



Appeal Decision

Site visit made on 7 September 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/W4223/W/22/3296279

232 Medlock Road, Failsworth, M35 9NG

- 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 Ray Matthews against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/347429/21, dated 5 August 2021, was refused by notice dated 24 February 2022.
 - The development proposed is a stable block.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is within the Green Belt and so 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 development plan policy, including the effect on openness;
 - if the development would be inappropriate, whether the harm to the Green Belt would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

3. Core Strategy Policy 22 confirms that development in Oldham's Green Belt will be permitted provided it does not conflict with national policies on Green Belt. Those relevant national policies are contained in the Framework, which in paragraph 137 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is harmful to the Green Belt, and should not be approved except in very special circumstances.
4. Framework paragraph 149 confirms that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in a number of exceptional circumstances. These include the provision of appropriate facilities for outdoor sport and recreation, 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. The appeal site is located at the edge of the small settlement of Woodhouses. The site is in equestrian use, and comprises of a number of fields and paddocks

used for grazing horses. The central hub of the site, close to Medlock Road, is formed of a small group of buildings including a barn, stables and former piggery, together with a car park and exercise arena. These existing buildings on the site form a tight cluster, and appear as a continuation of built form along this side of Medlock Road.

6. The proposed development would comprise of a long building with a single entrance, with 13 loose boxes in two rows, accessed from a central corridor. It would be sited to the rear of the exercise arena, on land currently used for grazing. As it would be used for equestrian purposes, the proposed stable building would be an appropriate facility for outdoor sport and recreation in the context of the Framework. However, to meet the exception set out in paragraph 149b), it would also need to preserve openness.
7. From Medlock Road and the adjacent cricket club, existing trees and buildings would provide a significant amount of screening, so the proposed development would not be readily visible. Whilst glimpses may be possible from some places, views of the proposed building would be largely limited to vantage points from within the site.
8. The proposed stable would be only a short distance from the existing barn and stables, but the intervening manège and conifer trees would provide visual separation, so the new building would not appear part of the existing group of buildings. Although it would be seen in the context of the tall trees behind, the open nature of the surrounding land would mean that the proposed building would be clearly visible from around the wider site, and would appear as an isolated building. In visual terms, it would have a modest impact on the openness of the Green Belt.
9. The concept of openness has a spatial as well as a visual aspect. The proposed building would be of low height and would be slightly smaller than some of the surrounding structures. Nonetheless, to accommodate 13 horses, the proposed stable would have a fairly large footprint and would be of a reasonable size. The majority of the field would remain undeveloped, but the proposal would encroach well beyond the current extent of built form on the site. Owing to its scale and siting, the proposal would have a modest effect on the openness of the Green Belt in spatial terms.
10. The proposal would provide an appropriate facility for sport and recreation, but for the reasons set out above, it would fail to preserve openness. Although the scale of the development would mean that its effect on the five purposes of including land within the Green Belt would be limited, it would not comply with exception b) of Framework paragraph 149. As such, the proposal would constitute inappropriate development in the Green Belt. It would conflict with paragraph 147 of the Framework and, by extension, with Policy 22 of the Core Strategy, both of which seek to protect the Green Belt.

Other considerations

11. As part of the proposed scheme, existing buildings on the site, including the barn and former piggery, would be removed. On the face of it, this could result in a reduced amount of overall built form on the site. However, the demolition of those buildings already forms part of the consented scheme to construct 2 dwellings and a new stables block on the site (application ref PA/342957/19). That permission, which was granted in July 2020, is still extant.

12. The consented scheme provides for the construction of a stable block on the site of the piggery building. The appellant has indicated that, if allowed, the proposed stable would be constructed instead of that previously approved. As the building now proposed would be slightly smaller, there would be a reduction in built floorspace overall. However, the previously approved stable building would be sited within the existing cluster of buildings, so its impact on openness would be less than that of the currently proposed building. Demolition of the piggery building, without replacement by the previously approved stables, would not compensate for the harm to openness which the currently proposed scheme would cause. Moreover, even if it would, the existing permission is extant and could still be implemented, in part or in full.
13. I note the appellant's assurances that, if the appeal was allowed, the previously consented stables would not be needed, but if I were to allow the appeal, with no signed legal agreement or other mechanism to prevent it, the previously consented stables could still be constructed, meaning that there would be 2 stable blocks. I therefore give little weight to the argument that the scheme would result in less built development overall.
14. The proposed re-siting of the stables would provide greater separation from the consented dwellings, and I note the appellant's comments that this would reduce potential impact of noise or odour. However, I can only assume that, in granting planning permission for a house adjacent to a stables, the effect on the living conditions of future occupiers of plot 2 was considered to be acceptable.
15. Whilst I have been provided with no business plan or other detail, I note the appellant's stated intention to operate the stables as a business, with opportunities for local schools and disabled people to visit. That would be a benefit, but it could already happen under the consented scheme, which would provide accommodation for the same number of horses. The repositioned stables would be a similar distance from the manège, and it is unclear why the equestrian access would not be able to serve a stable block in either position.
16. The proposal would help to sustain an existing rural business and would provide for the welfare of horses. However, these would also be features of the previously approved scheme, which could be implemented anyway. Overall, the benefits for the business of relocating the stable are not sufficiently clear to warrant the harm to openness which would result from the proposed scheme.

Other Matters

17. The appeal site is close to the boundary of the Woodhouses Conservation Area (CA), which encompasses a strip of built development on either side of Medlock Road. The proposed stable block would be of simple form and would not be out of place in this rural area, with existing barns and stables nearby. It would not be readily visible from within the CA, owing to screening from existing buildings and vegetation. The proposal would have a neutral effect on the setting of the CA.

Green Belt Balance and Conclusion

18. The proposal would fail to preserve openness and so would constitute inappropriate development. This would, by definition, cause harm to the Green

Belt. Even though the extent of the harm would be modest, the Framework establishes that substantial weight should be given to the harm.

19. The design and appearance of the building would be acceptable, and the effect on the setting of the CA would be neutral. However, this lack of harm does not outweigh the harm to the Green Belt which I have identified.
20. Taken together, the other considerations do not clearly outweigh the considerable harm to the Green Belt. As such, the very special circumstances necessary to justify the scheme do not exist.
21. For the reasons given, the appeal is therefore dismissed.

R Morgan

INSPECTOR