
Appeal Decision

Site visit made on 28 June 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/X3405/W/21/3289525

**Land south east of New Hayes Farm, Holly Hill Road, Cannock Wood
WS15 4SD**

- 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 Geraldine Astbury against the decision of Cannock Chase District Council.
 - The application Ref CH/21/0292, dated 25 June 2021, was refused by notice dated 27 September 2021.
 - The development proposed is the change of use of stables to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposed development would be inappropriate in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify it.

Reasons

3. The appeal site comprises two single storey timber stables and a field shelter located to the south of Holly Hill Road. Holly Hill Road lies outside of any recognised settlement and is characterised by sporadic development comprising of buildings with residential and agricultural uses, together with other rural uses including equestrian.
4. The existing buildings overlook undulating pasture and agricultural land, criss-crossed with hedges, beyond which is a wooded area. The building the subject of this appeal comprises of a 4 bay, timber clad, stable block and has a pitched roof covered with fibre cement sheets.

Whether Inappropriate Development

5. Policy CP1 of the Cannock Chase Local Plan (adopted LP) indicates that development proposed within the Green Belt will be assessed against the National Planning Policy Framework (the Framework) and Policy CP14. Policy

CP14 deals with matters relating to landscape character and the Cannock Chase Area of Outstanding Natural Beauty (AONB).

6. Paragraph 149 of the Framework establishes that the construction of new buildings in the GB is inappropriate subject to certain exceptions. Paragraph 150 indicates that certain other forms of development are also not inappropriate in the GB provided they preserve its openness and do not conflict with the purposes of including land within it. These include, at paragraph 150 d), the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. The appellant's structural report (SR) concludes that the building was structurally sound at the time of the inspection and was suitable for its purpose as stabling. Moreover, the appellant asserts that the building could be converted to a dwelling house without significant demolition or rebuilding.
8. That said, the SR indicates that, although the roof purlins were in reasonable condition, there was some deflection and minor water damage. Furthermore, some areas of the external walling had been repaired or renewed on what is a comparatively recent building. Structural standards for agricultural buildings are, moreover, not the same as those for domestic buildings. Whilst I accept that it fulfils the terms in which it was commissioned, in terms of the scheme before me there are various shortcomings with the SR as evidence justifying a residential use (notably the lack of information regarding the suitability of the foundations, the extent of any 'addition to the principal structure elements' as referred to in paragraph 5.3 or any additional loading which they may need to take). Consequently, I cannot agree that the building is of substantial construction, or 'abiding, lasting or enduring' as asserted by the appellant.
9. I have also taken into account the appeal at The Buds, Buds Road, Cannock Wood¹. In that case, even though the breeze block walls would have needed to have been underpinned and the roof replaced, the inspector found that it was of permanent and substantial construction. Whilst accepting that there may be similarities between the schemes, in terms of their description, the form of construction, materials and structural condition differs. Therefore, I do not consider that they are directly comparable.
10. The appellant also refers to the use of timber framing in historic and modern buildings. Whilst that may be the case, I must judge whether the appeal property is of permanent and substantial construction, based on the evidence before me and what I have seen.
11. In light of the above, I find that the stable building is not of permanent and substantial construction, and accordingly the proposed development would not accord with paragraph 150 d) of the Framework. Therefore, the development of the appeal site in the manner proposed would be considered to be inappropriate development within the GB. I also find that there would be conflict with Policy CP1 of the LP.

Openness

12. The Framework identifies that the essential characteristics of Green Belts are their openness, along with their permanence. Openness of the GB has a spatial aspect as well as a visual aspect.

¹ APP/X3405/W/17/3188789

13. On my site visit I observed that there would be limited views of the appeal site from Cumberledge Hill, which lies to the south. All other views, with the exception of those through the existing vehicular access, would be restricted by existing trees and hedgerows. This would include any potential views from the public right of way which runs a short distance to the west of the appeal site.
14. The proposed development intends to re-use an existing building which, in itself, would have no greater impact on openness than currently occurs. The appellant also indicates that the retained stable and field shelter would be used for equestrian purposes and the existing 'yard', that fronts the host building, would be used for parking purposes. I have no evidence before me to show that the appellant has any intention to make further changes to the appeal site.
15. That said, the Council are concerned that the proposed development would lead to a domestication of the appeal site, with the introduction of parking and domestic paraphernalia, including the provision of gardens. In this regard the Council's Landscape Officer has indicated that any changes or additions to the external environment would start to impact on the character and form of the area, which includes the GB and the AONB².
16. I accept that permitted development rights could be removed in respect of extensions, curtilage buildings and boundary treatment, and a landscaping condition imposed to secure further screening. However, if the appeal was allowed, engineered parking areas and access drives, manicured lawns and flower beds, and significant areas of paving, could still be introduced without the need for planning permission. There is only so far that a reasonable planning condition can go in addressing such matters.
17. Although visually these features would have little or no height, they would contrast strongly with the much less formal appearance of the rugged grass forecourt that is associated with the existing equestrian activity. Consequently, from a spatial perspective the proposed development would inevitably have a detrimental effect on openness.
18. For the reasons above, I conclude that the proposed development would, albeit limited given the intended re-use of the building, entail a negative effect on the openness of the GB from both a visual and spatial aspect.

Other Matters and very special circumstances

19. According to the appellant the proposed development would provide accommodation close to the horses that will be kept in the remaining stable. In this regard I note that the use of the stables has continued for a period in excess of 18 years without the need for on-site accommodation, and no further evidence has been provided to substantiate such a need. Therefore, whilst the proposed development might result in a convenient arrangement for the appellant, I give this matter only limited weight.
20. The Council's reason for refusal does not raise any objection with regards to the effect of the proposed development on the character and appearance of the area or the wider AONB. In this regard the changes to the exterior of the host building would be very limited, involving only small changes to the size of

² Areas of Outstanding Natural Beauty are designated for purposes of conserving and enhancing natural beauty, and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision.

window openings in the front elevation and the insertion of a 4 new rooflights into the rear facing roof slope. As a result, I find that, insofar as the alterations to the host building are concerned, the proposed development would not adversely affect character and appearance of the area.

21. I also acknowledge that the proposed development would not adversely affect the amenity of the neighbouring properties, it would not have an unacceptable impact on highway safety and the cumulative impacts on the road network would not be severe. That is by consequence of the limited scale and nature of the proposal and the surrounding prevailing context. However, that, and the absence of harm to the AONB in respect of the building itself, are neutral factors rather than ones which weigh positively in favour of allowing the appeal.
22. The site is located in close proximity to the Cannock Chase Special Area of Conservation (SAC) and would lead to a net increase in the number of dwellings. Accordingly, in accordance with Policy CP13 of the LP the appellant would be required to mitigate the impacts of the proposed development on the SAC. In light of my conclusions on the main issues, however, and given the provisions of Article 63(1) of the Conservation of Species and Habitats Regulations 2017, I do not need to give further consideration to implications in that respect. Nonetheless, even if adverse effects were not to arise, and were the development acceptable in all other respects, cumulatively no other matters would amount to the very special circumstances necessary to justify inappropriate development in the Green Belt

Conclusion

23. The proposed development would represent inappropriate development, which is by definition, harmful to the GB. Additionally, I have found that there would be harm to the openness of this part of the GB. Limited weight has been given cumulatively to the material considerations cited in support of the proposal, but I conclude that they do not outweigh the harm the proposed development would cause to the GB. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposed development therefore conflicts with Policy CP1 of the LP and the Framework
24. There are no other relevant material considerations that the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR