



Appeal Decision

Site visit made on 7 November 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/X4725/W/23/3321424

Wicken Tree Bungalow, Wicken Tree Lane, Middlestown, Wakefield WF4 4TZ

- 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 Mrs Collier against the decision of Wakefield Council.
 - The application Ref 23/00275/FUL, dated 9 February 2023, was refused by notice dated 11 April 2023.
 - The development is described as 'proposed 3 no. stables and tack room.'
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Decision

1. The appeal is allowed and planning permission is granted for proposed 3 no. stables and tack room at Wicken Tree Bungalow, Middlestown, Wakefield WF4 4TZ in accordance with the terms of the application, Ref 23/00275/FUL, dated 15 February 2023, subject to the conditions below:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250; Block Plan 1:500; and Proposed Plans & Elevations Drawing No 21-017-20.
 - 2) The development hereby permitted shall only be used as private stabling and shall not be used for any livery or other commercial purposes.

Preliminary Matters

2. The development has already taken place. I have dealt with the appeal on that basis.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. The revised National Planning Policy Framework (the Framework) was published on 19 December 2023. Insofar as is relevant to the appeal the revised national policies are not so materially different, and I am satisfied that no interested party has been prejudiced by my approach.
5. Although no policies were referred to within the Council's reason for refusal, several have been referred to in the officer report. Policy CS1 of the Wakefield Local Development Framework Core Strategy 2009 (the CS) and Policy D23 of the Wakefield Local Development Framework Development Policies 2009 (the DP) all relate to development within the Green Belt and are broadly consistent with the Framework.

Main Issues

6. The main issue in this case is whether the proposal is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.

Reasons

7. The appeal site comprises land and facilities associated with Wicken Tree Bungalow. The wider immediate site operates as a dog exercising field and dog grooming parlour. The site also includes grazing land, a menage and a further 'L' shaped stable. The appeal proposal comprises a single storey 3 bay stable and tack room store. The stables are sited to the east of the existing stable block. It is immediately in front of a retaining wall boundary to its north. The surrounding area is rural, and fields have tree and hedgerow boundaries. The site is within an undulating landscape with small enclaves of residential development in the surrounding area.

Whether Inappropriate development

8. Paragraph 152 of the Framework states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
9. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, an exception to this includes sub paragraph b) the provision of appropriate facilities 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.
10. Paragraph 154 b) of the Framework sets tests which must be satisfied before such a new facility can be regarded as not inappropriate. The facility must (in this case) be a building for outdoor sport or outdoor recreation, 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. The term building includes any structure or erection¹. I consider that the structure is a buildings for the purpose of the Framework test. There is no dispute that the development would provide an appropriate outdoor sport/recreation facility.
11. The Council's officer report evidenced states that the stables do not result in unrestricted sprawl of a large built up area, do not result in neighbouring towns merging together or result in encroachment to the countryside. The setting and special character of historic towns remains protected, and that the small scale proposal would have a neutral impact on urban regeneration. Therefore, the proposal for stables does not conflict with the purposes of including land within the green belt. I see no reason to disagree with this assessment and similarly conclude that the proposal would not conflict with the purposes of including land within the Green Belt set out in paragraph 143 of the Framework.

¹ Section 336 of the Town and Country Planning Act 1990

12. However, the Council's officer report suggests that the stables are not appropriate for the intended purpose. This is in part due to the presence of an existing 'L' shaped stable and storage block with 2 stables. The Council considered that due to the amount of grazing land, with the figures provided by the appellant during the application, that the available grazing land would only support stabling for 2-3 horses in total.
13. The Council's assessment was based on a site area comprising 1 Hectare (Ha). The appellant has subsequently stated that they rent a further 4.45 Ha of land used for horses. This is a long term arrangement of over 15 years, with some evidence from two separate landowners provided that this is the case. The appellant also states this amount of land would be sufficient for six horses. The Council has not provided any evidence to the contrary regarding these documents or subsequent figures provided with the appeal. As such on this basis the totality of the number of stables on site being 5, would be appropriate for the overall amount of land used for grazing by the appellant. Having regard to horse welfare in this particular case, the size of the proposed buildings would be commensurate with their proposed use.

Openness

14. The proposed buildings would have a spatial impact, but it is implicit within paragraph 149 b) of the Framework that some form of impact to the openness of the Green Belt, arising from the construction of new buildings for the provision of appropriate facilities for outdoor sport and recreation, may be allowed for under that paragraph.
15. The stables are located to the northern edge of the site set adjacent to a retaining wall. The structure sits at a much lower than New Road with a shallow pitched roof over the single storey building. It is set just below the height of the wall. The wall also provides a substantial backdrop for the stables from the wider views of the site from residential properties on Low Lane and Sandy Lane to the south. The development would not be prominent within any skyline views. Furthermore the eastern boundary of the appeal site is lined with vegetation which provide a further natural backdrop.
16. I note the Council does not raise any concerns about the design or the impact upon the character or appearance of the area. The immediate area is semi-rural. The proposal has been built in traditional type materials and is proportionate to the overall footprint. Moreover, it would be similar to other stable type buildings seen in the surrounding area. As such the proposal would not be unexpected in this setting.
17. Although there is a public footpath that shares the point of access to the site, given the development has a close visual association with the existing development being located close to the higher wall and broadly situated near other equestrian buildings, in spatial terms the impact of its scale and siting would be minimal. Therefore, I consider that the proposal preserves the openness of the Green Belt, with respect to paragraph 149 b).

Conclusion on Inappropriate development

18. Given the above I conclude that the proposed development does not amount to inappropriate development in the Green Belt. 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. Given that the proposal is not inappropriate development, there is no requirement to consider whether there are 'very special circumstances' to justify the development.

19. Consequently no material conflict therefore arises with Policy CS1 of the CS, or Policy D23 of the DP which requires development to conform to national policy relating to the Green Belt. The proposal would also accord with paragraphs 153 and 154 b) of the Framework which relate to proposals for new buildings within the Green Belt.

Other Considerations

20. I note the Council's concerns regarding future development, given that the previous stables were demolished, and a dwelling erected. However, if any new proposal came forward it would be subject to assessment for its compliance against local and national planning policy, including those relating to the site's location within the Green Belt, the countryside and character and appearance of the area. I am satisfied that criteria within the Framework paragraph 154 and 155, would provide sufficient safeguards to ensure consideration of the fundamental aims of the Green Belt.

Conditions

21. The Council has not provided a list of any conditions. However, it is necessary to ensure that the development is carried out in accordance with the approved plans to provide clarity. It is also necessary to restrict the use of the stables for private purposes in the interests of highway safety, and the appellants agreed to this condition being imposed.

Conclusion

22. For the reasons given, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be allowed.

K Williams

INSPECTOR