



Appeal Decision

Site visit made on 28 June 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/R1038/W/24/3339572

Land opposite Greenfield Cottage, Cowley Lane, Holmesfield, Dronfield S18 7SD

- 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 Neil Havenhand against the decision of North East Derbyshire District Council.
 - The application Ref is 23/00300/FL.
 - The development proposed is for change of use of land for keeping of horses, erection of timber frame stable block on concrete base, plus solar panels on roof.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Neil Havenhand against North East Derbyshire District Council. This is the subject of a separate Decision.

Preliminary Matters

3. The application form description of the development was "*to erect a stable block on agricultural/equestrian land, constructed of timber frame and cladding on a concrete base. For owner's own use. Using existing entrance gates.*" The heading within the appellant's July 2023 letter submitting amended plans used an amended description, also subsequently cited on the decision notice. For best clarity I have therefore also used this revised description, as above.

Main Issues

4. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, including any effect on openness of the Green Belt and the purposes of including land within it, having regard to the National Planning Policy Framework ('the Framework') (2023) and any relevant development plan policies;
 - the effect of the proposed development on the character and appearance of the countryside area;
 - whether the appeal site would be suitable for the proposed development having regard to past coal mining activity; and

- 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 necessary to justify the proposal.

Reasons

Inappropriate Development and Openness

5. The appeal site lies within a large field on the opposite side of Cowley Lane from Greenfield Cottage, which is one of a pair of semi-detached dwellings surrounded by fields. The site would be accessed via the existing gateway from Cowley Lane. The proposal is for a change of use of the land for the keeping of horses, and a stable block for 3 horses, on a slightly larger concrete pad and with a grasscrete access.
6. The Framework paragraph 142 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Framework paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. Policy SS10 of the North East Derbyshire Local Plan 2014-2034 (LP) (2021) takes a broadly similar approach to Green Belt as in the Framework.
7. The change of use of the land and the stable block fall under the Framework paragraph 154(b) and the LP Policy SS10(2)(b) exceptions, being 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. It is common ground that the provision of a 3 bay stable block alongside the change of use of the land is for the provision of facilities for outdoor sport or recreation, and I have no reason to find otherwise. The change of use of the land would have no effect on openness, or conflict with Green Belt purposes.
9. The concept of openness does not inherently imply freedom from any form of development, as in principle development such as for outdoor sport and recreation may be compatible with it. However, it does not follow that all forms of development for outdoor sport and recreation are acceptable simply because of their function, otherwise there would be no Framework paragraph 154(b) requirement to also consider their impact on openness and purposes of the Green Belt. It is a matter of planning judgement in each case.
10. Spatially, the stable block would introduce massing into the space where there is currently none. Visually, it would be sited in an open and undeveloped field, and greatly evident along a stretch of the road in both directions and from the nearby public right of way. Its proximity to the existing dwellings and the wall and drop in land level between them, would not mitigate this impact due to the intervening road forming a clear separation, and the open backdrop within which it would be viewed.
11. While it is not unusual for the rural landscape in general terms to contain equestrian related development, there is none present within the same views.

Additional vegetation screening would not sufficiently mitigate this impact. Although the stable block would be modest, and the minimum size required for its function, I therefore find that its spatial and visual impact on the openness of the Green Belt would be to such an extent, that its use for recreation would not preclude the harm which would be caused.

12. Furthermore, the Framework paragraph 142(c) identifies that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. That the immediate edge of the roadside is typically subject to built form in the locality, does not justify that the stable block would be on the opposite side from the built form in the immediate vicinity, and obviously so. The nearest dwellings on this side of Cowley Lane are only barely visible in some vistas across the site due to the topography and tree cover. As such, I find that the proposal would cause encroachment, albeit limited, and would therefore fail to accord with 142(c).
13. The main parties have both submitted appeal decisions in support of their position¹. Where relevant I have taken account of the approach to the Green Belt set out within these, and the parties' arguments made in this regard. However, the outcome of planning judgements for proposals within the Green Belt are heavily dependent on the specific context, history, and locational characteristics of each site and proposal.
14. The Hut Lane site is described as being effectively screened from the road by a tree belt. The Penistone Road site's lack of harm was partly due to long range views prevented by topography and mature vegetation, plus housing and trees were a backdrop. It also involved the removal of an existing stable building and boxcar. The context of those sites therefore appears significantly different from that before me, such that they have not been determinative to my decision.
15. In drawing together my findings on spatial and visual impact, I find that the erection of the stable block would cause moderate harm to the openness of the Green Belt, and would conflict with one of its purposes. Overall, the appeal proposal would therefore result in inappropriate development in the Green Belt which is, by definition, harmful. It would conflict with the LP Policy SS10, and Section 13 of the Framework. I note that the Council also cited the LP Policy SS1 in its reason for refusal, but I do not find this directly relevant as it sets criteria for developments to contribute to sustainable development and is not specific to the Green Belt.

Character and Appearance

16. The local area comprises open pasture countryside interspersed with scattered farmsteads and hamlets, including hedgerow bounded medium to large fields, and a network of small irregular lanes. As such, it displays many of the key characteristics of the 'Wooded Hills and Valleys' character type of the 'Nottinghamshire, Derbyshire, and Yorkshire Coalfield' as identified in The Landscape Character of Derbyshire (2014), and makes a positive contribution to this landscape character. The LP Policy SDC3 identifies that development should contribute to the conservation and enhancement of such distinctive local landscapes, including Areas of Multiple Environmental Sensitivity within which the appeal site is located.

¹ 'Hut Lane' APP/R1038/W/23/3326648; 'Penistone Road' APP/Z4718/W/22/3304932; 'Cowley Hall Farm' APP/R1038/W/22/3290431.

17. The proposed stable block would be of simple form, and comprise simple materials of timber cladding elevations with a steel sheet roof, commonly used for such rural buildings. The appellant considers that its position would reflect the strong characteristic of buildings sitting tight to the road with open space behind, as present along both sides of Cowley Lane.
18. However, in the immediate context, its materials would be untoward in juxtaposition with those of the proximate dwellings and those slightly further along Cowley Lane. Furthermore, and as also described above, its built form would be isolated and prominent within the open landscape. This would not be sufficiently mitigated by the existing stone wall or future planting.
19. Overall therefore, the proposed development would cause limited harm to the character and appearance of the countryside area. It would conflict with the LP Policies SS1, SS9, SDC12, and SDC3. Together and amongst other matters, these aim for all new development to be of a high quality design and positively contribute to the quality of the local environment, to protect the character, quality, and distinctiveness of local landscapes and the wider countryside through careful siting and materials of new development, and for buildings to be effectively integrated into their setting. It would also conflict with the Framework paragraph 135, whereby developments should be sympathetic to local character, including the surrounding built environment and landscape.

Past Coal Mining Activity

20. The Coal Authority identifies the site to be within a Development High Risk Area, with a possibility of land instability resulting from former coal mining. A precautionary approach therefore requires a Coal Mining Risk Assessment (CMRA) prior to any grant of permission. No technical evidence in respect of land stability has been submitted.
21. The appellant suggests a reasonable and proportionate response would be to address this issue through the imposition of a planning condition. This is because the issue was only identified during the appeal, and the small scale of the stable block is such that it would be low risk and with a minimal impact on ground conditions. They also consider that even should the CMRA show a worst case scenario for the stable block as proposed, a specific approach for excavation and construction could then be designed.
22. However, I have no certainty that the CMRA results would allow for such an outcome. A pre-commencement condition would therefore have the potential to nullify the permission, and thus would not meet the test of reasonableness as set out in paragraph 56 of the Framework.
23. I therefore find that it has not been demonstrated that the appeal site would be suitable for the proposed development having regard to past coal mining activity. It would conflict with the Framework paragraph 189, whereby a site must be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, and that adequate site investigation information is available to inform this assessment.

Other Considerations

24. The proposed location would be the closest possible to the appellant's home, and so security and animal welfare benefits would be maximised by being in sight and sound. However, there is no explanation as to why other site security measures could not be incorporated in another location, and it is relatively common for stables to be positioned away from dwellings. As such, I do not find proximity to be an essential requirement, and so I only give it limited weight in favour.
25. The proposal would remove the need for the current twice daily vehicle trips to the existing livery, albeit only over a relatively short distance. The stables would also be solar powered. There would therefore be some limited benefits in reducing pollution and carbon emissions, to which I give limited weight.
26. The appellant has an understandable desire to have their own stables rather than use external livery. However, this is only a private benefit, to which I therefore afford only very limited weight. Moreover, although the current livery stables are closing and thus alternative stables are required, no evidence has been presented that there is a serious lack of suitable alternative livery options elsewhere.
27. No viability details have been provided to support the suggestion that the land would not be economically viable as an agricultural business due to its size. Indeed, my site visit identified wrapped hay bales present, indicating that it has beneficial use. I therefore find this to be a neutral matter. The lack of objections from neighbours, does not in itself indicate a lack of harm.
28. The appellant considers that the proposed location would be more beneficial than that previously proposed adjacent to their dwelling², including less Green Belt impact, retention of more grazing land, and a highway safety benefit from reduced horse movements across the lane. I acknowledge that these points are raised in relation to their choice of which refused application to take forwards to appeal. However, as that alternative location does not benefit from any permission, it is not a fallback position which weighs in the appeal site's favour.
29. The Framework Paragraph 88 identifies that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. As the proposal would not respect the countryside character, it is not supported by the Framework on this basis.

Planning Balance and Conclusion

30. In summary, while the use of the land for equine purposes would not cause harm to the Green Belt, the proposal overall would have a limited harmful effect on the openness of the Green Belt, and form a limited encroachment into the countryside. The proposal would therefore be inappropriate development in the Green Belt in the terms set out by the Framework, and the LP.
31. I give this harm substantial weight as required by the Framework paragraph 153. There would also be limited harm arising to the character and appearance of the countryside, to which I give moderate weight. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

² Council reference 23/00853/FL

32. Against the totality of the harm I have identified, the other considerations and benefits advanced by the appellant as outlined above are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would thus conflict with the LP Policy SS10 and the Framework.
33. In conclusion therefore, the proposal would be contrary to the development plan and the Framework taken as a whole. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR