



Appeal Decision

Site visit made on 6 September 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27th October 2022

Appeal Ref: APP/B3030/W/22/3290814

Plot 9 Skylarks, Ricket Lane, Blidworth, Nottinghamshire NG21 0PF

- 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 Mrs Tracy Graham against the decision of Newark & Sherwood District Council.
 - The application Ref 21/00831/FUL, dated 6 April 2021, was refused by notice dated 23 July 2021.
 - The development is a stable block for owner's horses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already taken place and this appeal relates to a refusal for retrospective planning permission.
3. The Council's Delegated Officer Report refers to the erection of the stable block but also to the change of use of land to equestrian use. However, the appellant's description of development seeks planning permission for a stable block only and this has been re-stated in their appeal statement. I have therefore limited my consideration to the retention of the stable block only as outlined in the planning application.
4. The appellant's appeal statement mentions an open parking area on the site capable of accommodating two cars. Although vehicle parking is not mentioned on the application form, or clearly identified on the site location plan, I have included an assessment of it in reaching my decision.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including its effect on openness, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - If the proposal is inappropriate development, whether the 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 development.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site is located within the Nottingham-Derby Green Belt where development is strictly controlled by Spatial Policy 4B of the Newark and Sherwood District Council Amended Core Strategy (2019) (ACS). This states that development proposals in the Green Belt will be judged according to the Framework. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist.
7. The Framework establishes that the construction of new buildings is inappropriate subject to a number of exceptions. The exception at Paragraph 149 b) allows for the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds, and allotments. Paragraph 150 e) of the Framework also allows for material changes in use of land such as for outdoor sport and recreation. However, in both instances the Framework confirms that development is not inappropriate provided that it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.
8. Whilst I recognise that within this immediate area there are a number of horses, stables and associated equine facilities adjoining the road, I have insufficient information to demonstrate that, prior to the erection of the stable subject to this appeal, the existing use of this land was anything other than agricultural. Both parties indicate that the appeal site forms part of a substantial area of former agricultural land which was subdivided and is now in several ownerships. The appellant states that these separate plots are now predominantly in equestrian use and considers that this land use is now commonplace to the west of Blidworth and might reasonably be said to be the predominant land use. I note, however, that the Council advises that enforcement investigations are ongoing in relation to the unauthorised change of use of the wider site/surrounding land to equestrian use and associated development, which suggests that some of the surrounding equestrian uses which may appear 'commonplace' may well be unauthorised.
9. Despite some uncertainty regarding the authorised use of surrounding land, the evidence before me indicates that the previous use of the appeal site was agriculture. There is no evidence of permission being obtained for its change of use nor a Certificate of Lawful Existing Use to demonstrate that the site is lawfully used for equestrian purposes. As the stable is for equestrian purposes, the development is not a facility that is to be used in connection with the existing lawful use of the land or a change of use. Therefore, it is not an appropriate facility for outdoor sport and recreation according to the terms of exception Paragraph 149 b) of the Framework.
10. If I had found the development to be an appropriate facility for outdoor sport and recreation according to the terms of exception Paragraph 149 b) of the Framework, I would then need to consider the second limb of this criterion, ie, whether it would preserve the openness of the Green Belt or conflict with the purposes of including land within it. For the sake of clarity, I shall now address this.

11. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. It has been established that openness has both a spatial and visual aspect.
12. In spatial terms, the stable comprises three sections with two enclosed stalls to either side of a central open area with a concrete forecourt to the front and canopy above. The footprint, height and volume of the structure has affected the openness of the Green Belt when compared to the previous undeveloped nature of the agricultural land. The parking of vehicles will also impact on that openness. Although the footprint of the stable and associated development may be considered a minute proportion of the overall land area, and the stable may be the smallest size required for its purpose, but nevertheless, in spatial terms the development has reduced the Green Belt's openness.
13. The site forms part of a much larger field enclosed by mature hedgerows and the wider landscape is predominantly gently undulating agricultural land with hedgerows and sporadic tree groups with extended views from higher ground. The area has a pleasing open and rural character. The Council advise that the site lies within the Sherwood Landscape Character Area and within the Blidworth Wooded Estate lands. Although I do not have further details of these designations, I recognise that the site and its surroundings form part of a visually distinctive and attractive rural landscape.
14. The design and scale of the stable, and the materials used, are typical of these structures often seen in rural locations. The visual impact of the development has also been minimised by positioning the stable in the south west corner of the field which is screened in part by the roadside hedging, and new hedging has been planted alongside the access and parking area. A tall, solid timber fence on the eastern side of the parking area also predominantly screens views of the stable from the road. However, despite this mitigation, the development is clearly apparent in local views especially from across the fields to the east and west, and in longer views from the footpath to the north. From this footpath, this more elevated position allows views of the stable and parked cars, together with associated equine activity on the appeal site which includes areas of hardstanding on the field side of the access gate and to the side of the stables, and a horse box.
15. From the roadside, although the stable is mainly screened by the fence and mature hedge, the timber fence is an overtly suburban feature that contrasts unfavourably with the greenery of the nearby hedging. The parked cars sited just within the access would also be an unexpected and discordant element in this agricultural landscape and despite planting of additional hedging would be clearly visible to passers-by. The development as a whole is not absorbed into the local landscape and is an unwelcome intrusion into the area's open, rural, undeveloped character.
16. I am mindful of the combined visual effect of the appeal proposal and associated equine structures and activity on adjoining land which I have already noted. As there is uncertainty as to whether these are authorised, I have not taken account of them and focussed solely on the appeal proposal and the spatial and visual impact on the previously open agricultural land of the appeal site and the wider agricultural landscape.

17. There is the potential to provide additional screening to the boundaries to assist in mitigating the visual harm, limiting to some extent public views. However, a reliance on screening by planting to mitigate an otherwise inappropriate development is not an effective means of managing visual impact. Also, limiting visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.
18. The development has introduced built form to where previously there was none and has led to the encroachment of development into the countryside. It has a harmful effect on the openness of the Green Belt. Loss of openness is by definition harmful, and carries substantial weight in accordance with paragraph 148 of the Framework and ACS Policy 4B. It would also conflict with ACS Policies 9 and 13, and Policy DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) (DPD) which seek to secure high quality design and meet the landscape conservation and enhancement aims of the district's landscape character.
19. As such, as the development is not an appropriate facility for outdoor sport and recreation according to the terms of exception Paragraph 149 b) of the Framework and harms the openness of the Green Belt, the development is inappropriate development in the Green Belt, having regard to the Framework and ACS Policy 4B. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Other considerations and very special circumstances

20. Very special circumstances would need to exist to justify granting permission for the development because it would constitute inappropriate development in the Green Belt and harm the openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.
21. The appellant draws my attention to land lying to the south of the site, within Gedling Borough Council's jurisdiction, and indicates that here the Council has granted planning permission for a number of stables similar in nature to the appeal proposal. However, despite seeing some evidence of equine use, I do not have adequate details in order to make fair and reasonable comparisons with the current appeal. A local resident has also referred to a recently erected large steel building which is highly visible but as I have no details it does not persuade me that the stable proposed should be granted planning permission.
22. There is insufficient evidence of an unsatisfied need for the type of development proposed or that any need, should one exist, is unable to be met nearby. Claims that the use of this land, particularly the provision of the stable, fulfils a demonstrable community need in respect of equestrian recreational interests in the area is also unsubstantiated.
23. I note that DPD Policy DM8 is permissive in respect of commercial equestrian development in rural areas but the appeal proposal before me is to satisfy a private need and is not therefore supported by this policy. Equestrian uses may well require a rural setting, but this appeal proposal is regarded as inappropriate development within the Green Belt and is therefore not supported by planning policy.

24. The appeal proposal is solely for the owner's horses and may well be the minimum necessary to ensure that the recreational use can operate efficiently and take account of bloodstock welfare considerations and security. I recognise also that a refusal of planning permission would have significant consequences to the appellant. However, these circumstances carry limited weight as there is no evidence to demonstrate why this development could not be located elsewhere where it would not harm the Green Belt or convince me that the harm identified under the main issues would be justified.
25. Notwithstanding the presence of other sites in similar uses nearby, I have found that this development causes harm to the openness of the Green Belt and to the character and appearance of the area. Even additional planting, which could be secured by condition to re-enforce the screening effect of the hedgerow, would not address this harm.
26. Taken as a whole, I find that the other considerations in this case do not clearly outweigh the significant harm that I have identified. In concluding, therefore, the harm by reason of inappropriateness, and any other harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. As such, the proposal would be in conflict with ACS Policy 4B and the Framework.

Conclusion

27. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

G Bayliss

INSPECTOR