



Appeal Decision

Site visit made on 26 April 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/R1038/W/22/3290431

Cowley Hall Farm, Cowley Lane, Holmesfield S18 7SD

- 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 Ms Kate Corker against the decision of North East Derbyshire District Council.
 - The application Ref 21/00852/FL, dated 28 June 2021, was refused by notice dated 23 December 2021.
 - The development proposed is use of land for keeping horses and construction of a stable building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it;
 - the effect of the proposal on the character and appearance of the area; and;
 - if the proposal 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

Whether Inappropriate Development

3. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.
4. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. The exception at paragraph 149 b) allows for 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. Paragraph 150 e) also allows for material changes of use of land such as for outdoor sport or recreation provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
5. Criterion 2.b of Policy SS10 of the North East Derbyshire Local Plan 2014 – 2034, adopted 2021 (the Local Plan) includes a similar exception in terms of new buildings.
 6. The keeping and riding of horses is generally accepted to be an outdoor countryside pursuit. Consequently, the use of land for the keeping of horses and the provision of a suitable building to provide shelter for them could reasonably be considered an appropriate facility for outdoor sport or recreation.
 7. The appellant states that three of the four stables would be just below the minimum size of the British Horse Society standards. The remaining space would be used for the sort of paraphernalia generally associated with stables including horse tack, hay and feed. The appellant's evidence also indicates that the keeping of four horses would be commensurate with the total area of the site. The scale of the stable building would not therefore appear to be disproportionate to the reasonable requirements associated with the keeping of four horses.
 8. From a spatial perspective, the stable building would nevertheless represent quite substantial built development on a site where there is currently none. The building's footprint, height and volume would affect openness when compared to the current undeveloped nature of the site. In addition, it would extend the built form away from the existing group of buildings. I note the appellant's contention that the site is not an open green field as it was part of a former vegetable garden and contains some rubble from a previous building. However, the site now presents as an open and undeveloped area.
 9. The stable building would be screened from Cowley Lane to an extent by existing vegetation. However, whilst noting the features used to reduce the prominence of the building, it would be clearly visible near to and at the site entrance and in views through gaps in the buildings fronting onto the lane. It would also be visible from stretches of a nearby Public Right of Way (PRoW). Whilst the stable building would be seen within the context of the existing buildings from certain vantage points, from other locations such as at the entrance to the site and from certain stretches of the nearby PRoW, it would appear as distinctly separate from them and would appear as visibly encroaching into the countryside.
 10. The appellant highlights that a planning permission was previously granted for a stable in a similar position to the current proposal. However, the information before me suggests that this stable was smaller and positioned closer to the existing buildings. I cannot therefore draw any direct comparisons with the appeal scheme that would weigh in its favour. Furthermore, the evidence is that the former planning permission has now lapsed and so I have determined this appeal on its individual planning merits.
 11. In spatial and visual terms therefore, the stable building would intrinsically add built development where presently there is none and it would be visible from

certain perspectives, resulting in a visual as well as physical reduction in openness. As such, whilst acknowledging that the appellant has sought to address the concerns raised about the previous scheme on a nearby site¹, the stable building would nevertheless result in some limited harm to the openness of the Green Belt. For similar reasons, it would result in a limited encroachment into the countryside, in conflict with this Green Belt purpose.

12. The change of use of the land for the keeping of horses, if considered in isolation, would preserve openness in a spatial and visual sense and would not conflict with the purposes of including land within the Green Belt. Nevertheless, I have still found that the stable building would not preserve the openness of the Green Belt and would conflict with one of the purposes of including land within it. Therefore, the proposed development as a whole would not fall within the exceptions in paragraphs 149 and 150 of the Framework, or criterion 2.b of Policy SS10 of the Local Plan. Accordingly, it would be inappropriate development in the Green Belt, and would be inherently harmful to it.

Character and Appearance

13. The site is within an Area of Multiple Environmental Sensitivity and within this, lies in an area of primary sensitivity as defined in the Local Plan. The supporting text to Policy SDC3 of the Local Plan explains that such areas are considered to be the most sensitive areas of landscape and are most likely to be negatively affected by change or development. In these areas, there will be a strong focus on the protection and conservation of their environmental assets.
14. In the immediate vicinity of the site there are a number of farms, cottages and large dwellings that sit along Cowley Lane. Key characteristics of the landscape in which the site sits includes gently undulating pastoral fields with hedgerows and trees, dry stone walls, scattered groups of farm buildings many of which are served by a network of narrow winding lanes. In these respects, the site and its surroundings are part of a pleasant and generally rural landscape and are typical of some of the key characteristics of the Wooded Slopes and Valleys Landscape Type as described in the Landscape Character of Derbyshire.
15. The design of the building and the materials proposed would be fairly typical of stables often seen in locations such as this. Whilst many of the buildings in the vicinity of the site are stone and slate, I also observed a number of metal sheeted buildings associated with the nearby farm. There are also a number of timber buildings further along Cowley Lane.
16. Although the stable building would be a quite substantial structure which would be positioned in a relatively prominent position, it would not be an incongruous form of development in this rural type setting. Furthermore, its design and the proposed materials would not be at odds with the rural character of the site and wider local area. The key characteristics of the landscape would not therefore be significantly harmed.
17. Consequently, the proposed development would not harm the character and appearance of the area. As such, it would accord with the landscape requirements of Policies SS1, SS9 and SDC3 of the Local Plan and the

¹ Application reference 19/01197/FL and appeal reference APP/R1038/W/20/3250727

objectives of the Framework for conserving and enhancing the natural environment, including the protection and enhancement of valued landscapes.

Other Considerations

18. A reduction in trips by private vehicle would likely result from the relocation of the horses from their current location to the site. Although no details are provided, there would be some limited benefits in terms of a reduction in pollution and carbon emissions.
19. The appellant highlights that the position of the stable building was chosen to allow easy access from her house without it causing any detrimental effects to the living conditions of nearby residents. A lack of harm would be a neutral matter.

Planning Balance and Conclusion

20. The proposed development would be inappropriate development in the Green Belt, which is by definition harmful. In line with paragraph 148 of the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness.
21. I have taken into account the aforementioned other considerations. I accord the benefits arising from the relocation of the horses only limited weight in the absence of information on the extent of trips and any reductions in pollution and carbon emissions that would result. Whilst I accept that the proposed development would be personally beneficial to the appellant, that is essentially a private benefit rather than addressing the public harm that would result.
22. The proposed development would therefore conflict with Policy SS10 of the Local Plan and the requirements of chapter 13 of the Framework which have been summarised above.
23. The Council has referred to Policy SS1 of the Local Plan in its first reason for refusal. This policy sets out criteria for developments to contribute to sustainable development. None of these are specific to Green Belt matters. Consequently, I do not consider it relevant to that issue, although this does not alter my findings.
24. For the reasons above, I find that the identified harm by reason of inappropriate development in the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. Consequently, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR