



# Appeal Decision

Site visit made on 19 January 2009

by **James Ellis LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

Agenda Item No. 7

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Decision date:  
27 January 2009

## Appeal Ref: APP/R1845/A/08/2087622

### Land off Kinver Lane, Cookley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A North against the decision of Wyre Forest District Council.
- The application Ref 08/0162/FULL dated 15 February 2008, was refused by notice dated 14 April 2008.
- The development proposed is a stud building ancillary to the recreational keeping of horses.

### Decision

1. I dismiss the appeal.

### Procedural matters

2. In correspondence between the appellant's agent and the Council which took place after the Council's refusal of application Ref 08/0162/FULL, there is reference to the proposal being reduced in size to about 57.3 square metres. However, no plans have been submitted in connection with the appeal showing a building of reduced size. Moreover, I not been formally asked to consider the appeal on the basis that the proposal would be of a smaller size than that shown on the plans submitted with the application. I will therefore make my determination on the basis of the submitted plans.
3. The appeal site has been the subject of a number of previous appeal decisions, namely Ref: T/APP/R1845/A/99/1029931/P9 dated 11 January 2000, Ref: APP/R1845/A/00/1049374 dated 7 December 2000, Ref: APP/R1845/A/01/1062215 dated 20 July 2001, and Ref: APP/R1845/A/05/1186002 dated 23 November 2005. I will bear the previous appeal decisions in mind when making my decision.

### Main issues

4. The main issues are:
  - (a) Whether the proposal would constitute inappropriate development within the Green Belt for the purposes of Planning Policy Guidance Note 2: Green Belts (PPG2) and development plan policy;
  - (b) The effect of the proposal on the openness of the Green Belt;

- (c) The effect of the proposal on the character and appearance of the area which has been designated as a Landscape Protection Area for the purposes of the Wyre Forest District Local Plan, adopted in 2004 ; and
- (d) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the proposal.

### Reasons

5. The appeal site lies to the west of Kinver Lane and is served by an access track leading from that road. I am advised that the appellant's holding comprises approximately 7.48 hectares. As I saw on my site visit, it has 6 stables and a tack room in two blocks, a manege and a horse walker. The stables and an adjoining yard are partially bounded by tall conifer hedging. The planning statement submitted with the application states that the appellant currently owns 10 mares, 2 colts and 1 stallion.
6. The proposal is to erect a building to be used for artificial insemination purposes in order to produce foals to be reared for the appellant's daughter's hobby of show jumping. I am told that the applicant intends to foal five mares a year and that the foals would be raised for two years to determine whether they reach the correct show jumping grade. If unsuccessful, the young horses would be sold either for hacking out or as show horses for less demanding (grade) shows. The footprint of the proposed building would be about 111 square metres and it would have an eaves height of about 3.6 metres, rising to a ridge height of about 5.1 metres. The building would be located on a hard standing between the existing stable buildings and the horse walker.
7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the most important attribute of Green Belts is therefore openness. PPG2 states that there is a general presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and very special circumstances are required to justify such development. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of a number of specified purposes including essential facilities for outdoor sport and recreation.
8. Paragraph 3.5 goes on to say that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Reference is then made to possible examples of such facilities including small stables for outdoor sport and recreation. The guidance in PPG2 is broadly reflected in saved Policies GB.1 and GB.3 of the Local Plan and saved Policy D.39 of the Worcestershire County Structure Plan, adopted in 2001.
9. The appellant has contended that the main reason for the building is on safety grounds for both horse and handler because of the degree of risk with natural mating. A letter from a veterinary surgeon has been submitted in support of this. I accept that the proposal would reduce risk and assist with horse health issues. However, I am not convinced that it would be essential for the recreational activity of keeping horses on the appellant's holding.

10. In this context, the previous appeal decisions are relevant. They show that the appellant has been keeping and breeding horses on his holding for a number of years. Indeed, Appeals Ref: APP/R1845/A/01/1062215 and APP/R1845/A/05/1186002 indicate that in July 2001 and November 2005 the appellant had a similar number of horses to those which he has now and was breeding foals. This suggests to me that the appellant has been able to carry out his recreational activity for a considerable period of time without a stud building. There is no evidence before me concerning any recent change in circumstances.
11. In addition, given the footprint of the proposal, and the correspondence about the possibility of the proposal being smaller, I am not satisfied that it would be the minimum necessary for the process of artificial insemination to be carried out. After having regard to the evidence before me, I therefore conclude that whilst the proposal would be a desirable adjunct to the appellant's recreational activity, it would not be essential. I conclude, therefore, that the proposal would be inappropriate development within the Green Belt for the purposes of PPG2 and the development plan.
12. Although the proposal would be sited between the existing stable blocks and the horse walker, it would still result in a loss of openness, the most important attribute of the Green Belt. It would increase the amount of built form and consolidate the encroachment into the countryside that has already taken place, in conflict with one of the purposes of the Green Belt. The site is well screened by existing hedging and would be close to the existing stable blocks and the horse walker. However, the fact that a proposed building may not be particularly prominent or can be screened is not, by itself, a good argument since it can too easily be repeated. Moreover, as I saw from my site visit, the site is visible from the surrounding countryside. Although, the location of the proposal and screening would reduce its impact, I nevertheless conclude that a loss of openness would occur.
13. The proposal would be higher than the existing stable blocks. However, I consider that in terms of views towards it from the surrounding countryside, it would be read with existing development on the appellant's holding and would be seen to be screened to a considerable extent by that development and by the existing tall hedges. The materials of the proposal would be rendered concrete block walling and corrugated roof sheets. The colours of external materials could be controlled by way of planning condition to ensure that they blended in with those of the existing stable blocks. I therefore conclude that the proposal would not harm the character and appearance of this rural area which has been designated as a Landscape Protection Area. In this respect the proposal would not be contrary to saved Policy CTC.1 of the Structure Plan or saved Policies LA.1, LA.2 and GB.6 of the Local Plan.
14. Notwithstanding that I have found that the proposal would not harm the character and appearance of the area, I now need to consider whether there are any very special circumstances which might outweigh my findings of inappropriate development and harm to the openness of the Green Belt. The only argument that has been put forward is the need for the proposal. I have already dealt with this. I conclude, therefore, that very special circumstances to outweigh harm to the Green Belt do not exist in this case. The appeal proposal would therefore be in conflict with PPG2 and development plan policy.

15. For the reasons given above, I conclude that the appeal should be dismissed.

*James Ellis*

Inspector