



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: 30 August 2023

Appeal Ref: APP/V4250/W/23/3316218

Rothwells Stud, Sennicar Lane, Wigan WN1 2SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Warren Clarke against Wigan Council.
 - The application A/22/94184/FULL is dated 8 July 2022.
 - The development proposed is the demolition of indoor riding arena, stables and store and erection of four detached dwellings.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Warren Clarke against the Council. This application is the subject of a separate decision.

Main Issues

3. The appeal was submitted due to the Council failing to make a decision within an agreed period of time. Based on the submitted policies, my site visit, and representations from the parties; I consider the main issues to be:
 - 1) 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;
 - 2) the effect of the proposal on the character and appearance of the area;
 - 3) the effect of the proposal on the living conditions of future occupiers, with particular regard to overshadowing;
 - 4) the effect of the proposal on flood risk; and
 - 5) 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 necessary to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

4. The site is an indoor riding arena with adjoining stables and storage located in the Green Belt. The riding arena and stables have a sizeable footprint but a low profile, particularly along the front eastern elevation where, due to the sloping roof, they

read as having a limited height. The adjacent storage area is of a more consistent height, appearing as a tall structure. However, it is of an open nature, allowing views through it from all sides towards surrounding fields and gardens. Planning permission has also been granted for a two storey detached dwelling adjacent to the extant buildings. The proposal seeks to demolish the riding arena, stables and storage and to erect four detached residential dwellings, and would use the land where the approved dwelling would be located for turning and access purposes.

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 construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is subject to exceptions, including at paragraph 149(g) limited infilling or partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. PDL is defined in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural buildings. While I acknowledge comments of interested parties regarding the use and status of the site, I note the main parties agree that the site is PDL and I have proceeded on this basis. Accordingly, whether the proposal would constitute inappropriate development will depend on whether it would have a greater impact on the openness of the Green Belt than the existing development.
7. 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." On the evidence submitted, the proposal would reduce the volume of built form at the site, with the appellant citing a reduction of 41-44% compared to the current riding arena, stables and store, rising to 46-47% when accounting for the approved dwelling. In addition, the spread of structures in the site would be confined to the area of the stables, riding area and storage, which would not be the case if the approved dwelling were to be constructed. However, the proposal would be two storey in height, reading as much taller than the current situation.
8. As such, the replacement of the arena, stables, storage, and approved dwelling with four, two-storey properties running across the width of the site would result in a more notable form of development in the open surrounds. This would particularly be the case along the front, eastern elevation where, even acknowledging the gaps between dwellings, the increased height of built form would appear more visually prominent than at present. This would have a greater impact on openness despite the decreased volume. In addition, the open storage structure would be substituted with a solid, two-storey dwelling which, by comparison, would appear bulky and more visually disruptive to the openness of this section of the site.
9. While the Council states there would be an intensified use of the site, the current potential for a 24/7 operation of the stud and the consideration of the approved dwelling would ensure no significant intensification would be likely to occur. Nevertheless, the placement of residential paraphernalia associated with four separate dwellings, together with the proposed hardstanding and boundary wall

treatments, would serve to further signal the presence of the development, with no guarantee that residential paraphernalia would be confined solely to the rear of the houses. Even acknowledging the current possibility for parked cars, tractors, horseboxes and stored hay and silage, when combined with the presence of four two-storey dwellings in this location, such paraphernalia, hardstanding and boundary treatments would result in a greater visual impact on the openness of the Green Belt than the existing development.

10. Views of the proposal would be possible from numerous points within the surrounding area, both from private gardens of neighbouring dwellings and from public vantage points along Sennicar Lane and Pendlebury Lane. As such, its visual impact on the surrounding openness would be readily experienced within the immediate surrounds.
11. Accordingly, the impact of the proposal on surrounding openness, particularly from a visual perspective, would be notably greater. Overall, it would therefore have a greater impact on the openness of the Green Belt than the existing development, contrary to paragraph 149(g) of the Framework, such that it would not meet this exception. There is no suggestion that it would meet any other exception in the Framework and would therefore represent inappropriate development, which by definition is harmful to the Green Belt.

Character and appearance

12. While the area immediately surrounding the site retains an overarching rural feel due to the sporadic placement of built form and the presence of open fields, it remains that there are numerous examples of residential development within the vicinity. While some have sizeable plots and a character reflective of the rural surrounds, this is not consistently the case, with a range of designs, scales, and massing of properties present.
13. Notwithstanding my findings on openness, from a design perspective the scale, height and massing of the proposal would not be incongruous in the surrounding varied residential context. Two storey dwellings of differing widths and depths exist along Sennicar Lane and within the wider area as visible from the site. These are set in plots of varying dimensions with a range of relationships to neighbouring built form due to the presence of detached and non-detached properties. Neither the immediate area nor the wider surrounds benefit from an obvious visual consistency in the precise design of dwellings, their architectural features or the materials used in their construction.
14. In this context, the varied design of the individual proposed properties and range of architectural features, along with their scale, spacing and massing within the proposed plots, would not read as out of place in the context of the immediate or wider character of the area. The lack of 'barn' style features or attributes would not, in itself, result in the design of the proposal being poorly related to the surrounds. Indeed, the use of external materials proposed shows an obvious attempt to relate to and reflect the countryside location of the site in a manner that many of the surrounding dwellings do not.
15. The Council has also raised concerns regarding a lack of soft landscaping scheme to integrate the dwelling into the countryside location, and has stated that the presence of bin storage to the front of the site would further erode the rural nature of the surrounds. However, had the proposal been acceptable in all

other aspects I am satisfied that such matters could have been addressed by a suitably worded planning condition.

16. For the reasons given, from a design perspective the proposal would not result in harm to the character and appearance of the area. As such, it would not conflict with Policies CP9 and CP10 of the CS, the Design Guide for Residential Development Supplementary Planning Document 2006, or the Landscape Design Supplementary Planning Document 2021 insofar as they seek to ensure development of a high quality design that integrates effectively in the surroundings by being appropriately located and treated. While reference is also made to Policy SP5 of the CS, this relates to the Greenheart area, on which limited information has been provided.

Living conditions

17. A line of conifer trees runs along much of the western boundary of the site and the Council has raised concerns that these would overshadow the rear gardens of the proposal. However, submitted plans do not show the retention of these trees. Furthermore, there is nothing substantive either before me or observed on my visit to suggest that these trees benefit from protection or that their removal would result in other harm.
18. Based on my observations and the extent of the Council's concerns, there is nothing to indicate that following the removal of these trees the level of daylight and sunlight reaching the rear gardens of the proposal would be restricted so as to impact on the useability or suitability of these spaces. Even acknowledging neighbouring properties, the surrounds would remain sufficiently open with adequate separation of built form to ensure that the proposed rear gardens would experience adequate levels of light.
19. For the reasons given, the proposal would not result in harm to the living conditions of future occupiers with regard to overshadowing. As such, there would be no conflict with Policy CP17 of the CS insofar as it seeks to ensure adequate living conditions.

Flood risk

20. A drainage statement and drainage plan were submitted with the application. The Council has stated that further information on drainage would be required prior to the grant of planning permission. However, this could be addressed by a suitably worded condition requiring additional drainage information prior to the commencement of development, and I note that such a condition has been suggested by the Council in any event.
21. For the reasons given, subject to a suitably worded condition, the proposal would not result in harm to flood risk. As such, there would be no conflict with Policy CP16 of the CS insofar as it seeks to manage flood risk.

Other considerations

22. The proposal would provide additional housing in the area, which would contribute to the council maintaining its five year housing land supply. However, while there is no bar to over-provision, the contribution of four dwellings to such supply would be somewhat limited. Accordingly, I attach only moderate weight to this benefit.

23. The main parties agree the proposal would not result in harm to highway safety or ecology, and the Council has confirmed that further ground investigations would be unnecessary from a stability perspective. Based on my observations, I have no reason to disagree. However, this represents a lack of harm which is neutral in the planning balance.

Green Belt Balance

24. 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, flood risk and living conditions is not a factor in the scheme's favour.

25. Having considered all matters raised in support of the proposal, they collectively would not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to the Framework in this regard. It would also fail to comply with Policy CP8 of the CS.

Conclusion

26. 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