



Appeal Decision

Site visit made on 16 May 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/B3438/W/23/3314564

Knypersley Mill Farm, Judgefield Lane, Brown Edge, Staffordshire ST6 8UG

- 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 Mark Hall against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2022/0471, dated 17 August 2022, was refused by notice dated 13 October 2022.
 - The development proposed is to subdivide existing agricultural paddock and change of use of the land to a dog exercise area with access/parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 any relevant development plan policies;
 - the effect of the development on the character and appearance of the area with particular regard to landscape character; and
 - whether any 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. The appeal site is located within the Green Belt. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 150 of the Framework sets out that certain other forms of development are not inappropriate in the Green Belt providing that they preserve openness and do not conflict with the purposes of including land within it. Criteria b) of paragraph 150 refers to engineering operations and criteria e) refers to material changes in the use of land such as changes of use for outdoor sport and recreation. This would be the same approach if considering the proposal under paragraph 149 b) of the Framework which also

requires proposed facilities for outdoor recreation to preserve the openness of the Green Belt.

4. The proposed use can be reasonably described as a form of outdoor recreation and thus would come under criteria e) while the proposed fencing and parking area would fall under criteria b). Therefore, providing that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it, it would not be considered to be inappropriate development.
5. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. In considering the concept of openness, the courts have found that it broadly has two dimensions, spatial and visual.
6. The proposal would utilise the existing access track used by the adjacent caravan and camping site. However, the proposed parking and turning area would result in additional hardstanding, breaking through the existing boundary treatment that currently bounds the edge of the access road.
7. Given the location of the proposed parking and turning area I accept that it would be seen in the context of the entrance to the caravan and camping site. I also recognise that the provision of three parking spaces and the associated turning area would be limited in comparison to the wider site area. However, the overall size of the parking and turning area, combined with the substantial fencing and additional planting around it would clearly demarcate and emphasise the development of the site spatially. The parking of vehicles at the appeal site would also affect spatial and visual openness when it is in use.
8. Along the roadside and eastern boundaries, the proposed fencing would be located adjacent to the existing vegetative boundaries and would not be overly prominent. However, the fencing proposed along the southern boundary to separate the proposed use from the wider field would enclose the site visually and spatially and would therefore be much more prominent.
9. The type of fencing proposed, particularly the mesh identified on the submitted drawing and the height appears to go beyond what would be typical of livestock fencing. My attention has been drawn to a similar proposal in a different district where the Council determined that the fence proposed in that case would have no greater impact on openness than a fence that could be erected under permitted development rights on that site. However, it has not been put to me that the fencing proposed here could be erected under permitted development rights and I have little evidence to indicate that fencing of the type and design proposed would be erected without the proposed use being granted permission.
10. Although no details about the type of equipment that would be on site are provided, it is reasonable to anticipate that they would be small in scale and would not always remain on the site. However, whilst not bulky in nature or appearance, the additional paraphernalia associated with the proposed use would nevertheless be likely to impinge upon both the spatial and visual openness of the appeal site in comparison to an agricultural use.
11. I recognise that the effect on openness would be relatively limited. However, I am not persuaded that the cumulative effect of the parking area, the fencing

and the bringing onto site paraphernalia relating to the proposed use would preserve the openness of the appeal site, either spatially or visually. The scale of the proposal, the lack of buildings proposed and the planned planting of additional trees do not lead me to a different conclusion. These elements, whilst they would not be highly visible from public viewpoints in the immediate vicinity of the site they would be apparent to an extent in longer distance views and would be readily visible by the users of the adjacent caravan and camping site.

12. In assessing the appeal proposal and looking to see whether planning conditions could be used to overcome the harm identified, the main parties were consulted on a list of potential conditions, without prejudice to my final decision. Having considered the response to that consultation and assessing the matter further, I am not satisfied that the use of planning conditions would overcome the harm to the Green Belt in this case.
13. For the reasons above, the scheme would not preserve the openness of the Green Belt and would therefore conflict with the purposes of including land within it, including in relation to safeguarding the countryside from encroachment. Having regard to paragraph 150 of the Framework, the proposal would therefore be inappropriate development in the Green Belt. As such it would conflict with Policy SS10 of the Staffordshire Moorlands Local Plan Adopted September 2020 (LP). This policy seeks, amongst other things, to maintain the Green Belt allowing only for exceptions as defined by Government policy.

Character and appearance

14. The appeal site lies within open countryside to the southeast of Knypersley Reservoir. Directly adjacent the site to the west is a caravan and camping site where caravans were present during my site visit. Beyond the caravan site is a farmyard. To the north, east and south is agricultural land along with mature trees and vegetation around field boundaries. The ground level of the appeal site rises from the west to the east. The Council have confirmed that the appeal site is located within the Ancient slope and valley farmlands landscape character type where small scale mainly ancient irregular fields bounded by trees and hedgerows are one of the key characteristics.
15. The proposed car park area would be located adjacent to the existing access track and would be located in the lower part of the field, before it starts to rise towards the east. It would be viewed in the context of the entrance to the caravan and camping site where there is an existing boundary fence formed of timber posts and mesh wire fencing. Whilst the proposed fencing around the parking area would be taller than the existing fencing, it is proposed to provide a hedgerow around the fencing to further soften the appearance of the parking area.
16. Given the nature of the physical changes proposed, the rural character would largely be retained. I note that the appellant asserts that the proposed works could be reversed easily in the future and the land reinstated to its current condition. I recognise that one of the key planning and management issues identified in the Landscape Character Assessment of Staffordshire Moorlands, relates to the replacement of hedgerows and drystone walls by fencing. The

appeal proposal does not involve the removal of vegetation or traditional boundary treatments.

17. The majority of the proposed fencing runs alongside the existing field boundaries and therefore would not be overly prominent. I recognise that the proposed fencing along the southern boundary would be more prominent and would not be entirely typical of livestock fencing in its appearance. However, given the limited wider public views of it, I do not consider that it would be harmful to the character and appearance of the surrounding area.
18. The substantial vegetation along the roadside which sits above a bank means that even during seasonal changes during less leaf cover, the proposal would be largely screened from short distance views. I witnessed during my site visit that there is a location on the western end of the bridge that runs along the southern edge of the reservoir where part of the appeal site is visible. Therefore, there would be views of part of the appeal site from more medium and longer distance views.
19. However due to the location of the proposed parking within the appeal site and the location of the majority of the fencing the proposed changes to the appeal site would not be prominent in these views. It is likely that the paraphernalia associated with the proposed use would be small in scale and would not always remain on the site, limiting the effect of this element of the proposal on the character and appearance of the area.
20. I find that the proposal would not harm the character and appearance of the area. The proposal would therefore accord with LP Policies SS10 and DC3 in relation to them seeking, amongst other things, to enhance and conserve the quality of the countryside and support development which respects and enhances local landscape character. The proposal would also be consistent with the provisions of the Framework regarding the conservation and enhancement of the natural environment.

Other considerations

21. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful and should only be approved in very special circumstances. Paragraph 148 of the Framework indicates that substantial weight has to be given to any harm to the Green Belt. It is therefore necessary to consider whether the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.
22. Consistent with the Framework's approach to a prosperous rural economy, the proposal would support the diversification of the farming enterprise, which it is said is unviable on the basis of small-scale traditional farming practices. It would add to the use of the neighbouring site as a Camping & Caravanning Club affiliated site and the holiday let accommodation and siting of a Shepherd's Hut. It would add to the income for the farming business and I acknowledge the need, particularly after the impact of the Covid-19 pandemic, to support economic growth in rural areas. However, given the scale of the proposed development and that limited information has been provided on the financial benefits that it would bring, I find that the overall scale of the economic benefits would in this instance be modest.

23. The appeal proposal would provide a safe exercise, training and socialisation area for dogs off lead, which is said to be in demand in the local community and the wider area, particularly given the lack of such a facility within a 10 mile radius. The appellant states the site could also be used by dog training hosts or police dog handlers. It would also provide a different type of opportunity for dog exercise in the local area, as dogs are required to be kept on lead around the nearby Knypersley Reservoir public recreation facility. I recognise that it would provide a benefit for dog owners in terms of health and wellbeing. However, given the scale of the proposal the benefits stemming from these matters would be limited.
24. The appellant has stated that the proposed works could be reversed easily in the future and the land reinstated to its current condition and I agree the amount of works are relatively limited. Whilst concerns were raised by interested parties, there was no objection by the Highway Authority to the proposal on highway safety grounds. I have no substantive evidence before me that would lead me to come to a different view to the Highway Authority. Concerns were also raised about the potential for noise disturbance. However, the noise assessment provided by the appellant states that there would not be a significant effect in this regard. Even if I were to agree with the appellant's noise assessment, a lack of harm in respect of this matter, highway safety and the ability to reverse the works required are neutral considerations and do not weigh in favour of the proposal.
25. The appellant has referred me to the fact there are four locations within a similar region more than 10 miles away from the appeal site where a similar use is in operation. Only one specific example called 'Outward Hounds' in a different Council area is identified as being similar to the appeal proposal. However, I have very limited information before me as to how the works in that case would compare with the appeal proposal before me. I also do not know the specific context of that or the other example sites. These other facilities therefore do not weigh in favour of the appeal scheme.

Green Belt Balance

26. The proposal comprises a material change of use and associated engineering operations that would not fall within any of the exceptions to inappropriate development in the Green Belt according to the Framework. The Framework establishes that substantial weight should be given to any harm to the Green Belt and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
27. Other considerations in this case include the modest economic benefits relating to the diversification of the farming enterprise and the limited health and social benefits of providing a safe and secure space for off lead dog exercise and training. A lack of harm in respect of highway safety, noise disturbance and the fact the proposed works could be reversed easily in the future are also raised but are neutral factors.
28. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

29. For the reasons set out above, the proposal would conflict with the development plan when read as a whole and the Framework. Based on the evidence before me, the presumption in favour of sustainable development does therefore not apply in this instance. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I conclude that the appeal should be dismissed.

G Dring
INSPECTOR