



Appeal Decision

Site visit made on 7 January 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/Y3425/W/24/3346674

Oulton Abbey, Kibblestone Road, Oulton ST15 8UW

- 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 Aaron Bray, Oulton Abbey Trust, against the decision of Stafford Borough Council.
 - The application Ref is 23/38243/FUL.
 - The development proposed is retention of existing modular portable building for use as project team office and meeting space for a temporary period.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 12 December 2024. I have considered its amendments against the earlier version and against the parties' appeal evidence. I have also updated Framework paragraph numbers where necessary. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.
3. The evidence before me indicates that planning permission was granted for a modular portable nursery school building in 2018. At the time, the building was required to accommodate a children's playgroup for a temporary period due to the existing accommodation being considered unfit for use. The permission required the structure to be removed from the site by 17 August 2021¹. This playgroup has closed on the site but the portable building (described by the appellant as a temporary portacabin) remains and is disused. Permission is sought to allow the continued siting of the portacabin for a further temporary period.
4. The development is near several listed buildings. In line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting.

¹ Ref.18/28528/FUL.

Main Issues

5. The main issues are:

- Whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect of the development on the openness of the Green Belt including the purposes of including land within it;
- The effect of the development on the setting of nearby listed buildings; and
- If inappropriate development, whether the 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 development.

Reasons

Whether inappropriate development

6. National Policy on development in the Green Belt is set out in the Framework, which advises that the essential characteristics of Green Belts are their openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist. It further establishes that most new buildings should be regarded as inappropriate, but for certain defined exceptions. Policy SP7 of the Plan for Stafford Borough (2014) (PSB) states that development will only be supported where it is consistent with national policies to control development. I am satisfied that this policy is broadly consistent with the Framework.
7. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. There is general agreement between both parties that the development does not comply with any of the listed exceptions or other forms of development identified in this policy.
8. The Appellant mentions that the building is temporary and portable and could easily be removed from the site. It is therefore suggested that any associated harm to the Green Belt is negligible and temporary and that, as a result, Green Belt policy should not be applied stringently.
9. I have not been directed to any definition of 'temporary' with regards to the presence of a building on a site in the development plan or in the Framework. Nor do the exceptions listed in Paragraph 154 refer to any difference between permanent and temporary development. Therefore, whilst I recognise that the building is intended to be temporary, I see no adequate reason for departing from Green Belt Policy, especially given the duration of time that the structure has been in place.
10. The development would, therefore, not meet Paragraph 154 of the Framework, and is inappropriate development. By definition, inappropriate development is harmful to the Green Belt and substantial weight must be given to that harm in the decision-making process.

Openness of the Green Belt

11. The appeal site is located on an area of grassland which forms part of the historic grounds of Oulton Abbey. The portacabin lies to the south east of the Abbey complex of buildings and is separated from them by the site's main access drive and car parking. It sits at a slightly lower level with some intervening planting. The area of grassland appears is partly screened from the surrounding countryside and nearby residential properties by mature trees and some historic walls. The portacabin is a fairly typical form and design with a rectangular footprint, painted walls, flat roof, upvc windows and a raised decked entrance.
12. The Framework advises that openness is an essential characteristic of Green Belt policy and has a spatial as well as a visual dimension. In spatial terms, the footprint, height and volume of the building has affected the openness of the Green Belt when compared to the previous undeveloped nature of the appeal site which the evidence indicates was a grassed area without buildings. Although the footprint of the building may be relatively small compared to the generally much larger buildings on the Abbey site, nevertheless, in spatial terms the building massing is not insignificant and has reduced the Green Belt's openness.
13. In visual terms, whilst the site is largely screened by trees from more distant views of the wider landscape to the east and south, in closer views, the building is readily seen from many points in the nearby car park and drive, and in glimpsed views from certain points at Oulton Abbey itself. The boundary planting alongside the drive provides some screening of the lower parts of the portacabin but the upper parts of the building are more clearly seen. The isolation of the building, its unexpected presence and its deteriorating condition makes its appearance more conspicuous within the landscaped grounds.
14. The development has introduced built form where previously there was none and by virtue of its physical presence overall has resulted in a significant loss of spatial and visual openness of the Green Belt. I find therefore that the appeal development does not preserve the openness of the Green Belt.
15. Although the appeal site is located within the historic grounds of the Abbey and does not appear to form part of the surrounding open countryside, nevertheless it does not closely relate to the existing built form on the site. Therefore, in my view, whilst it has no notable impact on the purposes of the Green Belt, it nevertheless represents urban sprawl, hence there is conflict with the fundamental aim of Green Belt policy, contrary to paragraph 142 of the Framework.

Designated heritage assets

16. Close to the appeal site is an extensive collection of buildings associated with Oulton Abbey, comprising three separately listed buildings (the Abbey buildings). Nearest to the appeal site is Grade II listed Oulton St Mary's Abbey, (Ref.1376139). Attached and to the north west is the Chapel of St Mary's Abbey, a Grade II* listed building (Ref.1038978). Just beyond is the Presbytery at St Mary's Abbey, Grade II listed (Ref.1376138). It is a grouping of impressive, mainly 19th century buildings developed for the Benedictine community which moved to Oulton in the mid-19th century. The list descriptions explain the age, appearance and evolution of the buildings together with their functions and historical associations. The Chapel is designed by Edward Welby Pugin, and most buildings show Gothic and Tudor architectural design.

17. Based on the evidence before me, including the list descriptions, I consider that the special interest/significance of the Abbey buildings mainly derives from their age, fabric, form and function, their architectural features and their historic associations. Collectively they are identified as having Group Value.
18. I saw that the collection of Abbey buildings on the site is extensive and rambling with the main facades aligned to be most readily viewed and appreciated from the south west. However, the significance of the buildings can be appreciated from each elevation, illustrating the evolution of the building ranges and their function over time. The buildings are set within a legible, historic landscaped estate which still clearly envelops the buildings on their western, southern and eastern side. These are the surroundings in which the Abbey buildings are experienced and appreciated, and the landscaped grounds and views of the Abbey buildings directly contribute to their special interest/significance.
19. The historic maps included in the appellant's Planning and Heritage Statement indicate that the site of the portacabin is part of the immediate historic landscaped grounds of the Abbey buildings. They show the area as a triangle of ground with an open, elevated, central area with perimeter path linking to other paths around the formal grounds. Although the appeal building is not readily seen in conjunction with the main frontage of the Abbey buildings, there are interconnected views from their eastern side. Although these elevations of the Abbey building are of a more functional nature, reflecting in part later extensions and service buildings, nevertheless they are an intrinsic part of the special interest and significance of this important building complex. The appeal site is therefore a key part of the historic grounds and is visually connected to the historic buildings.
20. In viewing the appeal site and the visual effect of the portacabin, I saw that the landscaped grounds still bore a very close resemblance to those depicted in the historic maps. I could clearly make out the form of the site, the elevated central area and planting. The portacabin, standing prominently on the elevated central area was conspicuous and jarring within this historic landscape. From the vantage points near to the eastern side of the Abbey buildings I was also able to clearly see the upper part of the portacabin and could discern its form, size, materials, and condition. Its unsightly and unexpected presence was exacerbated by its deteriorated condition, and it clearly harmed the contribution that the setting makes to the Abbey building.
21. Overall, I consider that the presence of the portacabin harms the special interest/significance of the listed buildings. Therefore, the expectations of the Act are not met. Paragraph 212 of the Framework advises that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to their conservation. I find the harm in the context of the significance of the heritage assets, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not a less than substantial objection to the proposal.
22. Where a development causes less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the development, including, where appropriate, securing its optimal viable use.
23. With the closure of the nursery and the planning permission for the portacabin expiring in 2021, the intended need for the building has ceased. However, the

building has remained on site and appears disused. The appellant is seeking a further temporary permission to retain the building for up to 30 months and intends it to be used as a meeting/office space by the Oulton Abbey Trust to facilitate ongoing work at the site and to enable the refurbishment of the Abbey buildings.

24. Whilst I saw that many of the listed buildings need significant repair and many did not appear to be occupied, there is little evidence before me of recent or ongoing repair works or an up-to-date listed building consent to secure them. Nor have I been presented with adequate details of any proposed works or a timetable for their commencement.
25. The appellant mentions funding difficulties in bringing forward the remainder of the approved development affecting the listed buildings² but still has the intention to refurbish the Abbey buildings and to secure a viable use for them. However, little is before me to indicate any ongoing progress in implementing this part of the approved development or evidence of seeking advice from the Council or other bodies on an alternative scheme. Therefore, in the absence of clear evidence of actively pursuing the Abbey building's repair and reuse, I see no justification for the retention of the portacabin for a further temporary period. Also, whilst it may be essential to have an operational base to administer future works, it has not been adequately explained to me why a portacabin would be required when there appear to be numerous underused buildings on the site which may fulfil this purpose.
26. Therefore, whilst securing the repair and re-use of this important collection of listed buildings is a significant public benefit, there is little to indicate any imminent intention to carry out renovation works or to demonstrate why the portacabin needs to be retained for a further temporary period. This matter, therefore, carries limited weight as a public benefit.
27. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. As such, the development would not comply with paragraph 212 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. The scheme therefore conflicts with the intentions of the Act and the Framework. It also conflicts with PSB Policies N1 and N9 which seek to conserve heritage assets.

Other considerations

28. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
29. I have already acknowledged why the appellant is pursuing the retention of the portacabin for an additional temporary period, and I have already concluded that it has not been adequately demonstrated why the continued harm to the designated heritage assets, caused by the presence of the structure, is justified. This is equally applicable to the harm to the Green Belt. This matter therefore can only attract limited weight to this consideration.

² Ref. 13/18947/FUL and 13/18976/LBC

30. I must also consider the 'temporary' nature of the development. Although ultimately the appellant intends to remove the structure, and I have no doubt that it could be readily removed and the land restored to its former condition, the suggested period of up to 30 months would be a further, not insignificant, amount of time. Given the harm which has already been caused to both the designated heritage assets and the Green Belt since the installation of the portacabin, the harmful effects of it have been long-term. This reduces the weight in favour of the proposal.
31. Should works commence to the Abbey buildings under the existing or a new planning permission, then the appellant may well benefit from permitted development rights to allow a portable building on site during works. However, given the evidence before me, the period for works starting seems some way off. I therefore anticipate that there would be ample time to bring a site hut in should one be justified. This matter carries limited weight in favour of the proposal.

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 required to justify the development.

32. In summary, I have identified that the development is inappropriate development in the Green Belt which should not be approved except in very special circumstances. It also does not preserve, and has a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. It also fails to preserve the nearby listed buildings, their settings or any features of special architectural or historic interest which they possess, causing harm to their significance. A matter attracting great weight. The harm to their significance is not sufficiently outweighed by the public benefits accruing from the proposal.
33. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations in this case, attracting limited weight, do not clearly outweigh the harm that I have identified which attracts great/substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the development conflicts with the provisions within the Framework which seek to protect the Green Belt and would not comply with PSB Policy SP7. It would therefore conflict with the development plan when read as a whole.

Conclusion

34. For the reasons given above, the development would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR