



Appeal Decision

Site visit made on 31 May 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/J3720/W/21/3286509

Lodge Hill Racing Yard, Shelfield Green, Alcester B49 6JR

- 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 Daniel Skelton against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/00461/FUL, dated 11 February 2020, was refused by notice dated 20 May 2021.
 - The development proposed is a northern expansion to racing and training yard to create a racehorse breeding and horse training academy, with additional stabling for 72 horses, lunge ring, horse walker, hay and muck storage areas.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are:
 - 1) 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,
 - 2) The effect on the openness of the Green Belt,
 - 3) The effect of the proposal on the character and appearance of the surrounding area,
 - 4) The effect of the proposal on Highway safety; and,
 - 5) Whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.

4. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include appropriate facilities for outdoor sport or recreation, so long as openness and the purposes of including land within the Green Belt are not harmed. Policy CS.10 of the Stratford-on-Avon Core Strategy 2011 to 2031 (the CS) does not specifically include facilities for outdoor sport or recreation as part of their exceptions to inappropriate development within the Green Belt. However, it does make reference to resisting inappropriate development other than where it is justified by national policy. In this regard I find that Policy CS.10 includes an exception for outdoor sport and recreation facilities and is therefore, to this extent, broadly compliant with the Framework.
5. The proposal includes the provision of a horse walker and a lunge ring. I find that these would be directly connected to the training of horses and would therefore meet the exception for outdoor sport and recreation. Alongside these facilities three stable buildings, a hay store and muck store would also be provided. Whilst more detached from the outdoor recreation or sport use, they are reasonably necessary given that these facilities would be directly connected to the welfare of the horses on site using the training facilities. In this regard the proposal would provide appropriate facilities for outdoor sport or recreation.
6. However, the proposal also includes a foal barn which I understand would be for the breeding of horses and the stabling of their young. I am mindful that without their breeding there would be no horses to train or race. However, it is a process removed from the actual act of training and more akin to the making of components, such as saddles, bridles and horseshoes, which come together to allow for the training of racehorses. Therefore, in my mind the degree of separation between the breeding of horses, which may go on to train, and the actual training of horses is far too large for the purposes of Paragraph 149(b). The foal barn would not, therefore, be an appropriate facility for outdoor recreation or sport and as such the proposal is inappropriate development in the Green Belt.
7. Nevertheless, even if I were to find that the foal barn was an appropriate facility for outdoor sport or recreation, I would still need to consider the effects of the proposal on the openness of the Green Belt and the purposes of including land within it.
8. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The openness of the Green Belt has both a spatial and visual aspect and the absence of intrusion in one aspect does not mean that there is no impact on openness where an intrusion is found via the other aspect.
9. In this case, the significant scale of the proposed buildings and surfaces, especially that of the foal barn, and the way in which they are spread out across an undeveloped field, would significantly change the physical nature of the site. Furthermore, although somewhat screened from distant views by the surrounding woodland and hill, the full extent of the development would be experienced from the public footpath (AL105) that runs through the site. Cumulatively, the proposal would therefore result in an unacceptable effect on the spatial and visual aspects of the openness of the Green Belt. Whilst this loss of openness would be limited, with regards to the Green Belt as a whole,

harm to the Green Belt would nevertheless occur. This matter therefore carries substantial weight and in reaching this decision I have been mindful of the judgements¹ raised by the appellant.

Character and Appearance

10. The appeal site is located within an area that is characterised by open countryside interspersed by predominantly small-scale sporadic development. The training facility currently contains a group of closely set buildings surrounded by open fields and horse tracks. The proposal would introduce a number of new buildings which extend away from the core of the facility and are connected by vehicular tracks.
11. Whilst the buildings and horse training areas would, in themselves, be of a rural character typical of such a location, the scale of the development both on its own and taken cumulatively with the existing facilities would be incongruous with the sparse development characteristic of the area. This would be further exacerbated by the sprawling nature of the buildings and tracks away from the core of the facility. Although somewhat screened from long distance views by the nearby woodland and hill, it would be clearly visible from the public footpath, and would consequently harm the appreciation of the current rural nature of the site and its context. I note the references to soft landscaping, but I find that lacking any evidence to the contrary, this would be insufficient to mitigate the harm identified above.
12. Therefore, and separate from the harm identified above with regards to the Green Belt, the proposal would adversely affect the rural character and appearance of the surrounding area. In this regard the proposal would conflict with Policy CS.5 of the CS which requires that developments maintain the character, quality and local distinctiveness of the district.

Highway Safety

13. I have not been provided with any substantive evidence as to the number of vehicular movements currently associated with the site, or the number of movements expected to result from the proposed development. Nevertheless, the proposal would effectively double the number of horses that would be stabled and trained on site and expand the use to include the breeding of horses. Lacking any evidence to the contrary, I find it would be highly likely that needs for associated goods, waste and staff would also increase as a result.
14. The appellant has suggested that the existing vehicles delivering and collecting horses and goods at the site are not currently being used to their full potential. Specifically, they submit that more horses and goods could fit within the respective vehicles, and it would therefore be unnecessary for additional vehicles to provide transport to and from the site. However, I find it likely that not all horses, goods or waste traveling to and from the site would be destined for the same locations. For instance, goods may be provided from different suppliers or horses may be leaving the site for different reasons on the same day. Therefore, and while the development may not result in a doubling of existing movements, I find that there would be an increase in vehicular movements as a result.

¹ Ref: Turner [2016] EWCA Civ 466 and Turner [2015] EWCA 2728

15. I am mindful that the appellant provides some staff accommodation on-site and that other staff are either housed off-site or live locally. Nevertheless, I find that all of the staff, even those living on-site would contribute towards vehicular movements, even if they live locally. Therefore, any increase in staff associated with the development would have the potential to increase vehicular movements. Although I understand there to be veterinary facilities on site, this would not outweigh the potential increase in movements outlined above.
16. Consequently, I find it likely that there would be a significant increase in movements to and from the site associated with the transportation and movement of horses, goods, waste and staff.
17. The highway network leading up to and surrounding the site primarily consists of narrow country lanes, suitable for one vehicle, supplemented with a small number of passing places. I find that an increase in vehicular journeys to and from the site along these roads would have the potential to adversely affect highway safety. Whilst the appellant's Crash Map may not show any incidents near the site, the proposal is likely to result in a significant increase in vehicular movements. Given the nature of the roads which would need to be travelled, such an increase would result in an unacceptable risk to highway safety in the area.
18. Consequently, there would be an unacceptable risk to the safety of the highways surrounding the site arising from the likely increase in traffic associated with the proposal. The proposal would therefore conflict with CS Policy CS.26 which requires that developments ensure traffic generation is appropriate for the road network, such as through the submission of a transport assessment, and that any unacceptable impacts are mitigated.

Other Considerations

19. It has been submitted by the appellant that the use is an established business with social and economic connections to the local area, and that the appeal site, due to the steep hill, is particularly beneficial to the training of horses. Whilst this may be the case, it has not been suitably demonstrated that the long-term viability of the business is reliant on the proposal before me and so the benefits to the local area, and from the site, would remain. Nevertheless, by way of employment the development is likely to result in some economic and social benefits to local businesses and the community and so I give this matter moderate weight.
20. The appellant has also put forward that the other sites within their control are similarly within the Green Belt and that the development necessitates a countryside location. Moreover, they suggest that the development would allow for a better organisation of the business, improvements to staff training and to the horses' living environment. Nevertheless, whilst their other sites may be within the Green Belt, and the development would be best placed within the countryside, it has not been demonstrated that the appeal site is the only feasible option or that the development before me would be necessary in order to achieve the improvements above. I therefore attach these matters limited weight.

21. Whilst the proposal may not result in the loss of any agricultural land or adverse impacts on the living conditions of neighbouring occupiers, these are a lack of harm rather than benefits arising from the scheme. Consequently, I attribute these neutral weight in my considerations.

Green Belt Conclusion

22. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. Further harm would also occur to character and appearance and highway safety. These matters carry substantial weight. At most I have attached moderate weight to the considerations in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with Policy CS.10 of the CS which, amongst other things, limits development within the Green Belt. The proposal would also conflict with the Green Belt aims of Section 13 of the Framework, and in particular Paragraphs 147 to 151.

Conclusion

23. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR