



Appeal Decision

Site visit made on 19 August 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th September 2025

Appeal Ref: APP/R1038/W/25/3362694

South side of Hut Lane, Killamarsh S21 1BQ

- 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 Mrs E Barton against the decision of North East Derbyshire District Council.
- The application reference is 24/00753/FL.
- The development proposed is erection of a stable block.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made on a retrospective basis, and I saw on site that a stable block resembling that depicted on the submitted plans has been constructed. The Council assessed the application as retrospective and I have done the same.

Main Issues

3. The appeal lies within the Green Belt. The main issues are:
 - Whether the appeal scheme amounts to inappropriate development in the Green Belt having regard to relevant development plan policies, the provisions of the National Planning Policy Framework (the Framework) and the effect on the openness of the Green Belt;
 - The effect on the landscape character of the area;
 - Whether the appeal scheme satisfactorily addresses the risk of land instability from past coal mining activity in the area;
 - The effect on biodiversity;
 - If the appeal scheme amounts to 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 it.

Reasons

Whether Inappropriate Development in the Green Belt

4. Paragraph 154 of the Framework sets out that certain forms of development are not inappropriate in the Green Belt. This includes, at criterion (b), the provision of appropriate facilities for outdoor recreation (amongst other things) 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 SS10 of the North East Derbyshire

Local Plan (November 2021) (the NEDLP) sets out the same criteria and overall approach to development in the Green Belt.

5. The appeal site comprises the stable block for which permission is sought and an identical stable block next to it which was granted permission on appeal in February 2024.¹ A stable used for the keeping of horses could amount to a facility for outdoor recreation, even if used on a private basis. Moreover, the associated access road and area of hardstanding around the stable could be regarded as an engineering operation under criterion (h) of Paragraph 154. In both cases, whether a proposal meets the exception to inappropriate development rests on whether the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
6. The site is already developed with an identical stable block immediately adjacent to that under appeal. The second stable block has extended the spread of development close to the roadside boundary with Hut Lane. An existing hedgerow stands between the stables and the road, but both stables are visible from their respective access points. In addition, a public footpath runs alongside the eastern boundary of the appellant's land, from where both stables are in clear view within an area of otherwise undeveloped, open countryside. In addition, the access route and a large area in front of the stable has been laid to hardstanding, which would facilitate additional activity on the site, including parking and external storage. Therefore, the appeal scheme results in a loss of openness in both spatial and visual terms.
7. I note my colleague Inspector in the 2024 decision also concluded that the first stable block would have an effect on openness in spatial and visual terms, but went on to consider the function of the stable block and determined that it was of a size to accommodate the needs of the appellant, the evidence before her indicating that the appellant kept five horses. As such, the conclusion was that the scale of the development respected the need to preserve the openness of the Green Belt. I infer from this that the stable was considered no larger than was necessary for it to serve its intended purpose. The Council contends that the function of the building is not relevant to the exception under Paragraph 154(b).
8. I understand my colleague's point that any building will inherently have some effect on openness if built on previously undeveloped land. As such, I agree that the question of 'preserving' openness does not mean no effect at all. However, the requirement of the Framework that buildings under criterion (b) preserve openness does not mean that the size of the building is irrelevant if it is deemed to be one for the purposes of outdoor recreation. Rather, the design and scale of the building should reflect the need to preserve openness, and this may include whether the size is reasonably necessary to fulfil its intended function. Ultimately, this is a matter of planning judgment for the decision-maker.
9. From my observations, the second stable block is designed to serve the same function of keeping horses on site. However, whereas there was evidence before the previous Inspector in respect of the number of horses owned by the appellant that equated with the scale of the development proposed, no evidence has been adduced on this occasion about the number of horses kept. In particular, there is no suggestion that the number of horses kept by the appellant has increased. The

¹ Appeal Ref: APP/R1038/W/23/3326648

Council has suggested a possible commercial use of the site, but I do not have any conclusive evidence for this, and the application form indicates no employees are proposed.

10. The appellant further argues that activity such as parking, to the extent it can occur, already happens at the first stable. However, I saw on site that each stable has a separate entrance from Hut Lane and the respective areas of hardstanding in front of each stable are separated by fencing, as are the paddocks. Therefore, two separate facilities appear to have been created that effectively double the spread of development across the site. In the absence of justification for this additional spread of development, I find that the appeal scheme fails to preserve the openness of the Green Belt. In addition, by extending the spread of development across the site, there is conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
11. For these reasons, I conclude that the stable and associated hardstanding do not meet the exceptions to inappropriate development at Paragraph 154(g) and (h)(ii).
12. The current iteration of the Framework has introduced the concept of development on grey belt land as a further possible exception to inappropriate development. The evidence before me indicates that the land was not previously developed prior to the erection of the stables. This aside, as set out above, no evidence has been adduced that the appeal scheme satisfies a demonstrable unmet need for this type of development. Therefore, it does not represent an exception to inappropriate development on the basis of the provisions of Paragraph 155.

Character and Appearance

13. The stable has an L-shaped footprint with a shallow pitched roof and walls clad in timber panelling. Its appearance is typical of a stable block and its general form and materials are appropriate to a rural setting. When viewed from the public footpath, the twin stables form a noticeable extent of development within an area on this side of Hut Lane that is devoid of any significant built form and retains a natural, rural character. However, the placement of the stable close to the roadside boundary, against an established tree line and at the lowest point of the appellant's land helps to reduce its prominence in the wider landscape, with the expansive easterly and southerly views along the public footpath unaffected once past the appeal site. Consequently, I am satisfied that the appeal scheme does not harm the character and appearance of the area, and no conflict arises with the aims of Policies SS1, SS9, SDC3 and SDC12 of the NEDLP that development achieves high quality design that protects and/or enhances the character, quality and diversity of the district's countryside and landscape character.

Land Instability

14. A historic mine entry is recorded within some 20 metres of the south-west corner of the site. Advice from the Coal Authority is to avoid building over or in close proximity to mine entries. The possibility of workings being located beneath the site at shallow depths is also raised. However, it is stated that given the type of development in this case, involving a timber framed structure on a concrete base, any movement is likely to be 'tolerable' and any remediation low in cost. The Council is nonetheless critical of the appellant's Mining Risk Assessment Report for failing to outline any mitigation measures in the event of ground movement.

15. Having regard to the evidence before me, I am satisfied that the risk in this case is low, in particular given the nature of the buildings and their use. It is unclear what mitigation could be specified by the appellant at this stage, as this would depend on the extent of any ground movement. However, it is likely to involve repairs as necessary to the building, which could be specified through a planning condition. Given its location, I am content that any ground instability would not pose a significant risk to any other property or public safety. Therefore, I find no conflict with the aims of Policy SDC14 of the NEDLP to ensure development potentially affected by instability is addressed by proper mitigation measures to ensure the site is suitable for the proposed use and does not result in unacceptable risks to human health or the environment.

Biodiversity

16. The Council refused permission on the basis of a failure to demonstrate any net gain for biodiversity, contrary to the requirements of Paragraph 187 of the Framework. I note the appellant's willingness to agree a scheme of biodiversity enhancement, which could be secured by condition. Given the modest scale of development and the availability of areas for potential landscaping, I am satisfied that this would be an appropriate measure in this case and would accord with the approach of the Framework.

Other Considerations

17. The appellant has not advanced other considerations in support of the appeal scheme. For reasons already set out, I find that the analysis of the prior appeal decision for the first stable does not set a direct precedent for this development, due to the fact that the need for a doubling of the stables on site has not been demonstrated. The appeal before me also results in a greater quantum of development on the wider site. Therefore, whilst I have had regard to this decision, I have reached my own view on the appeal. In a similar vein, the Council has referred to a number of appeal decisions, but no details of these have been put before me, which limits the bearing they have on my considerations.
18. The application was not refused in respect of highway safety or flood risk. An absence of harm in these matters means they are neutral factors weighing neither for nor against the appeal scheme.

Planning Balance and Conclusion

19. The appeal scheme amounts to inappropriate development in the Green Belt, which the Framework indicates is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm includes adverse effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment. Substantial weight should be given to the harm to the Green Belt and very special circumstances will not exist unless this harm and any other harm are clearly outweighed by other considerations.
20. As explained above, other considerations in this case, taken together, do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

21. Overall, the appeal scheme conflicts with Policies SS1 and SS10 of the NEDLP which seek to direct development away from the Green Belt and prioritises its protection. Material considerations in this case do not indicate that permission should nevertheless be forthcoming in spite of this conflict. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR