerations' in this case carry limited weight in favour of the proposal and therefore do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, the proposals do not accord with the Framework.

Conclusion

18. For the reasons given above, the appeal is dismissed.

R Walmsley

INSPECTOR