



Appeal Decision

Site visit made on 10 May 2024

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/D2320/W/23/3334370

Land South of Town Lane, Heskin, Chorley, PR7 5QA

- 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 M Nix against the decision of Chorley Borough Council.
 - The application Ref is 23/00446/FUL.
 - The development proposed is described as the erection of a new temporary structure for the sheltering of horses along with the storage of related products.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a building for the stabling of horses and the storage of agricultural equipment and hay at Land South of Town Lane, Heskin, Chorley, PR7 5QA in accordance with the terms of the application, Ref 23/00446/FUL and the plans submitted with it, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than three years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing No. 238-PL-03 (Site Location Plan) and drawing No. 238-PL-01 (Proposed Plans and Elevations).
 - iii) The materials to be used in the construction of the external surfaces of the building hereby permitted shall be as detailed in the planning application form.
 - iv) The stables element of the development hereby approved shall only be used for the private stabling of horses and the storage of associated equipment and feed, and shall not be used for livery purposes.
 - v) No development shall commence until a method statement setting out reasonable avoidance measures (RAMS) for amphibians throughout the course of the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved RAMS.
 - vi) No development shall commence until details of a scheme for biodiversity mitigation and enhancement of the site, with particular regard to the loss of low ecological value grassland, has been submitted to and approved in writing by the local planning authority. The approved mitigation and biodiversity enhancement measures shall be carried out prior to first use of the building and thereafter retained.

Procedural Matters

2. The proposed 'L' shaped building includes three stables and two attached 'storage' rooms. The appellant comments in his planning statement that the storage element of the proposed building would be for the 'storage of agricultural equipment and hay' and that the *'storage aspect of the proposed building to store agricultural equipment and hay made from the land, would be classed as agricultural'*. Given these comments, and notwithstanding the description of development in the banner heading above, I have determined the appeal based on a mixed horiculture and agricultural storage building, i.e., the erection of a building for the stabling of horses and the storage of agricultural equipment and hay. This is indeed how the Council assessed the planning application.
3. The National Planning Policy Framework was amended on 19 December 2023 (the Framework). This post-dates the Council's refusal of planning permission which was on 9 August 2023. It has not been necessary for me to seek comments from the main parties about the implications of the updated Framework. This is because there are no material changes in respect of the main issues below.

Main Issues

4. The appeal site is in the Green Belt and so the main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt including its effect on the openness and purposes of the Green Belt; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Reasons

5. The appeal site is located within the Green Belt as defined by the adopted 2015 Chorley Local Plan 2012-2026 (LP). It falls within an undeveloped field flanked by mature trees to the north, west and south. The proposed larch clad building with a black metal roof would be positioned close to Town Lane and would have an 'L' shaped footprint measuring about 15 metres by 11 metres and would have a dual pitch roof with an eaves and ridge height of approximately 2.7 metres and 3.6 metres respectively. It would be partly screened from Town Lane owing to the existence of mature boundary landscaping.
6. The proposal is for a mixed agricultural and recreational use. In this regard, it would not fall within either of the exceptions in paragraphs 154(a) or 154(b) of the Framework. In other words, and, as a matter of fact and degree, I find that it would not be a building for agriculture or forestry, or a building for outdoor recreation. It would be a building for a mixed recreation and agricultural use.
7. Even if one were to disagree with the above, and the proposal was deemed to be primarily an appropriate facility for outdoor recreation in the Green Belt, owing to its size and position it would result in some limited harm being caused to the openness of the Green Belt. Furthermore, it would introduce a building and associated paraphernalia into a location which is otherwise essentially open

and rural in character. Consequently, the proposed development would not preserve the openness of the Green Belt in spatial and visual terms and would conflict with one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. Therefore, the proposal would not accord with paragraph 154(b) of the Framework were this to be deemed to be a relevant exception.

8. For the above reasons, I conclude that the proposal would, by definition, constitute inappropriate development in the Green Belt and hence would be harmful. Paragraph 153 of the Framework states that substantial weight shall be given to any harm to the Green Belt.

Other Considerations

9. The appellant states that it is currently necessary each day to walk the three horses from Walmsey's Barn, where the horses are kept overnight, to the appeal site and to also bring hay and water separately. He says that in the summer months it can sometimes be necessary to undertake a further trip to and from the site so that the horses can have some respite at Walmsey's Barn from hot weather. He claims that the journey to and from Walmsey's Barn is difficult and dangerous owing to the narrow lane and traffic speeds.
10. The appellant has included letters from the occupiers of Broadoak, Town Lane and No. 206 St Davids Road, Leyland (the latter a horse rider) to say that while there are signs at both ends of Town Lane identifying that it is not suitable for motor vehicles, traffic nonetheless uses it as a cut through and some drivers are sent down the lane when using satellite navigation. It is claimed that other vehicles, including delivery vehicles, use the route when traveling to and from properties positioned off the lane. Concern is raised about the conflict between horses and oncoming vehicles using Town Lane which has minimal pull-in areas. It is stated that this type of conflict requires vehicles to often reverse for a long distance which is an unsafe manoeuvre.
11. I was able to walk Town Lane as part of my site visit. I do not doubt that there have been some conflicts with the use of Town Lane by vehicles and its use from the point of view of taking the horses to and from Walmsey's Barn each day. The lane is very narrow and there are limited pull-in areas. I do not doubt that Town Lane continues to be used by vehicular traffic (as per the appellant's photograph submitted at final comments stage) and that this makes the journey to and from the appeal site both inconvenient and dangerous when horses are being led by the appellant. This is a matter which weighs in favour of allowing the appeal.
12. In addition to the above, the appellant has included a crime reference number relating to an issue between youngsters shouting and throwing acorns/stones at the horses from the recreation area on Town Lane while they were being led to the appeal field. Concern is therefore raised about the welfare of the horses arising from their transportation along Town Lane. On the evidence that is before me, I do not know if this was a one-off incident. It would not justify allowing the appeal on its own, but nevertheless I afford the matter some limited weight in favour of allowing the appeal in so far that such an occurrence would be less likely to happen again if the horses were permitted to be stabled on the appeal site.

13. While I have found that the proposal would be inappropriate development in the Green Belt, this is only because it does not meet the precise wording of the exceptions listed in paragraph 154 of the Framework, i.e., a mixed recreation and agricultural use building is proposed. Had the 'L' shaped building been proposed as two separate buildings, albeit very closely related, the respective developments would not have been inappropriate development in the Green Belt. I do not doubt the need to store hay and agricultural equipment associated with the land. Furthermore, and, in any event, had a separate agricultural building been proposed in conjunction with a separate three stables building, there would have been no policy requirement in the Framework to demonstrate need from an agricultural point of view. I afford this possible fallback position option, from a Green Belt policy point of view, significant weight in favour of allowing the appeal. In other words, with a slightly different design configuration, it is likely that a similar proposal would not amount to inappropriate development in the Green Belt.
14. The appellant has referred me to an appeal decision¹ for '*3 stables, 1 hay/feed store and tack room*' at a site in Codsall in Staffordshire which was allowed on appeal. I do not find that the evidence supports the claim made that the appeal proposal and the development which was allowed on appeal are the same. The sites are in different areas. Moreover, the appeal proposal relates to the erection of a building which would be used on a mixed-use basis, whereas the allowed appeal development appears to be for a stable building with an ancillary hay/feed store and a tack room. I have determined this appeal on its individual planning merits and accordingly afford the referenced appeal decision limited weight in decision making terms.

Planning Balance and Conclusion

15. The proposal would, by definition, be inappropriate development in the Green Belt. The harm caused to the openness of the Green Belt would be limited and there would be some harm caused to one of the purposes of the Green Belt, i.e., safeguarding the countryside from encroachment. The totality of the harm caused to the Green Belt is a matter to which I afford substantial adverse weight in the planning balance.
16. Weighed against the above harm, is the unacceptable conflict between vehicles and horses using Town Lane, the potential for some adverse albeit limited animal welfare issues, and the potential Green Belt policy acceptability of a fallback proposal which would permit essentially the same development, albeit in two separate buildings. The latter would have the potential to be more harmful in openness terms from the point of view of departing from what would otherwise be a more contained and single building on the land.
17. In this case, I conclude that the harm by reason of inappropriateness in the Green Belt, and the conflict with one of the purposes of the Green Belt, is clearly outweighed by the above other considerations so as to amount to the very special circumstances necessary to justify development. In reaching this conclusion, I have considered whether the proposal would be acceptably designed for its countryside location. The building would be close to Town Lane and would be relatively low in height. It would not be seen as being in a remote or exposed location and the proposed materials would be acceptable in

¹ APP/C3430/A12/2176294

this countryside position. Consequently, the development would accord with the character, appearance, and design requirements of policy BNE1 of the LP.

18. I therefore conclude that the appeal should be allowed subject to the imposition of the conditions below.

Conditions

19. Conditions have been suggested by the Council. Where necessary, I have made some minor changes to the suggested conditions in the interests of precision and enforceability. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
20. In the interests of the character and appearance of the area, it is necessary to impose a materials condition. In the interests of precision and to ensure suitable control in respect of the safe use of surrounding roads/lanes, it is necessary to impose a condition which confines the stabling element of the mixed-use development to private stabling only. It is necessary to impose biodiversity conditions to ensure compliance with the biodiversity requirements of chapter 15 of the Framework and to reflect the recommendations of the Greater Manchester Ecology Unit.

D Hartley

INSPECTOR