The Planning Inspectorate

Appeal Decision

Site visit made on 10 October 2023

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/B3030/C/23/3321562
Field Reference Number 9710, Lindhurst Lane, Lindhurst (Land Registry - NT419337)

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr John Lowbridge against an enforcement notice issued by Newark & Sherwood District Council.
- The enforcement notice was issued on 4 April 2023.
- The breach of planning control as alleged in the notice is operational development on the Land comprising of the construction of a stable block.
- The requirements of the notice are:
  1) Remove from the Land the stable block.
  2) Remove the resultant waste from the land.
- The period for compliance with the requirements is:
  1) 140 days.
  2) 160 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld subject to a correction.

The Enforcement Notice

1. The Council has acknowledged that for the purposes of clarification the word "buildings" used in paragraph 4.1 of the Notice relating to reasons for issuing the Notice, may require changing to the word "building" because the alleged breach of planning control and the requirements of the Notice relate to a single stable block. In my judgement correcting the wording of the Notice to refer to a single stable, field shelter and store building can be made without causing injustice the either of the main parties.

The appeal on ground (a)

2. The ground of appeal is that planning permission should be granted for the development. The appeal site is situated within the Green Belt and therefore the main issues are:

   i. Whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework (the Framework);

   ii. The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and

iii. If the proposal would be 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 it.

Reasons

Inappropriate development

3. The Framework establishes that new buildings within the Green Belt are inappropriate unless, among other things, it involves the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Consequently, the stable block is not inappropriate development in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including the land within it.

Openness, character and appearance

4. Openness is an essential characteristic of the Green Belt and the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. In that there is now a substantial building where one did not exist previously, openness has been reduced to a limited degree. Although there are other residential, commercial and other buildings in the area the surroundings are essentially rural in character. The stable block is clearly visible from its surroundings, particularly to the south and east. It is a relatively large stable building which is situated in a relatively prominent location within the agricultural landscape. As such its overall bulk and massing compromise the character and appearance of the area. However, its impact is partly mitigated by the green external walls and the fact that it is seen against a backdrop of vegetation and other large buildings. I can also see that the roof has a shallow pitch to reduce its visual prominence.

5. As the proposal does have a marginal harmful effect on the character and appearance of the area there is a conflict with Core Policies 9 and 13 of the Amended Newark and Sherwood Core Strategy Adopted March 2019 (the CS), Policy DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document Adopted July 2013 (the ADMDPD), the Newark and Sherwood Landscape Character Assessment Supplementary Planning Document December 2012 and the National Planning Policy Framework. Although the harm to the character and appearance of the area is not of a great magnitude, conflict arises because these policies seek to achieve a high standard of design complementing the existing built and landscape environments, new development should protect and enhance relevant landscape zones and reflect the rich distinctiveness of the local landscape.

Other considerations

6. A number of other considerations have been put forward. It is my understanding that the stable block replaced two small mobile field shelters which were previously in place on the eastern side of the grazing land area. However, the building the subject of the Notice is a permanent structure in an elevated position in the landscape.

7. The appellant has submitted that the land and stables provide a service to a limited number of horse owners who wish to stable their horses in quiet

surroundings. Few details have been provided but as a community facility I can see that there is some limited public benefit.

8. The stable enables grazing and keeping horses in a sheltered environment to protect horses in inclement weather. I can see that this is a limited benefit but could apply to any stable or horse shelter in any location. The appellant has provided bat boxes and it is my understanding that the building is also used for bird nesting. As such there is some ecological benefit which favours the development, but not significantly.

9. My attention has also been drawn to the presence of a small wind farm nearby as way of illustrating inconsistency in the application of Green Belt policy. However, that development is very different from the one before me and does not in itself illustrate any inconsistency. In any case I have assessed the current development on its own merits.

10. I have taken account of the evidence submitted by the appellant, including the approval of a lawful development certificate for equestrian use of the land and all comments provided.

11. To sum up, the proposal the stable block results in some small reduction in openness is therefore inappropriate development in the Green Belt. Substantial weight has to be attached to any harm to the Green Belt. It marginally harms the character and appearance of the area. Even when taken together the other considerations reviewed above do not clearly outweigh these objections. Consequently, no very special circumstances exist and the development is contrary to Spatial Policy 4B of the CS which states that in this location development will be judges according to national Green Belt Policy. Therefore, the development conflicts with the development plan as a whole and the appeal on ground (a) should fail.

Formal Decision

12. The enforcement notice is corrected by the deletion from paragraph 4.1 the words "stables, field shelter and store buildings" and the substitution therefor of the words "a stable, field shelter and store building".

13. Subject to this correction the appeal is dismissed, the enforcement notice is upheld and permission is refused on the application deemed to have been made under s177(5) of the 1990 Act as amended.

A A Phillips

INSPECTOR