



Appeal Decision

Site visit made on 25 October 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14.12.2023

Appeal Ref: APP/P1805/W/23/3321450

**Land Adjacent to Fieldhouse Lane, Fieldhouse Lane, Romsley,
Worcestershire B62 0NH**

- 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 and Mrs Dunham against the decision of Bromsgrove District Council.
 - The application Ref 22/00351/FUL, dated 9 March 2022, was refused by notice dated 4 November 2022.
 - The development proposed is a change of use to equestrian land, the erection of a stable block and operational development.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use to equestrian land, the erection of a stable block and operational development at Land Adjacent to Fieldhouse Lane, Fieldhouse Lane, Romsley, Worcestershire B62 0NH in accordance with the terms of the application, Ref 22/00351/FUL, dated 9 March 2022, subject to the conditions included in the attached schedule.

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), any relevant development plan policies and taking account of the effect of the proposed development on openness and the purposes of including land within the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposed development would be inappropriate development in the Green Belt 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 required to justify the development.

Reasons

Inappropriate development

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state

that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. Relevant exceptions include paragraph 149 (b) which among other things includes the provision of appropriate facilities in connection with a change of use for outdoor sport and 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.
5. Paragraph 150 sets out that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include paragraph 150 (b), engineering operations and (e), material changes in the use of land, such as changes of use for outdoor sport or recreation.
6. Policy BDP4 of the Bromsgrove District Plan 2011-2030 adopted January 2017 (BDP) is consistent with the Framework as it matches the wording in relation to the provision of appropriate facilities for outdoor sport and outdoor recreation.
7. Policy BDP15 of the BDP supports rural renaissance and deals with all rural areas, not just the Green Belt. Amongst other things this policy encourages proposals for new buildings in association with equine development, such as stables where new buildings are kept to a minimum necessary, consist of essential facilities and which preserve the openness of the Green Belt.
8. The proposal would involve the material change of use of an existing area of agricultural land to equestrian use split into two paddocks and the erection of a new stable building, comprising four stalls, a tack room and open fronted tool store/wash box and hay store. There would also be engineering operations which would involve the construction of an area of hardstanding to allow parking for two vehicles, a muck heap and a new vehicular access from Fieldhouse Lane.
9. Overall, the proposed stable and change of use fall under the category of outdoor sport and recreation. The associated works would be engineering operations. It therefore falls to consider whether the proposal would preserve the openness of the Green Belt and/or conflict with the purposes of including land within it.
10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Clearly, the introduction of a stable building at the appeal site would have an impact on the openness of the Green Belt in spatial terms as it would introduce a building where there is currently none. Similarly, the sub-division of the existing fields into paddocks, the introduction of a new access and hardstanding and the muck heap all have the potential to unacceptably erode the openness of the Green Belt.
11. However, the overall size of the proposed stable, hardstanding area and muck heap have been kept to the minimum necessary to accommodate four horses and associated facilities and the proposed stable accords with the size and height criteria set out in the equestrian developments section of the

Council's High Quality Design SPD (HQD SPD) adopted in June 2019 which accords with British Horse Society recommendations.

12. Further, the proposed building would be single storey and predominantly of timber construction and overall would be modest and low key. It would be sited adjacent to the existing vegetation that runs along the rear boundary of the appeal site which ensures that in visual terms it would sit comfortably on its plot and public views would be shielded to a certain extent from the adjacent public footpath, especially when the trees, shrubs and other vegetation are in leaf. Moreover, the proposed use of post and rail fencing would help to preserve an open appearance.
13. There would also be a visual impact created by the introduction of the proposed new access which would require removal of some of the existing hedgerow which would open the appeal site and the proposed development to views from Fieldhouse Lane. However, the visual effect would be limited as the existing public footpath is located to the rear of the appeal site on both sides of the road. As there is not a footpath along Fieldhouse Lane, I anticipate there would not be a significant number of pedestrians who would view the appeal site through the gap in the hedge that would be created by the proposed access. Moreover, views from vehicles travelling along Fieldhouse Lane would not be significant, the proposed development would be seen in the context of the vegetated back drop and such development would be expected within this countryside setting.
14. Consequently, having taken account of the particular circumstances of this case and relevant case law, I am satisfied that the proposal does satisfactorily preserve openness. It follows that the proposal also accords with the relevant part of Policy BDP15 of the BDP which encourages proposals for new buildings in association with equine development which preserves the openness of the Green Belt.
15. The proposed development would involve the provision of appropriate facilities and a change of use in connection with outdoor sport and outdoor recreation which would preserve openness. Due to its modest size the proposal would represent an entirely suitable development within this countryside setting. Further, it would not result in, the unrestricted sprawl of a large built-up area, neighbouring towns merging into one another, an unacceptable encroachment of development into the countryside. As a result, it would not undermine these or any other purposes of the Green Belt and would therefore accord with the Framework and Policy BDP4 of the BDP.
16. Policy BDP15 also highlights that unless exceptional circumstances are demonstrated, such development should be sited within close proximity to existing rural buildings. The proposal has been sited at the far edge of the appeal site as close as possible to other existing rural buildings on both sides of Fieldhouse Lane to the south-west. As the proposal is sited adjacent to the existing vegetation it also accords with the later guidance contained in the HQD SPD which highlights that stables should be closely related to existing groups of buildings or adjacent to natural screening.
17. Therefore, given these factors, and taking account of the fact that the proposal would accord with policies within the Framework that deal with proposed development within the Green Belt, even if strictly speaking the proposal is not in close proximity to existing rural buildings, I consider

exceptional circumstances have been demonstrated to support siting the proposal in its proposed location and consequently the proposal would not conflict with the overall objectives of Policy BDP15 of the BDP or with the guidance contained within the HQD SPD.

18. As I have found that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it, the appeal proposal would not amount to inappropriate development in the Green Belt. It would therefore accord with Policies BDP4 and BDP15 of the BDP, and the associated policies of the Framework as set out above.

Character and appearance

19. The appeal site comprises an attractive expanse of agricultural fields located to the south of residential properties. Many of the houses to the north have low fences/walls or hedges that allow views from these properties over the fields. There is a hedgerow that runs along the boundary adjacent to Fieldhouse Lane and there are trees and other vegetation that runs along the rear boundary of the appeal site. This arrangement creates a sense of verdant spaciousness that significantly contributes to the character and appearance of the area. A public footpath runs along the rear boundary but due to existing vegetation views from the footpath into the appeal site are limited, particularly especially when the trees, shrubs and other vegetation are in leaf.
20. The proposed development has been sensitively designed and positioned on the site. The proposed scale, design and materials would fit in with the character of the landscape. This arrangement ensures that the proposal would not diminish the existing sense of spaciousness and would result in development that would be entirely compatible with this countryside setting and would enhance the character and distinctiveness of the local area.
21. I therefore conclude that the proposal would not harm the character and appearance of the area. As a result, the proposal would accord with Policy BDP19 of the BDP which amongst other things seek to ensure that new development adopts a high-quality design that enhances the character and distinctiveness of the local area. The proposal would also accord with the Framework which seeks to ensure development is sympathetic to local character.

Other Matters

22. The proposed stable, new access and hardstanding area would be located a significant distance from Albri Cottage. Although I observed that this dwelling has windows serving habitable rooms that look towards the proposed development and its rear garden is adjacent to the common boundary, the separation distance from the property to the proposed stable building would ensure that there would not be an unacceptable level of overlooking, or noise and disturbance. Moreover, I consider that use of the appeal site as paddock would not have an unacceptable harmful impact on the occupants of this property.
23. The proposal would not include any external lighting, which could be secured through condition and there would not be harmful light pollution. Moreover, subject to the imposition of a condition to require the implementation of

suitable surface water drainage measures I am satisfied that the proposal would not result in an unacceptable risk of flooding.

24. Concern has been expressed that the proposed development would be used for commercial purposes. The appellant has confirmed that the use would be restricted for the appellant's personal use and a condition to prevent commercial use can be imposed.
25. I have taken account of a previous appeal decision that has been brought to my attention that also relates to a site in Romsley, at Woodfield Lane. In that case the Inspector found that the proposal amounted to inappropriate development. However, that case involved the proposed development of a tack room and hardstanding at a site which already consisted of an existing group of equestrian buildings, including stable blocks, sheds and a barn. It follows that the circumstances and the relationship of this other proposal with its surroundings are materially different from the situation here. Therefore, this other appeal decision does not alter my view that proposal would not amount to inappropriate development in the Green Belt.

Conditions

26. I have had regard to the conditions suggested by the Council to consider whether they are necessary and where they are, I have amended them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG).
27. A condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. Given that the submitted plans do not show details of the materials to be used on the external surfaces a condition is necessary in relation to this matter in the interests of the appearance of the scheme and the surrounding area. The Council have suggested that in accordance with the HQD SPD, the materials condition should specify that no more than a single course of brickwork for the stables to sit on should be used. The appellant has suggested that this should be amended to allow for 2 or 3 courses to allow additional support and to provide an appropriate damp proof course. As this would not have an adverse impact on the character and appearance of the area, I have amended the suggested condition accordingly.
28. To protect the Green Belt and given the restricted number of parking spaces at the appeal site it is necessary to impose a condition that prevents the use of the stable for commercial purposes. It is necessary to attach a condition requiring the approval of a surface water drainage scheme to ensure that appropriate drainage is in place and that the development does not increase flood risk on or off-site.
29. To ensure adequate access and parking arrangements and appropriate visibility splays are provided it is necessary to impose relevant conditions. However, it is unnecessary to require that the gate is 15m from the carriageway and will open inwards as that is clearly shown on the approved plans. To protect trees and hedges it is necessary to impose an appropriate condition in the interests of ecology and the character and appearance of the area. It is also necessary to impose a condition to require the planting of a native hedge behind the visibility spay along Fieldhouse Lane.

30. To protect the living conditions of local residents and in the interests of ecology it is necessary impose an appropriate condition to prevent any external lighting. In the interests of ensuring protected species are not harmed as a result of the development it is necessary to attach an appropriate condition. I am satisfied that although the appellant emphasised that the use of the existing access from Dark Lane would be used infrequently, if at all, they did not propose that the existing access would be extinguished. As I do not consider that it is necessary to require the permanent closure of this access to make the development acceptable a condition is not necessary.

Conclusion

31. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework and therefore I allow the appeal.

S Rawle

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 129256-001; 129256-003G; 129256-004A; and 129256-005D.
- 3) With the exception of the solar panels shown on the southwest elevation of plan no 129256-004A, the stable block (including the tack room, tool store/wash box and hay store) hereby approved shall be constructed of timber with no more than two courses of brickwork for the stable to sit on.
- 4) The development hereby permitted shall be for personal use only and shall not be used for any commercial purposes, including use as a riding school, equestrian centre, livery yard or for leisure rides.
- 5) No development above ground floor level shall commence until a scheme for surface water drainage indicated on a drainage plan has been submitted to and approved in writing by the local planning authority. The scheme shall provide appropriate levels of surface water attenuation for events up to the 1 in 100-year event together with an allowance for climate change. The approved scheme shall be implemented prior to the first use of the development hereby permitted and shall be maintained thereafter.
- 6) No development above ground floor level shall commence until the visibility splays as shown on Drg No 129256-003G are provided. Nothing shall be planted, erected and/or allowed to grow that would obstruct the visibility splays thereafter.
- 7) The development hereby approved shall not be used until: (i) pedestrian visibility splays of 2m x 2m measured perpendicularly back from the edge of the carriageway shall be provided on both sides of the access. The

splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level; (ii) the first 5 metres of the access into the development, measured from the edge of the carriageway has been surfaced in a bound material; and (iii) the access, parking and turning area as shown on Drg No 129256-003G have been provided and they shall be retained in that form thereafter.

- 8) All trees and hedgerows shown to be retained on the approved plans will be protected in accordance with BS 5837 (2012) during the construction and clearance phase of development and any works required to be undertaken on any trees and hedgerows to facilitate the development hereby approved shall be carried out in accordance with BS 3998 (2010).
- 9) The development hereby permitted shall not be used until a native hedge has been planted behind and adjacent to the visibility splay along Fieldhouse Lane. The hedgerow shall comprise a 70% Hawthorn native mix, planted in a double staggered row at 450mm centres.
- 10) No external lighting shall be installed at the site including on the exterior of any buildings hereby permitted.
- 11) The development hereby permitted shall be carried out in accordance with the recommendations contained within the Baseline Ecology Survey dated December 2021 undertaken by Elizabeth Mckay.