



Appeal Decision

Site visit made on 14 April 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2022

Appeal Ref: APP/J4525/W/22/3291483

Stoneygate Stables, Burdon Lane, Burdon, Sunderland SR3 2PT

- 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 Steve Nelson against the decision of Sunderland City Council.
 - The application Ref 21/02430/FUL, dated 15 October 2021, was refused by notice dated 14 December 2021.
 - The development proposed is erection of storage barn associated with the use as stables and kennels.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether the appeal development is inappropriate development in the Green Belt for the purposes of the Framework, including the effect on openness;
 - If the appeal development is inappropriate development, 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 it.

Reasons

Site and proposal

3. The appeal site forms part of Stoneygate Stables which comprises a complex of outbuildings that make up, amongst other things, kennels, cattery, holiday chalets and stables that is accessed from Burdon Lane. The buildings are intermittently positioned either side of a central access track that runs broadly through the middle of the complex. There are open spaces between the buildings that provide visual breaks and contribute to the openness of the site.
4. The proposed development would follow the form of the existing development on site insofar as it would represent an outbuilding sited to the side of the central access track. It would be of timber clad walls and metal roof and would be of a similar size and scale to the existing outbuildings on the site. It is proposed to be used in association with the wider use of the site as stables and kennels.

Whether or not inappropriate development in the Green Belt including the effect upon openness

5. The appeal site is situated in the Green Belt. 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 their permanence.
6. The National Planning Policy Framework (2021) (the Framework) outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149. Two of the exceptions cited, and referred to by the appellant, are b) and g). For the purposes of this appeal, 149 b) includes the provision of appropriate facilities for outdoor sport, 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. 149 g) is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. For this exception, the development must not have a greater impact on the openness of the Green Belt than the existing development. Policy NE6 of the Sunderland Core Strategy and Development Plan (2020) reflects the exceptions as set out in the Framework.
7. In terms of 149 b) the appellant puts forward the argument that a large part of the business on the site is a livery yard, with horse riding constituting sport and recreation. They clarify that the building subject of the appeal is not, however, intended to fully support this element of the wider business, the storage of equipment for the livery yard would be a large part of the use of the building. It is further outlined that the building would provide a workshop area, store tools and other equipment needed to deliver effective maintenance and management of the site as a whole.
8. Given the wide ranging activities that are carried out on the site, and the appellant's clarification that the building is not intended to solely support the horse riding element of the business, I am unable to conclude with any certainty that the proposed development would constitute an appropriate facility for outdoor sport and recreation. For this reason, based on the evidence before me, the proposed development would not constitute the type of exception referred to in 149 b) of the Framework.
9. In considering the proposed development against 149 g), the appeal site, forming part of a wider site with a variety of uses and buildings would constitute previously developed land. The siting of the proposed development and surrounding existing buildings mean that it would also represent limited infilling. For development to constitute an exception under this criterion, it must not have a greater impact on the openness of the Green Belt than the existing development.
10. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. The appeal site does not contain any buildings at present. It forms one of the open spaces that exists between the existing buildings on site. The proposal to construct a building, where there is currently none, cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms, and thus cause harm. I consider that in light of the several existing outbuildings on site and that the proposed building would broadly replicate the existing

arrangement, the harm caused to openness in spatial terms would be moderate.

11. From a visual aspect, the proposed development, due to its overall size and scale, would be more visually prominent than the open grassed area that currently exists. It would remove a notable area of open space between buildings that contributes to the openness of the site and the Green Belt. Although it would be set amongst the existing buildings, it would nevertheless be highly visible from within the site. For these reasons, it would have a greater impact on the openness of the Green Belt than the existing arrangement in visual terms. I find that given that the development would be set amongst buildings of a similar size and layout, the harm to the openness of the Green Belt in visual terms would be moderate.
12. For these reasons, the proposal would not constitute one of the exceptions outlined in the Framework and would therefore be inappropriate development in the Green Belt.

Other considerations

13. The proposed development would contribute to the efficient operation of an existing business offering a wide range of services. Although no detailed economic information has been provided, the significance of the development in economic terms weighs in favour of the proposal. However, in light of the overall use proposed and the size of the building, combined with the lack of any substantive evidence, such economic benefits are of minor weight.

Other Matters

14. The appellant has referred to the lack of communication from the council and that informal advice indicated the development would be acceptable in principle.
15. On the lack of communication, communication between parties can often assist the development process. The lack of such communication would not however be a reason to allow the appeal. Similarly, the fact that the appellant was informally advised that the proposed development would be acceptable in principle would also not be a reason to allow the appeal, particularly as such advice is customarily given without prejudice to the council's formal consideration of a planning application.

Planning Balance and Conclusion

16. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 continues by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. The development in this case amounts to inappropriate development in the Green Belt and the Framework requires that substantial weight is attached to the harm in that regard. It would also cause moderate harm to the openness of the Green Belt.

18. Having considered the matters raised in support of the proposal in terms of its contribution towards economic development, I conclude that they do not clearly outweigh the harm that I have identified, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist.
19. Therefore, the proposal would be contrary to Policy NE6 of the Sunderland Core Strategy and Development Plan (2020) that seeks to restrict inappropriate development in the Green Belt except in very special circumstances. The proposal would also be contrary to the Framework.
20. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR