



Appeal Decision

Site visit made on 23 November 2022

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 December 2022

Appeal Ref: APP/P0119/W/22/3298984

Street Record, Court Lane, South Gloucestershire, Wick BS30 5RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (the Act) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Alison Udall against the decision of South Gloucestershire Council.
- The application Ref P22/01362/RVC, dated 25 February 2022, was refused by notice dated 26 April 2022.
- The application sought planning permission for change of use of land from agricultural to land for the keeping of horses, erection of stable block and tack room and construction of hardstanding without complying with conditions attached to planning permission Ref PK12/1734/F, dated 15 November 2012.
- The conditions in dispute are Nos 4, 5 and 8 and which respectively state that:
'Other than those hereby approved, no permanent jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land. Any temporary jumps shall be stored away immediately after use',
'At no time shall horse boxes, trailers, caravans, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses or livestock' and,
'Prior to the commencement of the erection of the stable block, details and samples showing the existing opening in the southern boundary wall (and as shown on Plan PG/01) to be in filled with natural stone shall be submitted to the Council. The details submitted shall include the introduction of traditional cock and hen coping along the entire length of the wall bounding the south and western elevation of the field. If acceptable, the Council will give written approval to the details submitted and all works must take place exactly in accordance with the approved details and must be completed to the full satisfaction of the Council prior to the first occupation of the stable block by horses.'
- The reasons given for the conditions are:
In relation to No 4, *'To protect the character and appearance of the area and to accord with Policies L1 and E10 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006'* and, in relation to Nos 5 and 8,
'To protect the character and appearance of the area and the setting of the adjacent listed building and to accord with Policies L1, L13 and E10 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006'

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The site comprises two paddocks of land on either side of the rural Court Lane, near the settlement of Wick and in the Bristol/Bath Green Belt. The smaller paddock on the east side contains a stable building, is enclosed by walls and is located directly to the south of the Grade I listed building Wick Court.

3. When permission was granted for equestrian use of the site in 2012 under Ref PK12/1734/F, conditions 4 and 5 were imposed to restrict permanent and portable paraphernalia associated with the use. Condition 8 further required for the blocking up with stone of a vehicular access at the south perimeter of the east paddock, which is currently closed off by timber panelling. The appellant now wishes to vary conditions 4 and 5 to allow for the installation of a field shelter on the paddock to the west of Court Lane and to site a horse box and to delete/vary condition 8 in order to retain and utilise the vehicular access.
4. In light of the foregoing, the main issues are:
 - whether or not 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;
 - the effect of the proposal on the character and appearance of the area, with reference to the setting of Wick Court; and,
 - if there is harm by reason of inappropriateness, and any other harm, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The Framework identifies that the essential characteristics of Green Belts are their openness and permanence. It tells us that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy 2006-2027 (adopted 2013) (CS) and Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (adopted 2017) (PSPP) seek to protect the Green Belt from inappropriate development and are consistent with the Framework in this regard.
6. The shelter design incorporates skids so as to enable it to be moved. It would, however, be a permanent presence on the site, would appear as a permanent structure to the casual observer, and would permanently affect the character of the site wherever it is positioned. As such, I find it to constitute a building for the purpose of Paragraph 149 of the Framework. It states that the construction of new buildings is inappropriate in the Green Belt subject to certain exceptions. Of potential pertinence here, this includes the provision of appropriate facilities for outdoor recreation where the facility would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
7. Openness has spatial and visual aspects. The land in the vicinity of Wick Court is generally open with limited built form. The larger paddock to the west of Court Lane is highly open and expansive and contains a Public Right of Way (PROW) from where these attributes can be visually experienced first-hand. The shelter, given its mass, and regardless of its specific position within the paddock, would not preserve the level of openness within that space both in visual and spatial terms, albeit to a modest degree.
8. Consequently, the proposal represents inappropriate development which would give rise to a loss of openness within the Green Belt. It is therefore contrary to Policies CS5 and CS34 of the CS, Policy PSP7 of the PSPP and the Framework insofar as they seek to prevent inappropriate development in the Green Belt.

Character and appearance

9. Wick Court is of exceptional interest, and I have a duty to have special regard to the desirability of preserving its setting. Built as a country house in the 17th Century or even earlier, the significance of Wick Court's setting is drawn from the undeveloped character of the generous grounds in which it was set. Historic mapping¹ shows a swathe of the western paddock as open pasture, logically much as it appears today, with the rest, and the paddock to the east of Court Lane, planted as orchards. In the 19th Century we know that the site was in the same ownership as Wick Court. Despite the introduction of modern equestrian use and facilities such as the stable, the overall undeveloped character of the appeal site allows it to make a clear contribution to the setting of Wick Court.
10. This contribution is contingent on the restraint imposed by conditions 4 and 5 in my view; the field shelter and horse box would amplify the visual cluttering effect of the equestrian use, which would detract from the natural and open setting of Wick Court. It is stated that the shelter would be positioned close to site boundaries aside vegetation, and the horse box close to the stable. Given that they are designed to be moved, I do not consider that this could realistically be controlled, and the shelter would still be visible from the PROW network in any case, to people travelling around the setting of Wick Court.
11. Moreover, the east paddock is largely concealed behind its boundary walls. The use of the access at its south boundary would open the paddock to public view. Through the access a jarring contrast would be observed with the elegant upper profile of Wick Court set against the foreground of equestrian built form and paraphernalia. I appreciate that a horse box and field shelter may in other cases be considered typical, modest features of equestrian use. Here, however, on land within the immediate setting of a listed building of exceptional interest, and indeed land historically linked to Wick Court as orchard and pasture, less than substantial harm would arise to the significance of the listed building.
12. Paragraph 199 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 requires decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use. That balancing exercise must take place in the context of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets a strong presumption against a grant of planning permission for development that would cause harm to the setting of a listed building.
13. There would be a public benefit in that the proposed use of the vehicular access as an alternative to the current arrangement would be easier and may enhance highway safety. However, there is no clear evidence of existing highway safety concerns of substance within Court Lane. A reduction in traffic to and from the site would be small. Any highway safety improvement is therefore a very modest public benefit which does not serve to outweigh the harm to the setting of Wick Court, to which I must assign considerable importance and weight.
14. The appellant has also referred to the extant permission for a manège in the east paddock and the heritage and landscape evidence that supported the associated appeal². However, a manège is a flat and open structure likely to

¹ Heritage Statement by Armour Heritage (2021)

² Appeal Ref APP/P0119/W/21/3285957

have a very different effect on the setting of Wick Court than items of mass such as a horse box and field shelter. Blocking the access as required by condition 8 would also ensure that the manège would be largely hidden from the public realm, and the appeal was assessed within that context. The appeal decision for the manège has therefore had little influence on my assessment.

15. Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, with reference to the setting of Wick Court. It would conflict with the heritage, design and landscape aims of Policy PSP17 of the PPSP, Policies CS1, CS9 and CS34 of the CS and the Framework.

Other Considerations

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise 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.
17. Having a horse box on site would ensure that transport is readily available in case of any veterinary emergency. The field shelter would provide welfare benefits insofar as it would offer shelter to the horses in the winter months and shade in the summer. Together with the highway safety benefits addressed above, these considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt by reason of inappropriateness and harm to openness, and the harm to the character and appearance of the area with reference to the setting of Wick Court. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning Balance

18. For the reasons given above the proposal would conflict with the development plan when taken as a whole. Having considered all other relevant matters raised, there are no other considerations which indicate that I should make a decision other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR