



Appeal Decision

Site visit made on 19 November 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/P0119/W/24/3341308

Field off Beek's Lane, St Catherine, Marshfield BA1 8HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a part refusal to grant planning permission.
 - The appeal is made by Mrs Rachel Bond against the decision of South Gloucestershire Council.
 - The application Ref is P23/03374/F.
 - The development proposed is erection of a barn for the storage of stable bedding, hay, other feedstock, tack, horse boxes, and a tractor and associated cultivation/field maintenance implements. The formation of an all-weather arena.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a barn for the storage of stable bedding, hay, other feedstock, tack, horse boxes, and a tractor and associated cultivation/field maintenance implements. The appeal is allowed insofar as it relates to the formation of an all-weather arena at Field off Beek's Lane, St Catherine, Marshfield BA1 8HF in accordance with the terms of the application, Ref P23/03374/F and subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council has purported to issue a split decision in this case, partly allowing and partly dismissing the proposal. Although that power is given to the Secretary of State in appeals under section 79 of the Town and Country Planning Act 1990 (as amended), there is no general power for Local Planning Authorities to do so. As such, the whole of the proposal is before me. Nonetheless, there is no dispute that the all-weather arena is acceptable, and I will treat this as a severable part of the appeal. Therefore, I will go on to consider only the proposed barn.

Main Issues

3. The main issues are:

-whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant Development Plan policies, including its effect on openness; and

-if the proposal is inappropriate development, 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 the development.

Reasons

Whether inappropriate development

4. The appeal site comprises land which is situated in the Bristol and Bath Green Belt. The Framework 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 openness and permanence. The proposal relates to the erection of a barn. Paragraph 154 of the Framework identifies that new buildings are inappropriate unless, relevant to this proposal, they represent "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". The appellant asserts that the proposal falls within this exception.
5. Policy CS5 of the South Gloucestershire Core Strategy (SGCS) (2013) sets out that proposals for development in the Green Belt will need to comply with the provisions in the Framework or relevant SGCS policies. Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017)(LP) sets out that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm. It goes on to state that new buildings for outdoor sport and recreation must preserve the openness of the Green Belt and must not conflict with the purposes of including land within it, unless very special circumstances exist, and must be directly related and ancillary to the outdoor use and of a scale and size proportionate to the outdoor use. These policies are consistent with the Framework and so have full weight.
6. The appeal site consists of a field in the open. A certificate of lawful development for the keeping, grazing, exercising and schooling of horses and the siting of 2 stable buildings on the site has been granted¹. The appellant sets out that the proposed barn would be used for the storage of feedstock, hay, bedding and tack, machinery associated with the maintenance and cultivation of grazing land and the storage of jumps. The main parties agree that it would comprise facilities for outdoor sport. However, Framework Paragraph 154(b) also requires development to preserve openness and not to conflict with the purposes of including land within the Green Belt, which I shall now address.
7. The barn would not appear out of place within its rural setting and would be similar in appearance to an agricultural building. There would be limited visibility of the barn from Beek's Lane. Nonetheless, the proposal introduces significant built volume which would be visible from the surrounding fields. By virtue of its extensive footprint and massing the barn would appear

¹ P23/02583/CLE

visually prominent and would have a harmful eroding effect on the openness of the Green Belt which would be far greater than the existing jumps, machinery, trailer and other paraphernalia currently stored on the site.

8. The proposed development would fail to preserve the spatial openness of the Green Belt and thus would not meet the exception set out in Paragraph 154b of the Framework. It therefore would be inappropriate development within the Green Belt which would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. It would also conflict with SGCS Policy CS5 and LP Policy PSP7 as set out above.

Other considerations

9. The Framework advises that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances. The appellant wishes to use the barn for storage in association with the use of the site for the keeping, grazing, exercising and schooling of horses. In this regard the proposal would be convenient for the care of the horses, would reduce transport movements and would enable financial savings through the bulk-buying of items such as feed and bedding. It is also said that the proposal would minimise the need for outdoor storage and would enable the appellant to securely store machinery, thereby reducing the risk of theft. However, I have no substantive evidence before me that no other, less harmful, alternative solutions have been considered. I therefore attach limited weight to these considerations.

Planning Balance

10. The Green Belt is a strategic designation, the purposes of which are set out in the Framework. The proposal would introduce a new building in the Green Belt and for the reasons outlined above would be inappropriate development and as such would cause harm by definition. There would also be some harm to the openness of the Green Belt. The Framework is clear that substantial weight should be given to any harm to the Green Belt.
11. The other considerations I have identified are of limited weight in favour of the proposal. On that basis the very special circumstances needed to justify inappropriate development do not exist. As such the proposal conflicts with the development plan considered as a whole, and the Framework.

Conditions

12. It is necessary to set out the conditions in relation to the proposed all-weather arena. Planning permission is granted subject to the standard 3 year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interests of certainty. A pre-commencement condition relating to protective fencing, to which the appellant has agreed, is necessary in the interests of long-term tree health.
13. In the interests of the character and appearance of the area and of preserving the openness of the Green Belt, conditions are necessary to control jumps, fences, gates, lighting and other structures. In the interests of highway safety, a condition is necessary to ensure that the all-weather arena is only used by horses that are kept onsite.

Conclusion

14. For the reasons given above I conclude that the appeal is allowed insofar as it relates to the formation of an all-weather arena. The appeal is dismissed insofar as it relates to the erection of a barn for the storage of stable bedding, hay, other feedstock, tack, horse boxes, and a tractor and associated cultivation/field maintenance implements, as it would be contrary to the development plan and there are no material considerations, either individually or in combination, of sufficient weight to lead me to conclude otherwise.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2.) The development, in so far as it relates to the creation of an all-weather arena, shall be carried out in accordance with the following details:

Block Plan, Location Plan, Details of All Weather Exercise Arena (received by the Council on 4th December 2023).
- 3.) Prior to the erection of any fencing, details of the fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4.) No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected.
- 5.) The all-weather arena hereby approved shall only be used by horses that are kept onsite, on the land shown within the blue line on the submitted block plan (received by the Council on 4th December 2023) and not for any commercial purposes.
- 6.) Prior to the commencement of development, protective fencing in accordance with BS5837:2012 shall be erected adjacent to the perimeter hedge. It shall be retained until the development is completed.
- 7.) No external lighting shall be erected on the site.