



Appeal Decision

Site visit made on 20 February 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/P3420/W/23/3330755

Manege and outbuildings, Scot Hay Road, Alsagers Bank, Newcastle under Lyme, Staffordshire ST7 8BW.

- 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 Garry Clutton against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 22/00636/FUL, dated 21 July 2022, was refused by notice dated 18 May 2023.
 - The development proposed is dwelling and car barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) later updated on 20 December 2023, together with a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. Other than the paragraph numbers, the provisions in the revised Framework relating to 'Proposals affecting the Green Belt' are the same as those that were in the previous version of the Framework when the council made its decision. Therefore, having considered the parties' respective cases and the nature of the revisions, in light of the principles of natural justice it has not been necessary to seek the views of the main parties on this matter. I have referred to the updated paragraph numbers.

Main Issues

3. The main issues are:
 1. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 2. the effect of the proposal on the openness of the Green Belt; and
 3. whether the proposed development would provide a suitable site for housing having regard to its proximity to services and facilities; and
 4. 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 inappropriate development

4. The appeal site lies within the Green Belt and currently comprises a manege and stabling for the appellants' horses. Permission is sought for a new dwelling and a car barn within the site.
5. The Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. Saved Policy S3 of the Newcastle-under-Lyme Local Plan (2003) (LP) states that dwellings will not be permitted in the Green Belt, even for people employed solely or mainly in agriculture or forestry, unless siting in the Green Belt is essential for the efficient operation of agriculture or forestry in the locality. If permitted, dwellings would normally be sited within, and designed to fit in with an existing group of dwellings or farm buildings.
6. Although the proposal is for a dwelling on the site to enable the appellants to be closer to their horses, the proposed dwelling would not be for someone employed solely or mainly in agriculture or forestry. The proposal would not therefore accord with Saved Policy S3 of the LP. Furthermore, the proposed development does not constitute one of the exceptions listed in the Framework and is therefore inappropriate development.
7. Paragraph 152 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 153 of the Framework, substantial weight is given to any harm to the Green Belt.

Openness

8. The Framework sets out that Green Belt serves five purposes. Whilst acknowledging that the proposal would not conflict with all the purposes of including land within the Green Belt, it fails to accord with one of the five purposes which is to assist in safeguarding the countryside from encroachment. The effect of development as encroachment on the countryside may also occur in the form of loss of openness. The site forms part of the countryside, and the proposal would result in physical encroachment of development onto parts of the site that are currently free from development.
9. The Framework identifies that a fundamental aim of Green Belt policy is to keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence.
10. The concept of Green Belt openness has both a spatial and visual dimension. As there is an absence of built form where the proposed new dwelling and car barn would be located, the introduction of new buildings would have an appreciably greater impact on the spatial aspect of openness.
11. The proposal would represent a loss of openness in visual terms leading to a fundamental and permanent change to the Green Belt, introducing a built form of development. Beyond the existing manege and stable block lies an open field. There is another open field immediately to the south of the site which separates the appeal site from Scot Hay. Likewise, the area to the north of the site beyond Scot Hay Road and to the east of the site are characterised by open fields. Whilst there would remain a gap between Scot Hay and the appeal

site, the development would lead to an erosion of this gap and an encroachment into the countryside.

12. The appeal site is also characterised by a number of trees and hedgerows, which would provide an element of screening of the proposal. However despite this screening, and the proposed siting and linear orientation of the development, which has been designed to avoid as much impact as possible, the proposal would be visible from surrounding vantage points including Scot Hay Road and public footpaths. The proposal would not be immediately adjacent to existing built development and some views towards the landscape beyond would be obscured by the proposed development.
13. Compared to the existing situation openness would therefore, both spatially and visually, be reduced. While the loss would be relatively localised, it would, nonetheless, have a moderate impact on the openness of the Green Belt.

Location

14. The appeal site is located in land that is classed as open countryside, although it lies close to the hamlet of Scot Hay. Scot Hay has no shops or schools, but there are a number of bus stops in the vicinity. There are shops and services located in the settlements of Silverdale approximately 1.5 miles away, and Alsagers Bank, approximately half a mile away. Newcastle under Lyme, with a wider range of facilities, lies approximately 3.5 miles from the appeal site.
15. There is no roadside footway adjacent to the appeal site leading to nearby settlements or bus stops. Trips to these locations on foot or bicycle would therefore involve travelling along a road without footways, which immediately adjacent to the appeal site is 40mph. There are a number of public rights of way which link the appeal site to nearby settlements which would provide alternative routes to services and facilities, but these are narrow in places, and unlit in addition to certain sections being unpaved or crossing open fields.
16. As such, when combined with the distances involved, occupiers of the proposed dwelling would be unlikely to undertake journeys to nearby larger settlements regularly on foot, by bicycle or using public transport, particularly at night or in poor weather. Accordingly, there would be limited opportunity to access services and facilities by means other than private vehicle. Even acknowledging that opportunities to maximise sustainable transport will vary between urban and rural areas, and recognising that the Council are actively encouraging walking and have not provided data on any accidents, due to the position of the site relative to nearby larger villages I consider that there would be an unduly heavy reliance on private vehicles in this case. Consequently, the proposal would not minimise the need to travel even relatively short distances.
17. Furthermore, paragraph 83 of the Framework is clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and recognises the need for housing to be located where it will support local services. The proposed dwelling, being separated from an existing settlement, would not enhance the viability of the rural community by ensuring that future occupiers would be able to easily access local services.
18. I conclude that the appeal site would not be in a suitable location and would not accord with paragraph 83 of the Framework. The proposal would also not

be in accordance with paragraph 109 of the Framework which supports development in locations which offer a genuine choice of transport modes.

Other considerations

19. 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. It goes on to state in paragraph 153 that substantial weight is given to any harm to the Green Belt and 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.
20. The appellants wish to construct a property at the site as they have pedigree horses which require continuous care. The appellants live nearby at Scot Hay, but wish to be on site to attend to the horses and provide immediate and additional on hands specialist care for the animals, particularly as they age. They would also be able to provide added security following thefts and break-ins to the stables and manege. A supporting letter from the appellants vet outlined the benefits to the animals' welfare of the appellants living on site. The appellants have looked at other options for equine properties over many years but have not found any suitable properties for purchases within their budget. Private stabling would not be an appropriate solution, due to the costs involved and the distances which the appellants would need to travel from their home. The appellants consider that the need for them to be on site to maintain the welfare of their horses represents very special circumstances.
21. The appellants have stressed the need to be able to address any welfare concerns of their horses quickly, particularly as they age. The supporting letter from their vet has explained that living onsite would mean that disease processes could be noticed more quickly which could improve the positive outcome for the horses. However, the appellants currently live nearby to their horses, and I have limited evidence before me to indicate that they could not frequently and conveniently access the appeal site to monitor their horses and thereby quickly notice and address any illnesses or changes in behaviour.
22. I understand the appellants' frustration that the use of the land for horsiculture is appropriate in the Green Belt, but that new dwellings are considered as inappropriate development, therefore it is hard to find suitable properties with associated stables and facilities. However, despite the appellants explaining that they have looked for such a property for many years, there is limited evidence before me to demonstrate that similar properties outside the Green Belt are not available or suitable, or that the proposed dwelling would be the only means of addressing security issues. The covenant between the vendor of the appeal site and the appellants, and the financial circumstances of the appellants are not material considerations with regard to this appeal.
23. I am conscious that the development proposed would be permanent and would remain long after the personal circumstances would apply. It has been suggested that a condition could be attached which would tie-in the use of the proposed dwelling with the stables. However, even if I were to attach such a condition, I do not consider that this would override the harm that I have found a new dwelling would have on the Green Belt. Therefore, while I have had regard to the personal circumstances of the appellants and their wish to reside

at the same location as their horses as a benefit in favour of the proposal, the weight that I attach to it is moderate.

24. The Council is unable to demonstrate a five year deliverable supply of housing land. Nevertheless, the presumption in favour of sustainable development and the 'tilted balance' addressed by paragraph 11 of the Framework, would not be engaged in this instance. This is due to paragraph 11(d) of the Framework setting out that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 to paragraph 11 clarifies that the policies would include those in the Framework relating to land designated as Green Belt.
25. The proposed development would conflict with paragraphs and policies from the Framework related to Green Belt, which for the reasons set out provide a clear reason for refusing the development proposed. As a consequence, even though the Council is shown to be unable to demonstrate a deliverable 5-year supply of housing land, the 'tilted balance' would not be applicable.
26. Nonetheless, the provision of an additional dwelling to the local housing market would be an undoubted social benefit of the proposed development. The local economy would also have the potential to have some limited benefit during the construction period. The proposal would also support the Government's objective of significantly boosting the supply of homes. I have given these matters moderate weight.

Other Matters

27. There are no concerns regarding the scale and design of the proposed development, landscaping, nor relating to vehicle access arrangements or parking provision. However, these are requirements of planning policy and they carry neutral weight.

Green Belt Balance and Conclusion

28. The Framework requires that substantial weight is given to any harm to the Green Belt and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
29. I have found harm to the Green Belt by reason of the proposed development's inappropriateness, harm to the openness of the Green Belt and that the proposal would not be in a suitable location for housing having regard to the proximity to services and facilities.
30. Weighed against that are the other considerations set out above. However, for the reasons given I afford moderate weight to the personal circumstances of the appellants and their wish to be nearer their horses, and to the contribution that a new dwelling would make to the housing land supply.
31. Consequently, those other considerations would not, in their totality, clearly outweigh the harm to the Green Belt and the location's unsuitability for residential development that I have identified. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework and Saved Policy S3 of the LP.

32. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.

33. Consequently, the appeal is dismissed.

L C Hughes

INSPECTOR