



Appeal Decision

Hearing held and site visit made on
14 January 2009

by **I D Jenkins BSc CEng MICE MCIWEM**

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

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Decision date:
10 February 2009

Appeal Ref: APP/R1845/A/08/2078834

Land off the A449, Caunsall, Kidderminster

- 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 & Mrs R Morris against the decision of Wyre Forest District Council.
- The application Ref 08/0177/FULL, dated 28 January 2008, was refused by notice dated 18 April 2008.
- The development proposed is a retrospective application for a replacement stable building.

Procedural matters

1. There is no provision under the terms of the *Town and Country Planning Act 1990* for retention of development. Therefore, notwithstanding the description of the proposal given on the planning application form, which is *retention of replacement stable building*, I shall deal with the appeal scheme as relating to *a retrospective application for a replacement stable building*. I have reflected this description in the summary information above.

Decision

2. I dismiss the appeal.

Main issue

3. I consider that the main issues in this case are: whether the appeal stable building comprises inappropriate development within the Green Belt; its effect on the openness of the Green Belt and the character and appearance of the locality; and, in the event that it 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 the development.

Reasons

4. The appellants keep horses in two adjoining fields, field A and to the north of it field B, which are situated within the Green Belt. These fields are positioned between the Staffordshire and Worcestershire Canal, to the west, and the A449, to the east. In the southwestern corner of field B there are two stable blocks, which face towards one another across an area of hardstanding. The northern building, block 2, which was erected in 1995, contains two loose boxes and a lean-to projects from its northern wall. The other stable, block 1, which backs onto the southern boundary of field B, comprises the appeal

- building. I understand that this building, which was completed in mid 2007, replaced another stable building, the original block 1, erected in 1992.
5. At the Hearing the Council agreed with the appellants that keeping horses in fields A and B does not itself harm the openness of the Green Belt nor does it conflict with the purposes of including land in it. I see no reason to disagree. However, Paragraph 3.4 of PPG2¹ sets out that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of a number of stated purposes. These include essential facilities for outdoor sport and outdoor recreation. PPS7² recognises that equestrian activities are popular forms of recreation in the countryside, which can contribute to the rural economy, and it indicates that local planning authorities should set out their policies for supporting equine enterprises. The reasoned justification for saved³ LP⁴ Policy EQ.2 indicates that it is considered reasonable to limit private individual keepers of horses to a maximum of two loose boxes, and a store room within one structure, which would accommodate two horses and their provisions. Saved LP Policy GB.3 requires ancillary buildings to be restricted to the minimum size necessary.
 6. At the Hearing the appellants confirmed that they keep, show and breed horses for pleasure and nine of the horses they own are routinely kept in fields A and B. Of those, six are normally stabled there. Furthermore, the original block 1 contained four individual stables, giving a total of six between the two blocks. The Council confirmed that it has no reason to doubt that six loose boxes have been established within field B since the mid 1990s. The footprint of the appeal building is around 5 metres wide by 15 metres long and at the site visit the Council and appellant agreed that its mono-pitch roof rises to a height at the front of the structure of around 2.9 metres. The building contains a row of five cubicles, which comprise four loose boxes and a feed store, maintaining a total of six loose boxes in field B. Whilst blocks 1 and 2 exceed the stable allowance identified by the reasoned justification for LP Policy EQ.2, in my judgement, this on its own would not be sufficient to justify withholding planning permission in this particular case, which involves a site where six loose boxes have been established for a considerable number of years.
 7. However, the doorways of the appeal building loose boxes and feed store all open onto an internal passageway that runs along the northern side of the building, such that it is possible to move between the loose boxes and feed store without going outside. At the Hearing the appellants suggested that without this enclosed passageway stallions kept in the appeal loose boxes would be able to see the mares which are normally kept in the other stable block and this could lead to them becoming stressed. Nonetheless, they also confirmed that both stallions and mares have been kept on site for a considerable number of years prior to the erection of the appeal building. Furthermore, the original block 1 did not contain a similar passageway and its stable doors opened directly out onto the area between the two stable blocks. I have not been provided with any evidence to show that this arrangement led to any significant problems.

¹ Planning Policy Guidance Note 2: Green Belts.

² Planning Policy Statement 7: Sustainable Development in Rural Areas.

³ Saved under the terms of a Direction pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.

⁴ The Wyre Forest District Local Plan, January 2004.

8. Based on what I have read, heard and seen, I agree with the view expressed at the Hearing by the Council that whilst some stabling facilities are likely to be necessary to support the use of fields A and B by horses, the passageway feature of the appeal building is not essential. At the site visit the Council and the appellants agreed that this passageway is around 15 metres long and some 1.4 metres wide and to my mind it accounts for a significant proportion of the volume of block 1. I consider that a facility of the scale of the appeal building is not essential for outdoor sport and outdoor recreation and so it conflicts with LP Policy GB.3. Furthermore, the appeal scheme does not fit with any of the other purposes identified by paragraph 3.4 of PPG2 and so it constitutes inappropriate development in the Green Belt.
9. PPG2 indicates that inappropriate development is, by definition, harmful to the Green Belt. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
10. Whilst in their written statements the appellants suggest that the footprint of the appeal building is similar to that of the original block 1, no documentary evidence has been provided in support of this assertion. On the contrary. At the Hearing the appellants provided an aerial photograph of the site which they confirmed had been taken of block 2 and the original block 1. The layout and relative sizes of the photographed buildings appear to me to be consistent with those shown on the plan attached to the *Character Appraisal for Staffordshire and Worcestershire Canal Conservation Area, May 2007*. Based on these documents, the application plans and observations on site, it appears to me it is likely that the appeal building has a significantly larger footprint than the original block 1. At the Hearing the appellants acknowledged that the appeal building is more than three metres longer than the structure it replaced. I consider that the increase in the size of block 1 resulting from the appeal scheme consolidates built development thereabouts to the detriment of the openness of the Green Belt. PPG2 identifies that openness is the most important attribute of Green Belts.
11. The appeal building is situated alongside the Staffordshire and Worcestershire Canal Conservation Area and within a Landscape Protection Area (LPA) as defined by the Proposals Map of the *Wyre Forest District Local Plan*. I consider that local to the appeal site the land within the LPA on either side of the canal is characterised by grassed fields, with boundaries marked by hedges and/or trees, as well as some small woodland areas.
12. The Countryside Commission's publication entitled *Horses in the Countryside* indicates that stables should be sited to blend with trees and other landscape features. There is a hedgerow along the roadside boundaries of fields A and B, the appeal building backs onto a hedgerow and there is some planting between it and the canal. Furthermore, block 1 is not sited on an exposed skyline. Nevertheless, I saw that in the winter, when the screening provided by local planting is, in my view, likely to be least effective, block 1 is clearly visible from the tow path along the western side of the canal, as well as through gaps in the hedgerow along the western side of the A449. Whilst I have had regard to the

appellants' assertion that the original block 1 had a more unsightly appearance than the appeal building, no evidence has been provided in support of this view and so I give little weight.

13. I consider that due to its scale and the relatively light colours of some of the walls and roof of the appeal building, block 1 has an obtrusive appearance, which is detrimental to the character and appearance of the surroundings. I acknowledge that the visual impact of the building in this respect could be reduced by darkening the colours of those walls and the roof, and by providing additional landscaping around it, measures which could be secured through the imposition of reasonable conditions. Nonetheless, planting in keeping with the surroundings would be unlikely to provide a significant level of screening during the winter months. Furthermore, I consider that the scale of the building is such that these measures would be unlikely to reduce the visual impact of this large built form to an acceptable level.
14. I conclude that the appeal scheme unacceptably harms the character and appearance of the locality, and as a result it detracts from the setting of the neighbouring Conservation Area and the visual amenities of the Green Belt. In these respects it conflicts with saved LP Policies EQ.2, EQ.3, LA.1, LA.2, GB.2, GB.6, D1 and D3, saved SP⁵ Policy CTC.1 and RSS⁶ Policy QE6 as well as the aims of PPG2 and PPS7 with respect to the protection of the character and quality of the countryside.
15. I have considered all of the other matters raised. PPS7 indicates that the Government is supportive of the replacement of existing buildings of permanent design and construction for economic development purposes. However, I understand that the original block 1 was formed using timber studding and cladding and in my judgement, this did not therefore constitute a building of permanent design and construction. Furthermore, the appellants have indicated that the stabling onsite is not part of a commercial venture. The horses are kept by the appellants as a source of private enjoyment for them and their immediate family and friends.
16. The appeal building can be accessed safely from a lay-by alongside the A449. I also note that the appeal scheme was supported by the Wolverley and Cookley Parish Council.
17. Nevertheless, I conclude on balance that these considerations are insufficient to clearly outweigh the harm that inappropriate development causes together with the harm to the openness of the Green Belt and the character and appearance of the locality; and, the very special circumstances necessary to overcome the presumption against inappropriate development in the Green Belt do not exist. Therefore, the appeal scheme conflicts with saved LP Policies GB.1, GB.3, saved SP Policy D.39 and the aims of PPG2. For the reasons given above I conclude that the appeal should be dismissed.

Ian D Jenkins

INSPECTOR

⁵ Worcestershire County Structure Plan 1996-2011, adopted June 2001.

⁶ Regional Planning Guidance for the West Midlands, RPG11, June 2004.

APPEARANCES

FOR THE APPELLANTS:

Mrs I Morris	19 Gaymore Road, Cookley, Kidderminster, DY10 3TU.
Mr M Hardy	15 Wheeler Gate, Nottingham, NG1 2NA.

FOR THE LOCAL PLANNING AUTHORITY:

Mrs J McKenzie-Watts	Wyre Forest District Council.
Mr P Round	Wyre Forest District Council.

DOCUMENTS

- 1 Attendance list.
- 2 Letters from the Council notifying interested persons of the appeal and Hearing arrangements.
- 3 Policy QE1 of Regional Spatial Strategy-Regional Planning Guidance for the West Midlands, RPG11, June 2004.
- 4 Character Appraisal for Staffordshire and Worcestershire Canal Conservation Area, May 2007.
- 5 Horses in the Countryside-A code of practice for owners and riders published by the Countryside Commission.
- 6 Policies D1, D3 and CA.1 of the Wyre Forest District Local Plan, January 2004.

PLANS

- A Extract from the Local Plan Proposals Map, January 2004.

PHOTOGRAPHS

- 1 Aerial photograph of the site of the appeal building, prior to its erection.