



Appeal Decision

Site visit made on 26 July 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2022

Appeal Ref: APP/Z4718/W/22/3295778

2 Drake Hill Cottages, Hey Slack Lane, Whitley Common, Barnsley HD8 8YD

- 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 Richard Townend of Six8 Architects against the decision of Kirklees Council.
 - The application Ref 2021/62/93514/W, dated 6 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is demolition of existing domestic use stables and replacement with new domestic use stables and associated hay /storage barn.
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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; and
 - if the proposal is inappropriate development in the Green Belt, whether 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 proposal.

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.

5. Policy LP56 of the Kirklees Local Plan Strategy and Policies, adopted 2019, (the Local Plan) includes a similar exception. In addition, it requires that the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated; and the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas.
6. The keeping and riding of horses is generally accepted to be an outdoor countryside pursuit. Consequently, 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 proposed building would be L shaped. The smaller section would be used in connection with the keeping of horses in association with the appellant's equestrian interests. The larger section would be used for the sort of paraphernalia generally associated with stables such as horse tack and hay storage. In addition, it would also be used as space for equipment storage for machinery required to manage the land holding. Therefore, while the proposed building may be smaller than other nearby ancillary buildings, it would be larger than that necessarily required for the stabling of three horses.
8. From a spatial perspective, the proposed building would 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.
9. The proposed development, including the concrete yard, would be visible at the site entrance and close to it. It would also be clearly visible from public vantage points on stretches of Hey Slack Lane, Windmill Lane and Dick Edge Lane, although the proposed concrete yard area would be less so from such vantage points due to the screening effect of vegetation and buildings. While the proposed development would be seen within the context of the existing buildings from certain locations, in particular from the west, from other locations such as along stretches of Hey Slack Lane and Windmill Lane, it would appear as distinctly separate from them and would appear as visibly encroaching into the countryside.
10. In spatial and visual terms therefore, the proposed development 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, the proposed development would result in 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.
11. For the above reasons, I conclude that the proposed development would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. It would not therefore fall within the forms of development at paragraph 149 of the Framework. Accordingly, it would be inappropriate development in the Green Belt and would be inherently harmful to it, in conflict with the relevant provisions of chapter 13 of the Framework.

12. The proposed development would also conflict with Policy LP56 of the Local Plan, the requirements of which have been summarised above. As I have found that harm would arise to the openness of the Green Belt, there would also be conflict with Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan 2021 – 2031 (2021) (the NDP). Amongst other matters, these policies require proposals to be informed by, and respect, the key landscape characteristics of the area in which they are located, which in this case is an open landscape.

Other considerations

13. The design and materials proposed would be fairly typical of buildings such as this and the proposed building would not be an incongruous form of development. However, I accord this limited weight, as being sympathetic to the character and appearance of the area would generally be expected with a new development.
14. The animal welfare benefits of having suitable stabling are recognised and I give this moderate weight.
15. The proposed building would be clear of the overhead power line. However, I give only very limited weight to this matter given that there is no evidence before me about any health and safety or other considerations associated with the location of the existing stable block in relation to it.
16. The proposed development would be located further from residential properties than the existing stables. However, notwithstanding the support for the proposal from residents of the neighbouring property, a lack of harm in other respects is effectively neutral in establishing whether very special circumstances exist. While the parish council's support for the proposal may indicate that it saw no conflict with the NDP, for the reasons given, I have taken a different view.

Planning Balance and Conclusion

17. The proposal 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.
18. I have taken into account the aforementioned other considerations. However, inherent in my reasoning above in terms of 'other considerations', these do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
19. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR