



Appeal Decision

Site visit made on 3 January 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/D2320/W/23/3322008

Land to the West of Bury Lane, Withnell Fold, Grid Ref Easting: 362493, Grid Ref Northing: 423476

- 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 Ms Colette Edwards against the decision of Chorley Borough Council.
 - The application Ref 22/01213/FUL, dated 22 November 2022, was refused by notice dated 10 February 2023.
 - The development proposed is erection of stables and manege on land west of Bury Lane, including the widening of an existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading I have used the site address contained within the appellant's appeal form. This identifies the location of the site more clearly than that contained within the application form.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including, where appropriate, its effect on openness; and
 - If the development is inappropriate, 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 required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

5. The site is located within the Green Belt. The Council has not referred to any development plan policies in their evidence, nor are there any development

- plan policies before me relevant to development within the Green Belt. The proposal must therefore be assessed based on the policies in the Framework.
6. The Framework identifies 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.
 7. Paragraph 154 of the Framework indicates that, other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. These exceptions include (b) 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.
 8. Additionally, paragraph 155 of the Framework indicates 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 (b) engineering operations.
 9. The proposal comprises the erection of a single storey L-shaped timber stable building with a shallow pitched metal roof. This would provide 4 stables and a store for private use. In addition, a sand manege area would be laid out adjacent to the building. A gravel access track, concrete parking area and woodmulch path would also be provided.
 10. It is common ground between the main parties that the proposed building would be an appropriate facility for outdoor sport or recreation, and the proposed manege and hard surfacing would involve an engineering operation. Therefore, whether the proposal would be inappropriate development is contingent on whether it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
 11. Openness is an essential characteristic of the Green Belt. Several factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. The matters relevant to openness are therefore a matter of planning judgement, and the openness of the Green Belt can have a spatial aspect as well as a visual aspect.
 12. The appeal site comprises part of a wider field that is long and narrow. I saw on my site visit that this field is largely free of development. Nevertheless, a stone wall runs along most of the eastern field boundary, albeit is low enough to allow unobstructed views across most of the field, particularly when approaching from the south along Bury Lane.
 13. The stone wall gives way to a taller hedgerow midway along the appeal site. This provides better screening of the field when approaching from the north, though limited views across the appeal site can still be achieved. The opening for the site access within the hedge, which the evidence indicates would be trimmed to achieve visibility splays, also allows views through from Bury Lane.
 14. The western side of the field, opposite the appeal site, is lined by several large trees and other well-established vegetation, providing an element of screening. However, the land slopes away in this direction, and much of this vegetation is deciduous in nature. This allows a degree of intervisibility between the appeal

- site and the wider countryside to the west, particularly in winter months. At the northern and southern ends of this boundary, vegetation is more sporadic, providing clearer views into the field and towards the appeal site.
15. Given the current condition of the field described above, it remains substantially open and positively contributes to the openness of the Green Belt in this location. The appeal proposal would be built close to the eastern field boundary, albeit in the central part of the field. This would introduce development into an area that is predominantly open and undeveloped.
 16. Though it would be relatively modest in height, the proposed building would still extend appreciably above the existing boundary wall and hedgerow. The site's elevated position relative to other parts of the field would also ensure any development here would be a prominent feature in the landscape. The L-shape of the proposed building would further compound the level of enclosure and would ensure it appears similar in overall width on all elevations.
 17. Hard surfaces laid around the site would be less prominent by their nature. Nevertheless, these would be engineering operations resulting in a further incursion of development. The enclosure of the proposed manege with a timber post and rail fence, and the associated paraphernalia that would come with the use of the land in this manner, would further erode the openness of the site.
 18. I saw on my site visit that there are two dwellings and what appeared to be an agricultural building on the opposite side of the road to the appeal site. The proposed stable building would therefore be viewed in the context of these existing buildings when seen from the west. Nonetheless, a degree of separation would be provided by the road, wall and hedge, and in many views the proposal would still appear largely isolated. While there are other dwellings and agricultural or equestrian buildings in the wider area, these are more distant from the appeal site.
 19. I also recognise there is an existing access into the field from Bury Road, there is a footpath alongside the site, and the site is close to Chorley Road. However, save for a metal field gate, the existing access is free from development. Moreover, the presence of other development in the wider area, including other buildings or hard surfaces, does not indicate that the appeal proposal would not have a deleterious effect on openness in its context.
 20. The judgement in *Samuel Smith Old Brewery (Tadcaster) & Oxton Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018] EWCA Civ 489 acknowledged that some forms of development may in principle be compatible with the concept of openness. I therefore recognise that preservation of the openness of the Green Belt does not mean there can be no change. Instead, the correct approach is to consider the impact or harm, if any, wrought by the change. For the reasons set out above, I have found that the proposed change in this case would be harmful to the openness of the Green Belt. Therefore, the judgement does not lead me to a different conclusion on this matter.
 21. I conclude that the proposal would detract from the openness of the Green Belt in both visual and spatial terms. This would be mitigated to a limited extent by some of the factors mentioned above. However, this would not be sufficient to preserve the openness of the Green Belt. The introduction of development of this nature into an open field would amount to encroachment into the

countryside. It would thus also conflict with the purposes of including land within the Green Belt.

22. The proposal would therefore be inappropriate development when assessed against Paragraphs 154(b) and 155(b) of the Framework. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. This therefore weighs heavily against the proposal.

Other considerations

23. The proposal would provide economic benefits through employment of local companies to facilitate the construction of the development. This would nevertheless be for a temporary period, and only a modest contribution given the small scale of the development.
24. The proposal would also provide benefits for the appellant in terms of health and recreation. The evidence before me indicates that these would be purely private benefits. Planning is concerned with land use in the public interest and, as such, this holds limited weight in this context.
25. The appellant contends the development is an overall improvement of the site which helps to promote the intrinsic character and beauty of the countryside. However, the site in its current condition is in keeping with the wider landscape and contributes to the openness of the area. The proposal therefore would not provide any meaningful enhancement in this regard.
26. The Council found the scale of the proposal to be acceptable and commensurate with its intended use, and in accordance with the Central Lancashire Rural Development Supplementary Planning Document (SPD) Final Version October 2012 in many respects. Nonetheless, compliance with SPD guidance for equestrian development in rural areas does not override the need for the proposal to comply with the Green Belt policies in the Framework. It does not in itself demonstrate there would be no harm to openness or that the proposal would not be inappropriate development.
27. Other than where set out above, I have not identified any other harm or conflict with the development plan, national policy or local guidance. However, the absence of harm or development plan conflict with respect to all other relevant matters weighs neither for nor against the proposal.

Conclusion

28. The appeal proposal comprises inappropriate development that is harmful to the Green Belt. I give this harm substantial weight as required by the Framework. I have considered the matters put before me in favour of the scheme. However, there are no other considerations that, either individually or cumulatively, clearly outweigh the substantial weight I have afforded to the Green Belt harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
29. The evidence before me indicates that there are no development plan policies directly relevant to the main issues in the appeal. Paragraph 11(d) of the Framework states that decisions should apply a presumption in favour of sustainable development. This means, where there are no relevant development plan policies, granting permission unless (i) the application of

policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

30. Footnote 7 of the Framework confirms that such policies include those relating to land designated as Green Belt. As set out above, the application of Green Belt policies within the Framework provides a clear reason for refusing the development in this case. Therefore, Paragraph 11(d)(i) of the Framework indicates that permission should not be granted.
31. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR