



Appeal Decision

Site visit made on 19 November 2009

by **David Ward** BSc(HONS) CEng MICE
FIHT

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

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Decision date:
3 December 2009

Appeal Ref: APP/C3430/A/09/2110711/NWF Sandyfields Barn, Sandyfields Road, Dudley DY3 3DL

- 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 L Wilde against the decision of South Staffordshire Council.
- The application Ref 09/00292/FUL, dated 24 April 2009, was refused by notice dated 19 June 2009.
- The development proposed is a detached stable block.

Decision

1. I allow the appeal, and grant planning permission for a detached stable block at Sandyfields Barn, Sandyfields Road, Dudley DY3 3DL in accordance with the terms of the application, Ref 09/00292/FUL, dated 24 April 2009 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No materials arising from the keeping and grazing of horses shall be burned in the open on the site.
 - 3) No additional stables, containers, caravans, shelters or other ancillary building or structure, temporary or otherwise, shall be sited on the land.
 - 4) Before the development commences details of the colour of the external facing materials shall be submitted to the local planning authority for written approval. The development shall be carried out in the approved colours.

Main issue

2. The main issues in this appeal are whether the proposed stable block would be inappropriate development in the Green Belt; and whether it would harm the character and visual amenity of this part of the Green Belt.

Reasons

Issue 1 – inappropriate development.

3. The development plan is the South Staffordshire Local Plan. It sets out policy towards development in the Green Belt, which is consistent with national policy set out in Planning Policy Guidance (PPG) Note 2. Under these policies there is a general presumption against inappropriate development in the Green Belt.

The construction of new buildings in the Green Belt is inappropriate unless it is for one of a limited number of purposes, including essential facilities for outdoor sport and outdoor recreation. Paragraph 3.5 of the PPG gives possible examples of such facilities, which include "small stables".

4. The Council contend that the land associated with the proposed stables is too small to support a horse, and that the development should be seen together with a stable which was permitted on land immediately adjacent, which they consider was to serve the needs of the paddock at the appeal site together with adjacent land serving other converted buildings in this small complex. However, the permission has now lapsed, and a proposal to erect a garage in its place has been refused. In my view the appeal proposal stands by itself.
5. The proposal, which is for a stable, open store and tack room, having a footprint within some 9.05m x 5.5m falls within the description of a small stable, and I conclude that it would not be inappropriate development in the Green Belt. I do not consider that this finding is altered by the amount of land attached to the stable. Whilst I accept that the area would be insufficient for the sole keep of most horses and ponies, there is no reason why land detached from the site should not provide adequate grazing and turnout area. There is nothing in Green Belt policy which brings such a consideration into play.
6. Since the proposal is not inappropriate, considerations of openness will have been subsumed in the policies, and openness will not be harmed.

Issue 2 – Effect on the character and visual amenity of the Green Belt

7. The appeal site is in the Green Belt and a Special Landscape Area. The Council allege harm only to the visual amenity and character of the Green Belt, and refer to policy BE26, which sets out design criteria for all new development. PPG2 advises that the visual amenities of the Green Belt should not be injured by proposals for development which although they would not prejudice the purposes of including land in the Green Belt, might be visually detrimental by reason of their siting, materials or design. Policy BE 26 seeks development which is sympathetic with the appearance and character of the surrounding area, and be appropriate in scale, mass, design, materials layout and siting, both in itself and in relation to adjoining buildings.
8. This proposal would face a shared courtyard, on land slightly below, against a backdrop of the countryside. The design and materials avoid the blandness which might have been adopted for such a building, and seems to me to be entirely appropriate for its location associated with the high quality conversions and refurbishments of this complex of buildings. I have already determined that it would be small scale, and it is my view that the proposal would be in sympathy with the rural character of this urban edge. No harm would arise to either Green Belt policy or Policy BE26.

Other matters

9. I have taken note of the representations made by neighbours. They concern the relationship of the proposal to a shared septic tank, a LPG tank, and to the shared courtyard. Whilst I do not dismiss these concerns, they are essentially civil matters between neighbours, and not planning considerations. They may be subject to other regulation.

Conclusion

10. The appeal has been allowed for the reasons I give above. The Council proposed four conditions. I agree that, in view of the proximity of other dwellings, burning of materials associated with the equine activity should be prohibited, in order to protect amenity. It is appropriate to remove any rights to site buildings, structures, vehicles and the like on the land, in order to preserve its visual amenity. Such a condition is relevant to the development permitted because equine activity often brings with it trailers, ancillary structures and the like. Exception should not be made in the condition for anything given prior approval by the Local Planning Authority¹. The plans show the materials to be used. The Planning Authority propose a condition requiring approval of the colours. In view of the landscape designation in the area, and the setting as a whole, such a condition is necessary.
11. Finally a condition is proposed which protects trees and hedges on the site and its boundaries. It is difficult to see how such a condition is necessitated by the development proposed. This condition would not meet the tests set in Circular 11/95, since it is not relevant to the development to be permitted, or necessary.

David Ward

Inspector

¹ Midcounties Co-Operative Ltd v Wyre Forest District Council [2009] EWHC 964

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