



Appeal Decision

Site visit made on 6 September 2022

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/A4520/W/22/3303367

Land north of Newcastle Road, adjacent Laverick Hall Farm, West Boldon, Tyne & Wear NE10 8YN

- 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 D Donaghey against the decision of South Tyneside Council.
 - The application Ref ST/0315/21/FUL, dated 17 March 2021, was refused by notice dated 21 January 2022.
 - The development proposed is described as proposed change of use from agricultural/ grazing land to land for the keeping, breeding and recreational use of horses. The erection of 4 no. stables and hay store/ tack room.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I am satisfied that during the determination of the planning application the main parties agreed a change to the description of the development proposed and that the proposal was consulted upon accordingly. That description is reflected in the heading above and the appeal has been determined on that basis.

Main Issues

3. The main issues are:
 - whether or not the appeal proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies
 - the effect of the appeal proposal on the openness of the Green Belt
 - whether or not there is any other harm that will result
 - whether or not any other considerations exist and the weight that should be afforded to them
 - if the appeal proposal is inappropriate development, whether any identified harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether or not inappropriate development

4. The appeal site is located within the designated South Tyneside Green Belt. The supporting text to Policy EA1 of the South Tyneside Local Development Framework ("the STLDF") confirms that this designation dates back to 1967 and it has been reviewed twice previously. Its current extent is shown on the STLDF's Key Diagram. Policy EA1 of the STLDF states that the Council will protect and enhance the openness of this Green Belt.
5. In addition to this development plan context, national policy regarding development in Green Belt also applies here. The appeal proposal does not represent any of the exceptions contained in paragraphs 149 and 150 of the National Planning Policy Framework ("the Framework") which postdates the STLDF. The appeal proposal therefore constitutes inappropriate development in the Green Belt. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy EA1 is not inconsistent with the Framework in this regard and continues to carry full weight.
6. For these reasons, I find that the appeal proposal is inappropriate development in the Green Belt. Furthermore, whether there is a policy conflict here depends on whether very special circumstances are demonstrated.

Openness of Green Belt

7. The appeal site itself comprises a small field which forms part of a larger land holding. It is situated directly behind the rear gardens of 2 detached dwellings and beyond a compact complex of former farm buildings which have been converted into several residential units. The remainder of the appellant's landholding wraps around those 2 detached dwellings to the road edge. At the time of my visit the grazing of a limited number of donkeys and horses within the appeal site was evident.
8. The appeal site's surrounding context comprises an extensive, largely undeveloped and uninterrupted tract of land which separates the surrounding urban conurbations of South Tyneside, Gateshead and Sunderland. Although this is not a deeply rural area, the undeveloped nature of the appeal site and the open agricultural land beyond clearly have credentials of countryside.
9. Irrespective of the presence of existing timber utility posts within and around the appeal site, its openness within this wider landscape is reinforced by its verdant, largely undeveloped nature and recessive low boundary enclosures. The appeal site does not appear distinct from the character and appearance of the wider extent of this Green Belt. Despite the surrounding neighbouring development, those site attributes currently positively contribute to the sense of openness between this part of South Tyneside and the neighbouring conurbations.
10. The existing neighbouring dwellings provide a degree of screening to the appeal site from along the A184. Nonetheless, the site remains highly visible when travelling along that route, upon approach from the A19 junction. Furthermore, the extensive, relatively flat topography, with its limited buildings and tree belts means that views of the site and the neighbouring buildings can

be captured from even longer distance vantage points from along the A194 and at Fellgate when looking over towards the A184.

11. The appeal proposal will replace an existing simple smaller field shelter. To support the proposed equestrian use, the appeal proposal will introduce a significant amount of hard surfacing and a much greater level of built development across a significant portion of this open site. In spatial terms, the appeal proposal will significantly extend the existing sporadic built-up form along this side of the A184 further back into this open landscape.
12. Despite the proposed design, materials and soft and hard landscaping treatment, the appeal proposal will intensify and formalise the use of this site for equestrian purposes. In doing so, this will no longer be a low-key use of the appeal site for grazing purposes. In visual terms the proposed use of the site, the associated traffic movements and the paraphernalia in terms of vehicles and equipment that can reasonably be expected to arise will cause a significant change to the site's character and appearance.
13. Overall, the appeal proposal will cause a considerable loss of openness to the site both spatially and visually. Furthermore, the site will no longer make a positive contribution to the openness of the wider Green Belt extent. The proposed change will be permanent. Such an effect constitutes considerable harm which would be in addition to the harm incurred by reason of the appeal proposal constituting inappropriate development.
14. Policy EA1 of the STLDF states that the Council will protect and enhance the openness of this Green Belt. Policy DM1 of the STLDF states that development is to be designed to convey sensitive consideration of its surroundings. In view of the identified harm to openness, the appeal proposal conflicts with both policies.

Other matters

15. The submitted evidence confirms that the appeal site falls within the setting of Grade II listed Laverick Hall and its associated outbuildings. However, the Council has concluded that there is a neutral impact on that setting. From my site visit and the evidence before me I have no cause to dispute that assessment.
16. Having had regard to the representations made by interested parties, the Council has not identified any other matters which they consider constitute harm. There is nothing before me to cause me to disagree with that assessment. I therefore find that no other harm would arise from the appeal proposal which would represent a conflict with the STLDF's policies.

Other considerations

17. The appellant has argued the appeal proposal will enable him to carry out his existing equestrian business in a manner that will reduce journey distances and travel time. Very limited details of that business and the availability of suitable alternative sites have been provided. Nonetheless, I accept that the appeal proposal may promote more sustainable patterns of travel which is an environmental benefit. I attach moderate weight to this as a matter weighing in favour of the appeal proposal.

18. The appellant has sought to justify the appeal proposal on the basis that other developments have taken place within the neighbouring Laverick Hall site. However, both the nature and location of the appeal proposal are materially different to those works which sought to conserve and repurpose that listed former farm complex. The new outbuildings referred to serve to negate the effect of the appeal proposal on the setting of that listed building. Any breaches in planning control fall beyond the scope of this appeal. Although I acknowledge that changes have taken place more recently within that site, the appellant's arguments carry very limited weight in favour of the appeal proposal.

Whether very special circumstances exist

19. The appeal proposal will cause harm by reason of both inappropriateness and loss of openness. In line with the Framework, such harm attracts substantial weight against the appeal proposal. No other harm has been identified. Based on the evidence before me, the matters which weigh in favour of the appeal proposal do not weigh substantially in favour of it. That means that overall, the identified harm to the Green Belt is not, as paragraph 148 of the Framework requires, "clearly" outweighed by these other considerations. The Framework is explicit in this regard. This indicates to me that these considerations do not amount to the very special circumstances required to justify this development within this Green Belt location. This finding weighs heavily against the appeal proposal and attracts substantial weight.

Planning Balance

20. This appeal must be determined in accordance with the STLDF as the development plan for the area, unless material considerations indicate otherwise. Whilst the Framework has been updated since the adoption of the STLDF and the earlier Decisions made in respect to the appeal site, these local policies are not inconsistent with national Green Belt policy and no material changes in circumstances have been demonstrated. I have found that the appeal proposal conflicts with Policy EA1 and Policy DM1 of the STLDF. Consequently, there is conflict with the development plan and this conflict commands full weight. Furthermore, in line with the Framework very special circumstances have not been demonstrated and I attach substantial weight to that.

21. In summary therefore, the other material considerations relevant to the appeal proposal do not justify allowing the appeal given the harm to the Green Belt that has been identified and the resulting conflict with the development plan when taken as a whole.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR