
Appeal Decision

Site visit made on 8 February 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/P1805/W/21/3283122

Stable and land at Holt Lane, Romsley B62 0ND

- 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 Gary Goddard against the decision of Bromsgrove District Council.
 - The application Ref 21/00847/F, dated 19 May 2021, was refused by notice dated 15 July 2021.
 - The development is the 'Change of Use from Sui Generis to D2. No proposed structural works internal or external to the property'.
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Decision

1. The appeal is allowed and planning permission is granted for the Change of Use from Sui Generis to D2. No proposed structural works internal or external to the property, at Stable and land at Holt Lane, Romsley, B62 0ND in accordance with the terms of the application, Ref 21/00847/F, dated 19 May 2021, and the plans submitted with it, subject to the following condition
 1. Within 3 months of the date of this decision a scheme for vehicle, cycle parking and electric charging points shall be submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The approved scheme shall be carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

Preliminary Matters

2. On my site visit I noted that the change of use described above has already occurred and I have dealt with the appeal on that basis
3. The description of development above has been taken from the application form. 'Retrospective' is not however an act of development and accordingly I have not included it in the description.
4. The revised National Planning Policy Framework (the Framework) was published on 21st July 2021, shortly after the decision issued by Bromsgrove District Council. Where reference is made in statements, or reports, written prior to the issue of the new iteration of the Framework I have made a comparison with the new document to assess if there has been any material change to the policy, and comment accordingly.

Background and Main Issues

5. The appeal site falls within land defined as Green Belt. The parties agree that the development is not inappropriate development within the Green Belt as it

falls within the exceptions set out in paragraph 150. In particular they agree that the development relates to the re-use of a building that is of permanent and substantial construction, and includes a material change in the use of land for outdoor sport or recreation that preserves the openness of the Green Belt. From my assessment of the evidence before me, and what I saw on my site visit, I have no reason to disagree.

6. Against this background I consider the main issue is whether the development is situated within a suitable location, with particular regard to accessibility.

Reasons

7. Policy BDP2 of the Bromsgrove District Plan (2017) (BDP) provides a settlement hierarchy for the district. It seeks, amongst other matters, to focus new development in locations which will provide and support sustainable communities. In this regard I note that the appeal site lies approximately 0.8 kilometres from the village of Romsley. The main parties agree that it lies outside the settlement boundary, in a rural location.
8. Whilst I understand the purpose behind Policy BDP2, I am also conscious of paragraphs 84 and 85 of the National Planning Policy Framework (the Framework) which, amongst other matters, seek to enable sustainable growth of business in rural areas, including rural tourism and leisure developments. In supporting such developments, the Framework recognises that they might be on sites beyond existing settlements, and in locations that are not well served by public transport.
9. The development supports the provision of physical exercise, either on a one to one basis, or in small groups. Activities would take place either within the converted stables, or on the grass area immediately adjacent to them. I have no evidence specifying the number of participants involved at any particular time, or the time or duration of the exercise session. That said, given the size and configuration of the building, with the limited equipment that I saw during my site visit, the number of individuals attending at any one time is not likely to be high.
10. The Appellant says that the proposed development would provide employment for an individual who currently lives close to the site, in low cost accommodation. He also indicates that the proposal has the potential to improve the physical and mental well-being of customers. I also have taken into account the 5 letters of support provided by local customers. In this regard I find the development would support a small-scale rural leisure business and would attract local interest. However, there will be a balance to be struck between the desirability of supporting rural development and maximising the use of sustainable transport.
11. I am aware that there is no bus service that would adequately serve the appeal site. I also note that the roads between the appeal site and Romsley, are narrow and lack footpaths and lighting. Consequently, walking or cycling to the site would be hazardous and impractical. I also accept that individuals might travel from more distant locations. As a result, I find that customers would be more inclined to use a private motor vehicle to access the development.
12. Notwithstanding the above, I have also taken into account the traffic that would be generated if the site was used for equestrian purposes. In this regard

I acknowledge that the number of movements would be dependent on occupancy levels and management arrangements that would be in place at any particular time. That said, there are 4 stables, and it would not be unreasonable to expect owners to visit their horses twice a day. When taken as a whole it is unlikely that a gym, of the scale proposed, would generate a significantly higher number of trips than an equestrian use.

13. In light of the above I acknowledge that there is some conflict with Policy BDP2 which supports developments that reduce the need to travel. However, the Framework, at paragraph 111, indicates that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I have no evidence before me to support a refusal on either of those grounds. In any event, I find that the social and economic benefits would outweigh the limited accessibility by sustainable means.
14. In light of the above I conclude that the proposed development accords with Policies BDP15 and BDP25, which amongst other matters, support rural enterprises, and lead to the provision of additional sport, recreational and amenity assets. These policies are consistent with the Framework which, amongst other matters, support sustainable growth and expansion of all types of business in rural areas.

Conditions

15. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. As the development has already commenced it is not necessary to impose the standard time limit condition for implementation.
16. The Council has requested that a condition is imposed requiring details of vehicular parking, cycle parking and electric charging points to be provided. The Appellant has indicated that he would be agreeable to the imposition of such a condition. Given that the development has already occurred it will be necessary to impose a time limit for the details to be submitted.
17. A further condition limiting operating hours has been put forward by the Council, in order to protect the amenity of local residents, with a suggestion that activity should be restricted to between 8.00 am and 8.00 pm. The Appellant does not see any benefit of such a condition given that amplified music is not used and the closest residential building is located over 50 metres from the stable building. The Appellant also considers that the suggested times would severely limit the use of the facility making it a less viable business operation. In this regard I note that no objections have been received from Worcestershire Regulatory Services on noise, and no concerns have been raised by neighbouring residents. I find that in the absence of compelling evidence to the contrary, a condition limiting operating hours is not justified.

Conclusion

18. The development is not inappropriate development in the Green Belt. The effect on the openness of the Green Belt is preserved and it does not conflict with the purposes of including land within it. As the development is not inappropriate development in the Green Belt, and hence there is no harm caused to it, it has not been necessary for me to take into account other

identified considerations. Whilst acknowledging that there is some limited increase in the need to travel by private motor vehicle arising from the development, this is outweighed by the social and economic benefits identified above.

19. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the condition set out above.

John Gunn

INSPECTOR