



Appeal Decision

Site visit made on 2 April 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/C3430/W/23/3333702

New Pastures, Husphins Lane, Codsall Wood, Staffordshire WV8 1RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Jones against the decision of South Staffordshire District Council.
 - The application Ref is 23/00766/FUL.
 - The development proposed is an equestrian storage shed excluding horses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. 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 considering the effect of the proposal on the openness of the Green Belt and its purposes; and
 - if the proposal is found to be inappropriate development, 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

3. The appeal site represents a grassed area of land, accessed off Husphins Lane, within the Green Belt and open countryside. The surrounding area has a prevailing rural character with open fields, agricultural and equine buildings, as well as sporadic residential dwellings.
4. The proposed development is for a new timber building which would be used for the storage of equestrian equipment and feed for the horses that are kept on the land.
5. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 154. One such exception, 154(b), is 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. Policy GB1 of the South Staffordshire Council's Core Strategy Development Plan Document December 2012 (CS) is broadly consistent with the Framework in this regard.

6. The provision of a new building in association with the equestrian use of the land would provide appropriate facilities for outdoor sport and recreation and in connection with the existing use of the land.
7. Openness has visual as well as spatial aspects. The proposal would introduce a new standalone building within the field. The land is currently free from built development and the proposed building would be a generous size for its intended purposes. Therefore, the proposal would introduce new built form and massing on to the land, which would result in a loss of spatial openness to the Green Belt. The tall hedgerows on the front boundary would restrict views of the proposal along the lane, particularly during the summer months. However, there would be some glimpses above the hedgerow and through the gaps in it. Therefore, there would be some minor harm to the visual openness of the Green Belt.
8. One of the five purposes of the Green Belt identified by paragraph 143 of the Framework is relevant to the proposal, which is to assist in safeguarding the countryside from encroachment. The proposed development would encroach on to land which is currently open. As a result, the proposed development conflicts with this Green Belt purpose.
9. For the reasons given above, I conclude that the proposal would be inappropriate development in the Green Belt and would harm the openness of the Green Belt and the purposes it serves.

Other considerations

10. My attention has been drawn to previous planning permissions on the adjoining land for a new dwelling (Ref 22/00904/OUT and 23/00499/REM). The parties have highlighted and provided a copy of a completed Section 106 Obligation (S106), dated 19 April 2023. The S106 requires the removal of a number of equestrian buildings, as part of the planning permission. The evidence suggests that this also includes an extant and partially implemented horticultural retail building.
11. The existing buildings and the horticultural retail building have already been relinquished as part of the permissions and would need to be removed. In addition, while the appeal site currently forms part of the wider use of the land for equestrian purposes, once the dwelling is complete, the appeal site would become a separate parcel of land. Consequently, any excess volume attributed to the horticultural retail building cannot now be used to justify the proposed building. I give this argument little weight in my decision.
12. Likewise, and for similar reasons, a condition to restrict the implementation of the proposed building until the existing domestic and equestrian storage shed has been removed under 22/00904/OUT and 23/00499/REM, would not overcome my concerns.
13. The proposed building would be a standalone building and once the existing equestrian buildings on the neighbouring land are removed, it would be seen within the context of residential dwellings, as opposed to other equestrian buildings. It would not, therefore, enhance the rural setting of the site and

would have a neutral effect on the character and appearance of the area. This therefore weighs neutrally in the planning balance.

Other Matter

14. A previous appeal decision (Ref APP/T0355/C/18/3205490) has been brought to my attention, to demonstrate that previous Inspectors have accepted that equestrian buildings can preserve the openness of the Green Belt. I do not disagree with this point of principle, but on the facts of the case, the appeal proposal would not preserve the openness of the Green Belt.

Green Belt Balance

15. The proposal would be inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt and the purposes it serves. In accordance with the Framework, I attach substantial weight to this harm. I afford the other considerations in this case limited weight in favour of the development. As such, they would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. Accordingly, 'very special circumstances' do not exist. The development would thus conflict with the Green Belt protection aims of the Framework and policy GB1 of the CS.

Conclusion

16. The appeal scheme conflicts 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.
17. For the above reasons, the appeal is dismissed.

N Bromley

INSPECTOR