



Appeal Decisions

Site visit made on 22 December 2009

by **Jennifer Vyse** DipTP DipPBM MRTPI

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

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Decision date:
19 January 2010

Appeal A: Ref APP/C3430/A/09/2114734 **Prestwood Farm, Prestwood, Stourbridge DY7 5AQ**

- 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 R Bannister against the decision of South Staffordshire Council.
- The application No 09/00126/FUL, dated 23 February 2009, was refused by a notice dated 21 April 2009.
- The development proposed is described as retention of detached isolation stable and toilets.

Appeal B: Ref APP/C3430/A/09/2114779 **Prestwood Farm, Prestwood, Stourbridge DY7 5AQ**

- 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 R Bannister against the decision of South Staffordshire Council.
- The application No 09/00124/FUL, dated 23 February 2009, was refused by a notice dated 20 April 2009.
- The development proposed is described as retention of services building.

Procedural Matters

1. The above descriptions of the development are taken from the application forms. However, retention is not an act of development in the terms of the above Planning Act. I shall therefore determine the appeals on the basis that they are for retrospective planning permission for the development as carried out.

Inspector's Decision

2. For the reasons that follow, I dismiss both appeals.

Main Issues

3. The main issues, common to both cases, are whether the development is inappropriate having regard to Planning Policy Guidance Note 2 'Green Belts' (PPG2) and development plan policy, the effect of the development on the character and appearance of the area and on the openness of the Green Belt, and, if the development is inappropriate, 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.
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Reasons for the Decision

4. Prestwood Farm comprises a working farm rearing cattle and sheep, plus a livery yard. It lies in the open countryside within the West Midlands Green Belt. Buildings on the site include a large American style barn towards the northern end of the farm complex, currently housing some 12/14 loose boxes, with room for more, a large covered storage area, an office and two further rooms which I was not able to access at the time of my visit. The barn lies to the north of a fenced and floodlit manège, to the west of which is a small block containing a couple of stables and tack room. To the east of the manège is a large, open sided barn that appeared to be used for general storage. I also saw a number of portacabins and what appeared to be a mobile home.

Inappropriate Development

5. Planning Policy Guidance Note 2 (PPG2) sets out national policy guidance relating to the Green Belt. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open. The construction of new buildings is inappropriate, unless they are for certain clearly defined purposes. Those purposes include essential facilities for outdoor sport and recreation. Since the horse riding that takes place at the appeal site is an outdoor recreational activity, I am satisfied that buildings required in connection with that activity need not necessarily be inappropriate in the Green Belt. PPG2 goes on to advise that essential facilities should be genuinely required for uses of land that preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Possible examples of such facilities include small stables. That guidance is reflected in saved policy GB1 of the South Staffordshire Local Plan 1996.
6. The building the subject of appeal A has a footprint of some 47.5m², housing an isolation/treatment room, male and female toilets, a drying room and laundry area. Given the number of horses kept at the livery, I am in no doubt that an isolation facility is essential to prevent contagious disease from spreading and have no reason to suppose that the size of the stable is unduly large for its purpose. I also consider that siting it within the American barn, as suggested by the Council, would not be a suitable alternative, since there would be a very real possibility of contact with other horses.
7. However, the building lies adjacent to the main thoroughfare through the yard, close to the main entrance to the American barn stabling, and close to the gated entrances to the fields and outdoor school. I agree with the Council in this respect, that as an isolation facility, the siting is unlikely to be effective, even taking into account the comment of the appellant's vet that the box is capable of being closed off with solid wooden doors and his contention that the separation is sufficient. In any event, the building also includes toilets, a drying room, laundry, and dual use of the isolation stable as a treatment room. Whilst the drying room and laundry facilities may be desirable, they are not, in my view, essential. The treatment room and toilets may be essential to the livery enterprise, but I see no reason why they could not be accommodated within other buildings on the site, in particular the large American barn.
8. The appeal B building houses electrical, gas and water services. I am in no doubt that a building is essential to accommodate the various utility services provided to the site. I also agree that it is preferable to accommodate those

services in a building that is separate and some distance away from the livestock. However, with a footprint of more than 21m² and a maximum height to ridge of around 4m, the building seems to me to be larger than the minimum required simply for the stated purpose. I recognise that it is intended to extend the equestrian enterprise at some time in the future, and note the appellant's comment that the building has been designed to accommodate future additional capacity. There is no evidence before me, however, of any anticipated timescale, or of any firm intention to this effect. Moreover, the building serves other purposes, including a yardsman's toilet and storage. I am not convinced that these elements are anything more than desirable, as opposed to essential, and agree with the Council that there appears to be scope within existing buildings elsewhere on the site to accommodate those facilities.

9. On balance, I am not satisfied that the buildings at issue are the minimum size necessary for the essential functions that I have identified. Whilst they are no doubt a useful adjunct to the appellant's equestrian livery business, they are not, in their totality, essential. I conclude, therefore, that they comprise inappropriate development within the Green Belt for the purposes of PPG2 and the development plan.

Character, Appearance and Openness

10. Among other things, policy BE26 of the Local Plan requires that new development should be sympathetic with the character and appearance of its surroundings. The appeal A building has a footprint of some 9.6m x 5m, with a height of around 3m to the front, rising to approximately 3.75m at the rear, the monopitch roof oversailing at the front. The front and side walls are faced in brickwork, the roof and the rear (western) elevation are faced in a metal cladding. The building occupies an elevated position, with land to the west falling towards the River Stour. During my visit, I saw that the metal clad rear elevation of the building is clearly seen from Prestwood Drive which crosses the river here. A bridleway route also appears to follow the road. In my opinion, its siting, size, and materials mean that the building is seen as an intrusive and incongruous feature that materially detracts from the character and appearance of the surrounding area, contrary to the provisions of policy BE26.

11. The building the subject of appeal B is smaller and less conspicuous. It is of brick and tile and is generally screened from view by adjacent buildings and vegetation. In this respect, I find no material harm to character and appearance. However, by increasing the amount of built form within the Green Belt and consolidating the built development that has already taken place on the site, both buildings result, as a matter of fact, in a loss of openness of the Green Belt, its most important attribute, contrary to national guidance and policy GB1.

Other Considerations

12. In support of the development, the appellant proposes removal of a storage container, with a footprint of around 27m², that lies adjacent to the appeal A building, and removal of a static caravan adjacent to the appeal B building. Whilst removal of both elements would no doubt benefit to the openness and visual amenity of the Green Belt, the Council advises that they are

unauthorised and could be removed under enforcement powers, irrespective of the outcome of these appeals. I therefore attach very little weight to this consideration.

Conclusion

13. I have found that the appeal buildings go beyond the minimum size necessary for the essential functions that I have identified and therefore comprise inappropriate development. PPG2 and the Local Plan make it clear that such development is, by definition, harmful to the Green Belt. PPG2 adds that, when considering any planning application or appeal, substantial weight will be attached by the Secretary of State to the harm to the Green Belt by reason of inappropriateness. 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. In this instance, I have also found harm to the openness of the Green Belt and, in relation to the building the subject of appeal A, harm to the character and appearance of the area. In my opinion, these factors are not outweighed by the other considerations suggested by the appellant and the very special circumstances necessary to justify inappropriate development in the Green Belt have not been demonstrated in this instance. Therefore, for the reasons set out above, I conclude that neither appeal should succeed.

Jennifer A Vyse

INSPECTOR