



Appeal Decision

Site visit made on 18 July 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/V4250/W/22/3313733

Five Acres, Kenyon Lane, Wigan, Lowton WA3 1LQ

- 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 Ms JK and CL Smith against the decision of Wigan Council.
 - The application Ref A/22/93435/FULL, dated 23 March 2022, was refused by notice dated 22 November 2022.
 - The development proposed is the construction of stable building and associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - 1) whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - 2) the effect of the proposal on the character and appearance of the area; and
 - 3) if found to be inappropriate development, whether the 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 necessary to justify the proposal.

Reasons for the Recommendation

Whether the proposal constitutes inappropriate development

3. The appeal site comprises a manege on the south side of Kenyon Lane, forming part of the grounds of a sizeable detached dwelling with separate garage and outbuildings, currently used for storage and stabling purposes. Planning permission has been granted for the demolition of the current stables at the site and the construction of two dwellings.
4. The site is located in the Green Belt and forms part of the visual transition from Lowton to a more open and rural area. To the northwest of the appeal property built form along both sides of Kenyon Lane provides a physical and visual link to the more built-up area. However, to the southeast the immediate character is notably rural in nature, with rolling, open fields and a more sporadic placement of built form. The proposal seeks to construct a stable building and associated parking along the eastern boundary of the site.

5. Policy CP8 of the Wigan Local Plan Core Strategy Development Plan Document 2013 (the CS) states that development in the Green Belt will only be allowed in accordance with national planning policy. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Policy 149 of the Framework sets out that construction of new buildings is inappropriate development in the Green Belt, subject to a number of exceptions. This includes at paragraph 149(b) the provision of appropriate facilities for outdoor sport or outdoor 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.
6. In providing stables at the site, the proposal would represent facilities for outdoor sport and recreation. As such, in order to determine whether the proposal would be inappropriate development, it is necessary to assess its impact on openness and the purposes of including land in the Green Belt. The Framework states 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 their permanence."* It has been established that openness has both a spatial and visual aspect.
7. The proposed stables, while single storey and at the edge of the site along a boundary hedge, would be highly visible in the site itself due to the footprint of the building. However, the wider visual impact on openness would be limited. The stables would be lower than the hedge line, and would be some distance from Kenyon Lane where, on the basis of my observations and the submitted information, existing frontage planting would provide an adequate level of year-round screening. As such, wider views of the proposal would not be prominent in the surrounds, and it would therefore have a limited visual impact.
8. Nevertheless, from a spatial perspective, the proposal would lead to a reduction in the openness. Although single storey and of limited depth, it would still result in the introduction of a building of sizeable volume and width at a part of the site that is currently free from vertical built form. As such, while the proposed position would allow for overlooking between the main house and the stables for security purposes, it would be placed in an otherwise open location, thus failing to preserve the notable current openness that exists to the southeast of the property. The presence of the stable building would be further emphasised by the element of hardstanding which, both in its own right and due to the potential for the placement of paraphernalia on it related to the stabling use, would further erode openness.
9. Paragraph 138 of the Framework states that Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment. Due to the current absence of vertical built form and hardstanding at this section of the site and the openness to the southeast, the proposal would amount to an encroachment into the countryside. It would therefore conflict with the purposes of including the appeal site within the Green Belt.
10. As the proposal would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt, it would not meet the exception set out in paragraph 149(b) of the Framework. There is no suggestion that it would meet any other exception listed in the Framework and it would therefore represent inappropriate development, which by definition is harmful to the Green Belt.

Character and appearance

11. The Council has raised concerns that the siting of the proposal would alter the character of the site and the wider area. However, notwithstanding my findings above on openness, the stable building would be constructed from appropriate materials that would assimilate within the area, and would be screened from surrounding wider public views. It would also be located in a site that currently benefits from a manege area so as to not appear out of place.
12. For the reasons given, the proposal would not cause significant harm to the character and appearance of the area. As such, it would comply with Policy CP10 of the CS insofar as it seeks to ensure good design.

Other considerations

13. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. Reference has been made to another decision¹ taken by the Council, which permitted stabling in the Green Belt. While this is noted, it remains that each proposal is assessed on its own site-specific merits and reference to development elsewhere carries limited weight. The main parties also agree that the proposal would not result in harm to the living conditions of occupiers of surrounding properties, or to highway safety. This represents a lack of harm, which is neutral in the overall planning balance.
15. The appellant has stated that the proposal would be for personal use only, with the amount of stabling to be provided being the minimum required for their future activities at the site. In addition, given the future development of two houses in the place of the current stable and the limited options for access to the site, the appellant contends that the proposal is sited in the most appropriate location. Nevertheless, it remains that the openness of the Green Belt should be preserved.

Green Belt Balance

16. I have found the proposal would be inappropriate development in the Green Belt, a matter which the Framework requires me to give substantial weight. The absence of harm to character and appearance is not a factor in the scheme's favour.
17. Having considered all matters raised in support of the proposal, they collectively would not clearly outweigh the harm identified such that the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to the Framework and Policy CP8 of the CS.

Conclusion

18. The proposal would conflict with the development plan. There are no other considerations, including the provisions of the Framework which indicate that a decision should be taken other than in accordance with the development plan. For this reason the appeal is dismissed.

C Rafferty

INSPECTOR

¹ A/21/92695/FULL