



Appeal Decision

Site visit made on 13 January 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/C3430/W/24/3352399

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 David Jones against the decision of South Staffordshire District Council.
 - The application Ref is 24/00445/FUL.
 - The development proposed is 2 timber stables.
-

Decision

1. The appeal is allowed and planning permission is granted for 2 timber stables at New Pastures, Husphins Lane, Codsall Wood, Staffordshire WV8 1RN in accordance with the terms of the application, Ref 24/00445/FUL subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made against South Staffordshire District Council by the appellant. This application is the subject of a separate decision.

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 a grassland area located to the south of a recently-constructed dwelling. The site is separated from the dwelling by a row of pine trees. The site is located in the Green Belt. The surrounding area is rural in character and comprises open fields, agricultural and equine buildings and sporadic residential dwellings. The appeal proposal relates to a small single storey timber stable block for horses that are kept on the land.

5. 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. 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”. Policy GB1 of the of the Core Strategy Development Plan Document (2012) (CS) also sets out that development will be permitted for appropriate small-scale facilities for outdoor sport or recreation which preserves the openness of the Green Belt, and which does not conflict with its purposes.
6. There is a disagreement about whether the proposal comprises an appropriate facility for outdoor sport/recreation and the Council has drawn my attention to a Section 106 agreement relating to an outline planning application¹ for a dwelling to the north of the site, which prevents listed extant permissions for various developments including a temporary dwelling, a manege, stables and an agricultural building from being implemented or further implemented. The Council suggest that this established that there was no longer a need for the equine buildings. However, the Section 106 agreement did not cover the full extent of the appeal site and did not relinquish the equine use from the site. Given this, whilst it required that buildings including those associated with the equine use were not further implemented, it does not necessarily follow that the Section 106 agreement established that there was no longer an equine use at the appeal site.
7. Neither CS Policy GB1 nor the Framework define what constitutes an ‘appropriate’ facility for outdoor sport/ recreation. It seems to me that stables for private use can be considered to be an appropriate facility for outdoor sport and recreation. The appellant sets out that there is a long and established history of equine use at the site and at my site visit I observed a number of horses within the paddock. The stable would be sited within a modestly sized paddock which would provide a grazing area for the horses. It would provide accommodation for 2 of the appellant’s horses which are currently liveried elsewhere. This would be reasonable and necessary to support the equine activities at the site and the scale of the stable is commensurate with the stated purpose of accommodating a limited number of horses. Given this, and in the absence of any evidence to the contrary, I am satisfied that the stables would be appropriate facilities for outdoor sport/recreation in association with the equine use of the site.
8. Framework Paragraph 154(b) also requires development to preserve openness and not to conflict with the purposes of including land within the Green Belt. Openness in terms of the Green Belt can have a spatial as well as a visual aspect. Clearly, the proposal would have an impact on the openness of the Green Belt in spatial terms as it would introduce a building where there is currently none. Nonetheless, the overall size of the stables has been kept to the minimum necessary to accommodate 2 horses. The building would be single storey and of timber construction. The design and materials would be typical for an equine stable block and overall would be modest and low key. It would be sited adjacent to existing vegetation which would ensure that public views would be shielded from the road. The proposal would be assimilated into the use of land typical of this

¹ 22/00904/OUT

rural setting and would not be unexpected in long distance views, including in glimpses from the public footpath to the east. Given this the visual impact on the openness of the Green Belt would be limited.

9. Consequently, having taken account of the particular circumstances of this case, I am satisfied that the proposal satisfactorily preserves openness. The proposal would be an appropriate facility for outdoor sport/ recreation which preserves the openness of the Green Belt and would not conflict with the purpose of including land within the Green Belt. Accordingly, I conclude that the proposal would not amount to inappropriate development in the Green Belt. Given this, there is no requirement to consider whether there are 'very special circumstances' to justify the development.
10. In arriving at this conclusion, I have given due consideration to a recent appeal decision at the appeal site for the erection of a stable block² in which the Inspector found that the proposal would result in harm to the visual openness of the Green Belt. The current proposal relates to a smaller structure on a different, and more screened, part of the site which is located further from the road, and which is visually separated from the dwelling by a line of trees. Given this, the previous appeal decision does not appear to be directly comparable to the current proposal.
11. In light of the above, no material conflict arises with those aims of CS Policy GB1 set out above. The proposal would also accord with the Framework's aims in relation to proposals for new buildings and other forms of development within the Green Belt.

Conditions

12. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance, without altering their fundamental aims.
13. 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 interest of certainty. In the interests of safeguarding protected species, a condition relating to external lighting is necessary. A condition requiring the removal of the building following the cessation of the use of the land for private equine use is necessary to safeguard the character and appearance of the area.

Conclusion

14. For the reasons given above, the proposed development would accord with the development plan and the Framework. There are no other material considerations to indicate otherwise. I therefore conclude that the appeal is allowed, and planning permission is granted subject to the attached conditions.

N Robinson

INSPECTOR

² APP/C3430/W/23/3333702

SCHEDULE OF CONDITIONS

- 1.) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2.) The development hereby permitted shall be carried out in accordance with the following approved drawings: PL-102, PL-103.
- 3.) Prior to the installation of any external lighting, a lighting plan shall be submitted to and approved in writing by the local planning authority.
- 4.) The building shall be used only for purposes incidental to, and in connection with, the use of the land for private equine use. When that use ceases to operate, the building hereby approved shall be removed within 3 months of the use ceasing, and the land restored to its former condition.