



Appeal Decision

Site visit made on 12 July 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal Ref: APP/P1805/W/22/3295398

Winterdyne, Woodfield Lane, Romsley, Worcestershire B62 0LR

- 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 Anthony Shanian against the decision of Bromsgrove District Council.
 - The application Ref 21/01534/FUL, dated 5 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is proposed tack room and associated hardstanding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the banner heading above, I have taken the description of development from the Council's decision notice and the appellant's appeal form as this more accurately describes the appeal development.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to relevant development plan and national planning policies, taking into account the effect on the openness of the Green Belt; and
 - If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. The appeal site falls within land defined as Green Belt. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 149 and 150 of the Framework list a number of exceptions to this. One of the exceptions, criterion 'b' of paragraph 149, is 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. This is reflected in criterion 4 'b' of Policy BDP4 of the Bromsgrove District Plan 2017 (BDP).

5. The proposal would involve the provision of facilities for outdoor recreation. However, in order to not be considered as inappropriate development, the proposal must also preserve the openness of the Green Belt. As set out in paragraph 137 of the Framework, a fundamental aim of Green Belt policy is to keep land permanently open. Openness has both a visual and spatial dimension, as stated by the Planning Practice Guidance. The absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt. This was confirmed by the *Turner v SSCLG & East Dorset Council (2016) EWCA Civ 466* judgment referred to by the appellant.
6. The appeal site consists of an existing group of equestrian buildings, comprising of 2 stable blocks, 2 sheds and 1 barn. They are situated to the north of the detached bungalow of Winterdyne. They are positioned in an L-shape around a small area of hardstanding and grass, which are themselves enclosed with a post and rail fence. Open countryside runs to the east of the site. A mature hedgerow runs to the north west, beyond which lies the North Worcestershire Equestrian Centre, which incorporates a larger group of equestrian buildings. A 2m close boarded fence currently encloses the site to the south west.
7. The location of the proposal would be along the south west of the site. Whilst it would be positioned in close proximity to the other existing equestrian buildings, this boundary is currently absent of any built form. The introduction of the proposed tack room, due to its volume, height and massing, would not preserve the openness of the Green Belt. The erosion of three-dimensional space arising from the overall size of the building would cause loss of both visual and spatial openness of the Green Belt. There would also be a small area of hardstanding to the front of the tack room which would also result in an erosion of spatial openness, albeit this would be limited given the small scale of the hardstanding.
8. The visual impact of the proposal would be mitigated from public vantage points due to existing vegetation. However, the existing 2m close boarded fence would be replaced with a post and rail fence. Whilst the post and rail fence would have slightly less of an impact on the visual openness of the Green Belt than the existing close boarded fence, it would consequently allow glimpsed views of the proposal from Woodfield Lane, directly to the south west of the site. Therefore, despite the appellants allegation that the proposal would not be visible, the proposal would be visually intrusive on the openness of the Green Belt from this viewpoint.
9. The appellant has drawn my attention to the planning history on the neighbouring North Worcestershire Equestrian Centre. Whilst other stable buildings may have been approved in the area, I have not been provided with full details of those approvals in order to be able to draw a comparison with the scheme before me. I therefore only attach these other approved stable buildings limited weight in my decision. I have reached my own conclusions on the appeal proposal on the basis of the evidence before me.
10. In order for new buildings to not be inappropriate in the Green Belt, criterion 'b' of paragraph 149 of the Framework requires development to both preserve the

openness of the Green Belt, as well as no conflict with the 5 purposes. By virtue of the failure of the proposed development to preserve the openness of the Green Belt, the proposal would be inappropriate development in the Green Belt.

11. I find therefore that the proposal would fail to accord with any of the exceptions set out in paragraph 149 (b) of the Framework, by virtue of the harm to openness. The proposal would be inappropriate development under the Framework and Policy BDP4 of the BDP which is, by definition, harmful to the Green Belt. It would also conflict with paragraph 137 of the Framework which identifies openness as an essential characteristic of Green Belts. In addition, it would be contrary to criterion 1.j of Policy BDP15 of the BDP which supports proposals for new buildings in association with equine development but only where the openness of the Green Belt would be preserved.

Other Considerations

12. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, taking in to account the erosion of openness so as to provide the very special circumstances required to justify a grant of planning permission.
13. I recognise that the proposed block work building may be more secure than the existing timber buildings on the appeal site. As confirmed by my site visit, the existing buildings on site are also fully utilised. However, I am not persuaded that the proposal is the only means of providing a more secure way of storing tack at the site. This benefit has moderate weight in favour of the scheme.
14. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

15. For the reasons given above, the appeal is dismissed.

Laura Cuthbert

INSPECTOR