



Appeal Decision

Site visit made on 19 October 2023

by Elaine Gray MA, MSc, IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/P2935/C/23/3318978

Land on the south-west side of Moor Road, Prudhoe, Northumberland, NE42 5NX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by MR CLIVE JOHNSON against an enforcement notice issued by Northumberland County Council.
 - The notice was issued on 20 February 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a stable block.
 - The requirements of the notice are: (i) Remove the stable block from the land. (ii) Following compliance with point (i) return the land to its original condition including reseeded of grassed areas.
 - The periods for compliance with the requirements are: (i) 8 weeks. (ii) 10 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under s.177(5) of the 1990 Act as amended for development already carried out, namely the erection of a stable block at Land on the south-west side of Moor Road, Prudhoe, Northumberland, NE42 5NX.

Application for costs

2. An application for costs was made by Mr Clive Johnson against Northumberland County Council. This application is the subject of a separate decision.

Ground (a) and the deemed planning application

Main Issues

3. The main issues are:
 - whether the development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; 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 necessary to justify the development.

Reasons

4. The development is a timber stable block that gains access from the adjacent Moor Road. It comprises a row of five loose boxes with a mono-pitch roof and a projecting canopy to the front. It shares a vehicle access with Humble Wood Farm to the north.

Whether or not the proposal would amount to inappropriate development

5. Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt, stating 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.
6. Paragraph 149 allows for 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'. In a similar vein, Policy STP7 of the Northumberland Local Plan (NLP) states that, amongst other things, development which improves access to the countryside or provides opportunities for outdoor sport and recreation will be encouraged and supported, provided it does not conflict with national policy in relation to Green Belt.
7. Paragraph 149(b) sets out five tests which must be satisfied before such a new facility can be regarded as not inappropriate. The facility must: be a building; be for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; be 'appropriate' for the intended purpose; preserve the openness of the Green Belt; and not conflict with the purpose of including land in the Green Belt. There is no dispute between the main parties that the stable block constitutes a building for planning purposes.
8. The development allows owners to come and care for their horses on a daily basis, and provides a base from which they may, for example, go horse-riding or take the horses to participate in events. On this evidence, I am satisfied that the facility falls under the category of outdoor sport and outdoor recreation.
9. The third test to be considered is whether the building is 'appropriate' for the intended purpose. It seems to me that the scale of the stable, as built, is commensurate with the stated purpose of accommodating a limited number of horses. The building is approached by a short gravel drive leading to a small area in front of it. Around the building I saw equipment such as a water trough, a feed bag, some shovels, and a set of steps that would allow someone to mount a horse. Although it is not referred to in the notice, the land to the south appeared to be marked out to allow horses to graze on grass. All these factors lead me to the view that the development is appropriate for its purpose.
10. Of the five bays, the appellant confirms that one is let out and another is used by a friend of the appellant. The Council argue that this does not constitute private use, and instead, the stable is in use as a partial commercial livery. They state that small-scale stables in private use may be supported as a reasonable requirement in the Green Belt. However, their view is that a five-

bay stable of which two bays are used by persons other than the owner is not a reasonable requirement, and so is inappropriate.

11. However, the term 'reasonable requirement' does not appear in NLP Policies STP7 or STP8, or in the relevant policies of the NPPF. I note that the term 'reasonable requirement' appears in two decisions, refs: 17/00229/FUL and 17/00986/FUL, for Green Belt equine development within the same Council area. These decisions pre-date the existing local development plan, and so it may be assumed that this test was contained within the previous local plan.
12. In any event, the Council do not provide any basis for such a test within the current policy context. By the same token, I have not been provided with any policy basis or methodology on which to give preference to a private stable facility over a commercial one. Arguably, the fact that the stable is used by third parties facilitates greater access to the countryside for recreation purposes, which is an objective set out in NLP Policy STP7.
13. Drawing these threads together, I am satisfied that the appeal site meets the first three tests set out in NPPF Paragraph 149(b). It therefore falls to consider whether the development preserves the openness of the Green Belt and whether or not it conflicts with the purposes of including land within it.

The effect on the openness of the Green Belt

14. Paragraph 134 of the NPPF outlines the five purposes of including land within the Green Belt. These are to check unrestricted sprawl of built-up areas, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic towns, and encourage the reuse of urban land. These aims are reflected in NLP Policy STP7, which sets out the Council strategic approach to the Green Belt. NLP Policy STP8 gives further direction on the assessment of development proposals in the Green Belt.
15. There can be no doubt that the stable impacts upon the openness of the Green Belt in spatial terms by introducing a building where no development previously existed. However, this factor alone is not sufficient to result in harm to Green Belt openness. Whether such a change harms the openness can depend on factors such as locational context, its spatial or visual implications, as well as scale.
16. The stable is a single storey building constructed of horizontal timber boarding. It has a shallow mono-pitch roof and projecting eaves for weather protection. It is located close to the north boundary of the field at a short distance from Moor Road. It backs onto the development at Humble Wood Farm and has a close visual association with that development. The northern boundary of the appeal site is lined with mature hedging and small trees along its length which provide a natural backdrop.
17. The stable can be seen from Moor Road as one approaches from the south. However, this impact is glimpsed only over a short time by users of the highway and is further reduced by the established trees and hedgerows along Moor Road which provide a pleasant natural context.
18. By its nature as a stable, the development is suitable for a countryside location. Given its small size, unobtrusive appearance and discreet location close to another development, it integrates well with its surroundings and does

not represent a material encroachment into the countryside. Consequently, I find no conflict with any purposes of including land in the Green Belt. The stable is visible from Moor Road, causing some limited implications for the openness of the Green Belt in visual terms. Despite this, taking into account the factors I have discussed above, I find that the introduction of the building has an acceptable effect upon people's perception of openness from beyond the boundary of the site.

19. I note the Council's concern that the use of the building leads to a degree of activity such as vehicle trips by those visiting the facility, which results in harm to the Green Belt. I agree that the use of some bays by third parties will generate additional vehicle trips over and above those of a single horse owner visiting the stable. However, there is little evidence before me to quantify these extra trips, or to explain how this factor in itself is harmful to the openness or purposes of the Green Belt. Given that the Humble Wood Farm already attracts vehicular traffic to the area, it seems to me that the additional visitors to the stable are unlikely to generate significant extra traffic.

Conclusion on ground (a)

20. I therefore find that the appeal scheme is an appropriate facility for outdoor sport and outdoor recreation which preserves the openness of the Green Belt and does not conflict with the purpose of including land within the Green Belt. No material conflict therefore arises with the NPPF or with NLP Policies STP7 or STP8. As a result of this, the appeal scheme is not inappropriate development within the Green Belt.
21. I therefore conclude that the development accords with the development plan as a whole and with relevant national policy, and there are no other considerations which outweigh this finding.

Overall Conclusion

22. Because of my conclusion above on ground (a), there is no need for me to go on to consider the appeal on ground (g).
23. For the reasons given above, the appeal is allowed, the enforcement notice is quashed, and the deemed planning application is permitted.

Elaine Gray

INSPECTOR