



S O L I C I T O R S

DATE: May 2023

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT APPEAL RELATING TO

**THE ENFORCEMENT NOTICE ISSUED BY SOUTH STAFFORDSHIRE DISTRICT COUNCIL IN
RELATION TO STABLE BLOCK**

AT

**UPPER HATTONS STABLES, UPPER HATTONS FARM, PENDEFORD HALL LANE, COVEN
STAFFORDSHIRE WV9 5BD**

APPELLANT: JAYNE GOODWIN

GROUND'S FOR APPEAL FOR THE APPELLANT

FBC MANBY BOWDLER LLP
ROUTH HOUSE
HALL COURT
HALL PARK WAY
TELFORD
TF3 4NJ
SRT/GOO841/1

1. This Appeal is made on behalf of Jayne Goodwin (“the **Appellant**”) in respect of the Enforcement Notice issued by South Staffordshire District Council (“the **Council**”) dated 20 April 2023 (no reference) (“the **Notice**”) relating to Land at Upper Hattons Stables, Upper Hattons Farm, Pendeford Hall Lane, Coven, Staffordshire WV9 5BD (“the **Site**”), in particular, the area shown approximately shaded blue on the plan annexed to the Notice (“the **Stables Land**”).
2. The following represents a brief summary of the Appellant’s Grounds of Appeal; further detail will be set out in the Appellant’s Statement of Case.

Background.

3. The Stables Land has been in use in conjunction with the wider business operated from the Site since the Appellant first took occupation of the Site in 2000, at which time the Stables Land (together with other land within the Site) was already hard-surfaced with concrete (having formerly been a farmyard).
4. The Appellant operates a business comprising livery, equine courses and riding school, and she also breeds and trains horses for that business and so keeps young horses not yet of working age on the Site, alongside retired horses no longer capable of active work for the business.
5. The livery business was established straight away upon first occupation of the site in 2000. The equine courses and riding school developed as a consequence of the Appellant’s work with foster children which started around 2009. The Appellant discovered that being educated with and around the horses was a form of therapy for children with additional educational needs, which helped with their behaviour, with their anxiety and confidence, and also allowed other skills to be developed alongside the equine care, including introducing basic Maths and English skills within the equine-focus.
6. Very quickly children were being referred to the Appellant specifically for such equine courses, initially by Wolverhampton City Council, and swiftly followed by Staffordshire County Council and other bodies with bespoke funding for additional educational training, including e.g. Black Country Impact. The courses are delivered for young people, often ‘looked after children’ and those with special educational needs, many of

whom also have significant behavioural issues. The tuition is delivered by way of practical courses, designed in a bespoke way to address the particular needs of an individual or a small cohort (usually 3-5 at a time); the learners therefore attend the site for courses of varying lengths and complexity (the length of a course often being dictated by the level of funding available for it from the relevant referring body).

7. Whilst equine care is the primary focus, many learners find horses intimidating and require a gradual introduction to animal care, and a broader 'Animal Care' course, which starts off introducing students to small animals, and builds the students' confidence up to working with the large horses, has proved very successful in confidence-building for students and young adults with a broad range of educational needs and confidence or anxiety issues, in many cases giving them the life skills and confidence to seek paid employment. The Appellant works alongside another entity - Bespoke Training and Education Limited ("**Bespoke**"), to provide the Animal Care courses: Bespoke provide the small animals used for the courses.
8. The Appellant has always included Maths and English alongside the skills that students learn as they go through their course, delivered in an incidental way as part of learning equine care. However, increasingly, in order to enable a formal qualification to be obtained, and to enable the business to provide the equine courses to children not otherwise in mainstream education, there is a requirement to formalise the delivery of that aspect of their learning, and evidence that it has been delivered in a more structured 'traditional' way. Bespoke were already registered to deliver that more formal tuition and accordingly, Bespoke now provide those structured aspects requiring qualified teachers (Maths and), which is provided on the Site as part of the equine and animal care etc. courses; the equine elements of the courses continue to be delivered by the Appellant.
9. The Stables Land has been used in conjunction with the business since the outset, including for the stabling of horses used for the equine courses.
10. Further details will be provided with the Appellant's Statement of Case, but there have been a variety of structures, including stabling, on the Stables Land since 2000. The Stables Land has also been used for other purposes connected with the business, for example, practical demonstrations of equine skills and animal care, as well as ancillary storage, and initially, the Appellant also occupied a mobile home on the Stables Land

during the conversion of a barn within the site to a dwelling (with the benefit of planning permission), being the Appellant's current residence.

11. There have been wooden stable blocks present on the Stables Land since at least 1999. The wooden stables were in a poor state of repair and have been repaired and updated over time, with whole sections having to be removed and replaced from time to time.
12. Currently, tuition is delivered in an ad hoc way wherever there is space within the mess/tack room in the barn (shown edged blue on the annotated plan annexed at [Appendix 3](#) below) ("the Barn"), or in the indoor schooling area within the Barn, causing a conflict for space with the riding school tuition and livery clients. Where the weather permits, practical tuition is delivered outside on the Stables Land. The Appellant is passionate about supporting young people with educational needs and is keen to provide the equine courses within a bespoke setting more suitable for the needs of the learners, where they can focus on their learning, away from the distractions of the livery and riding school, and is therefore looking to provide, alongside accommodation for the horses, feed and tack etc used for their learning, a separate room where the students can be given the more formal Maths and English elements of the tuition, whilst remaining on the Site in surroundings where they are comfortable and relaxed.
13. The Appellant therefore commenced the construction of stable buildings to provide 14 individual stalls plus additional 'rooms' proposed to be used for teaching, practical demonstration and therapy, wash room, feed store and tack store ("the **Stables**") using breeze blocks, within the Stables Land in May 2022.
14. The Stables were a replacement for the structures previously located within the Stables Land ("the **Previous Stables**") comprising, at that time, two large partitioned stable blocks each providing 7 individual stables (14 in total), arranged in parallel on either side of the Stables Land, in a configuration similar to that occupied by the Stables i.e. with a block of 7 stalls along each of the left (West) and right (East) sides of the Stables Land. They had been in situ in that particular configuration since Spring 2020. The photographs at [Appendix 1](#) are a series of still photographs taken from a video, recorded in Spring 2022, taken from the northern side of the Stables Land (looking southwards), and showing the Previous Stables when in use and in situ in that

configuration on the Stables Land. The Previous Stables had become dilapidated and unfit for purpose.

15. The Appellant has historically always sought and secured planning permission where required before making any changes on site, as is evidenced by the lengthy planning history¹; she was unaware that planning permission was required for the replacement of the Previous Stables, but at the request of the Local Authority sought retrospective planning permission for the Stables by way of an application submitted on 11 July 2022 and which was allocated reference 22/00713/FUL (“the **Application**”), in respect of which planning permission was refused on 6 January 2023 (“the **Refusal**”). The Appellant used an agent to assist with that application, who unfortunately did not submit with the application, any details setting out the *need* for the Stables in association with the Appellant’s business, further details of which will be set out here and in the Appellant’s Statement of Case.
16. The courses delivered on the Site include elements of animal and equine care, grooming, preparing horses for showing, farrier skills etc. including demonstration sessions by the equine dentist, vet and farrier and other professionals when they are on site caring for the horses; elements of the teaching, in particular the practical demonstrations, have been undertaken on the Stables Land. The purpose of the Stables therefore was threefold:
 - 16.1. to replace the Previous Stables, with a more suitable and durable alternative;
 - 16.2. to provide a safer and more contained courtyard area for delivery of tuition; and
 - 16.3. to provide enhanced inside spaces for classroom teaching, tack and feed storage and mess room.
17. The intention is to continue to enhance the tuition offered from the site, to include more formal courses and apprenticeships. The Stables will ensure that the students have dedicated spaces to focus and learn, away from the riding school and livery clients, in a secure and safe environment, where practical courses can be delivered under cover (and thus be provided more reliably in a more planned way) and without conflict with the other users of the Site. There is, and can only ever be, one course underway at

¹ Which can be seen in the Officer’s Report relating to the Application enclosed at [Appendix 4](#))

any one time, so that there is a natural limit on the number of courses, and the number of learners coming to the Site. The degree of activity at the Site will therefore remain consistent, but the facilities will enable the delivery of the courses to be enhanced for the benefit of the learners, and it is hoped that it will also enable a broader range of courses to be offered.

18. Further details of the training provided will be set out with the Appellant's Statement of Case.

Grounds.

19. **The Appellant appeals under Grounds (a), (d), (f) and (g).** Addressing the 'legal' grounds first:
20. **Ground (d).** The Appellant submits that at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control comprised in the hardstanding on the Stables Land.
21. The concrete hardstanding extending across the Stables Land ("the **Concrete Pad**") was present on the Stables Land when the Appellant first purchased and occupied the Site in 2000.
22. The description of the alleged breach in section 3 of the Notice does not expressly refer to the laying of hardstanding, such that the Appellant's case is that the Concrete Pad does not fall within the breach complained of in the Notice in any event. However, it is noted that the steps that the Appellant is required to take as set out in section 5 of the Notice, include at (ii) the requirement to '*Permanently remove all hardstanding and materials used to form hardstanding bases for the development from the Land*', which implies that the Concrete Pad (or part thereof) is comprised in the development complained of in the Notice. Notwithstanding that it is not considered to do so, to the extent that any part of the Concrete Pad is considered to form part of the alleged breach, evidence will be submitted with the Appellant's Statement of Case to the effect that the Concrete Pad has been in situ for in excess of 4 years (and indeed in excess of 10 years), such that it is immune from enforcement action.
23. **Ground (f).** The Appellant submits that the steps required to comply with the requirements of the Notice in respect of the alleged breach are excessive and lesser steps would overcome the breach and any harm to amenity.

24. As noted above, the Notice, at section 5(ii), requires the Appellant to '*permanently remove all hardstanding and materials used to form hardstanding bases for the development from the Land*'; and at 5(iii) to '*Remove all materials refuse and demolition material resulting from the removal of the partially constructed stable block building as required by (i) and (ii) above.*'
25. On the basis that the Concrete Pad pre-existed the Appellant's occupation of the Site in 2000, the requirement for its removal (or the removal of any part of it) is excessive and should be excluded from the steps required of the Appellant.
26. Further, the Appellant also submits that through the combined effect of Grounds (f) and (a), the Inspector is able to grant planning permission for an 'alternative scheme'; detailed submissions will be made in this regard in the Statement of Case, but put simply, it is submitted that the Inspector is able to grant permission for the works required to complete the Stables, as well as for the retention of the partially constructed Stables.
27. **Ground (a).** The Appellant submits that planning permission should be granted for any breach of planning control which may be constituted by the matters stated in the Notice.
28. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, as referred to in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.
29. The National Planning Policy Framework, first adopted in March 2012, and last revised in July 2021, must be taken into account in the preparation of local plans, and is a material consideration in planning decisions.
30. The basic premise of the NPPF is that it is a policy imperative that decisions should apply a presumption in favour of sustainable development and Councils should approve development proposals that accord with an up to date development plan without delay.
31. The Development Plan is comprised principally of the Core Strategy adopted December 2012. The Council is currently progressing its Local Plan Review, however

that is yet to be submitted for independent examination such that limited weight can be afforded to its policies at this stage pursuant to Para 48 NPPF.

32. The principal Development Plan policies of relevance are:
 - 32.1. Policy GB1 - Development in the Green Belt
 - 32.2. Core Policy 9 – Rural diversification
 - 32.3. Policy EV7 - Equine Related Development
33. Also of relevance are:
 - 33.1. Core Policy 1 – The Spatial Strategy
 - 33.2. Core Policy 2 – Protecting and Enhancing the Natural and Historic Environment
 - 33.3. Policy EQ9 - Protecting Residential Amenity
 - 33.4. Core Policy 4 - Promoting High Quality Design
 - 33.5. Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape
 - 33.6. Policy EQ11: Wider Design Considerations
 - 33.7. Policy EQ12: Landscaping
34. The policies contained within the NPPF are also a material consideration of significant weight in decision making, and of particular relevance to this appeal are paragraphs 147-149 (pertaining to development in the Green Belt).
35. Further details will be set out in the Appellant's Statement of Case, but the key principles, on which basis it is asserted that planning permission should be granted, are:
 - 35.1. The Stables constitute a recreational use appropriate to a countryside location, and are thus supported pursuant to Core Policy 9(e).
 - 35.2. The Stables constitute appropriate facilities for outdoor sport and outdoor recreation which do not conflict with the purposes of including land in the Green

Belt, and as such are capable of falling within the exception to the general assumption of inappropriateness of new buildings set out at NFFF para 149(b).

- 35.3. The impact on openness is limited and openness is thus 'preserved'. The size scale and layout of the Stables is very similar to that of the Previous Stables, save for the addition of the rooms proposed for tuition, storage and washroom, which in effect connect the two blocks of stables at either end, with limited appreciable visual impact overall. Whilst any new structure will have some impact on openness, the concept of the exceptions to the general assumption of inappropriateness of new buildings in the NPPF plainly envisages that new structures are nonetheless capable of being 'not inappropriate' in this context. Accordingly, it is submitted that the Stables are not inappropriate development for the purposes of the NPPF, and are thus compliant with the NPPF provisions relating to Green Belt development and consequently are also compliant with Core Strategy Policy GB1.
- 35.4. The Stables do not encroach into the countryside as is alleged in the Notice – they are located on land already in use for the Appellant's business, and on which concrete hardstanding has existed for many years, and on which structures of varying sizes have been in place and in use since 2000; there is also a natural enclosure created by the topography such that the Stables Land is enclosed with the rest of the built up part of the Site.
- 35.5. To the extent that it is construed that the Stables do not preserve the openness of the Green Belt, they are nonetheless considered to give rise to minimal harm thereto: they are located within the built up compound within the Site, they are replacements to the Previous Stables which were substantial stable blocks located within the Stables Land, they are hidden from view by the existing topography, and they are located on previously developed land. Accordingly, any harm to openness is limited.
- 35.6. Contrary to the assertions of the Council as to the materials used not being sympathetic to the rural character of the area or wholly appropriate for its intended use (as alleged in the Refusal - reason 4, and in the Notice) it is submitted that the Stables are, in form, construction, materials, design

appearance and scale, in alignment with the other development within the Site, and are wholly appropriate for their intended use.

- 35.7. The visual impact of the Stables is limited as they are nestled close to existing buildings, within a natural enclosure created by the adjacent land levels to the north (which can only be fully appreciated on the ground). The form, scale and appearance (once completed) will be wholly in keeping with the existing structures on the Site and wholly in keeping with other equine development in the local countryside.
- 35.8. The Stables will be an enhancement by comparison with the Previous Stables, which were visually unattractive due to their age and condition, and no longer fit for purpose.
- 35.9. As such the Stables are compliant with design policies EQ4 and EQ11.
- 35.10. The Stables otherwise comply with the Development Plan policies relating to equine development: Policy EV7 is supportive of horse related facilities and equine enterprises in the Green Belt, provided that a) new buildings are sited within close proximity to existing rural buildings and are a suitable distance away from dwellings, so as not to impact on the amenity of nearby residents; *and b) the design, materials and siting are sympathetic to the rural character of the area in which the buildings) are situated.*
- 35.11. Core Strategy Policy EV7e) requires equine development to be located close to the bridleway network; this is not considered relevant to the Appellant's case as the nature of the business is such that the horses kept on the Site are generally ridden within the Site, primarily within the manège. There is nonetheless a bridleway in relatively close proximity, being 'Brewood and Coven 74', as seen on the extract of the County Council's online mapping system at [Appendix 2](#)
- 35.12. The Council asserts that the requirement, at EV7, for proposals for larger scale equine enterprises to demonstrate that they will be beneficial to the local rural economy through sound financial planning, applies; 'larger scale' is not defined and it is submitted that it does not apply here. The Stables form part of the existing business, are complementary to it and will enhance its functionality and the delivery of the existing services, but will not give rise to its expansion in

terms of the nature of the use of the wider Site. The facilities provided by the Stables will support and enhance the existing business, which is sound in financial terms.

- 35.13. No other harms were identified by the Council in the Refusal, or in the Notice, and accordingly it is submitted that the degree of harm to the Green Belt, and any other harm is minimal.
- 35.14. The business need for the Stables is significant and outweighs any perceived harm to the Green Belt (notwithstanding that substantial weight is to be given thereto).

Very Special Circumstances

- 35.15. The Stables are required to facilitate the ongoing use of the Site for the Appellant's business.
- 35.16. The Stables are a replacement of the Previous Stables, which provided **14** stables within the Stables Land for the Appellant's horses.
- 35.17. There are c. 70 horses kept on the Site at any one time, which number has remained consistent for many years and would remain so if the Stables are approved for retention. There are **32** other stable units within the wider site, comprising:
- 35.17.1. **Thirteen (13)** stables within the Barn (the stables being marked approximately with blue hatching on the annotated plan at **Appendix 3**), in use for livery stabling;
 - 35.17.2. **Twelve (12)** stables in the courtyard area (marked approximately edged pink on the annotated plan at **Appendix 3**), ("the **Courtyard**"), used primarily for horses used for the riding school;
 - 35.17.3. **Seven (7)** stables units alongside the northern edge of the Barn (approximately edged green on the annotated plan at **Appendix 3**) ("the **Additional Stables**") in use by staff for their own horses; and

35.17.4. **Four (4)** units to the north-east of the Site (approximately shown edged and shaded orange on the annotated plan at [Appendix 3](#)); which units are primarily reserved for sick animals.

35.18. Those stables are all in use. The Previous Stables provided a further **fourteen (14)** stables within the Stables Land; other horses are kept in the large schooling area in the Barn as required from time to time or otherwise out on the paddocks.

35.19. Since the Previous Stables were taken off the Stables Land to make way for the replacement Stables, the horses have been accommodated within the schooling area of the Barn or turned out onto the paddock areas. Whilst there are no welfare issues associated with keeping these horses outside, it is preferable for those that are used for the equine courses in particular to be kept inside, within the Stables Land, so that they are calm and dry and accessible for the training courses (for example, they cannot be used for training if they are wet, and if they are clipped as part of the grooming courses, they cannot then be put out on the paddock in the elements directly after they have been clipped).

35.20. Since work on the Stables has ceased, it has therefore been necessary to reinstate some of the Previous Stables on the Stables Land to provide some form of shelter for at least some of the horses, and to enable the equine courses to continue.

35.21. The use of the Stables Land has been for purposes associated with the business since the Appellant first occupied the Site in 2000. The Stables were intended not only as a more appropriate replacement facility for the Previous Stables, but also to accommodate areas for practical tuition and 'classroom' learning within a single safe area within the wider Site.

35.22. The nature of the children that take the courses provided at the Site are such that they have specific behavioural requirements, which would be much more readily and safely accommodated within the single compound that the Stables were proposed to provide. Separate areas for tuition on practical skills would also be accommodated, including practical demonstrations for veterinary, dental and farrier skills as well as general animal care and nutrition etc. The

storage areas would not solely be used for storage of feed and equipment but would be utilised to facilitate tuition in those areas (e.g. nutrition, tack and grooming etc.).

- 35.23. The educational element of the Appellant's business is funded, in large part, by a number of Local Education Authorities placing students, including Wolverhampton, Walsall and Staffordshire, as well as other bodies working with children and young people.
- 35.24. Whilst the equine courses have been provided within the existing accommodation to date, this has necessitated the use of the Previous Stables, as well as the livery space and small mess room for tuition, presenting a pressure for space with livery clients, and with practical aspects either having to be taught in the Barn, presenting a conflict with other tuition, or outside, which is often unsuitable due to the weather, such that the students often miss out on valuable learning opportunities. The Stables will provide a separate and enhanced dedicated space for learning which would be more appropriate for the needs of the cohort of children involved, whose needs and behaviour are challenging and thus are better-served in a separate area.
- 35.25. The formalisation of the tuition and courses that the business will be able to offer within the new Stables will require an increased number of qualified teachers, and so it is expected to generate a further 3 full-time and 1 part-time positions. Whilst the Stables will facilitate more formalised tuition however, there would be no change to the intensity of the activity arising from the equine courses: the number of learners is expected to remain consistent, there would be no requirement for any more horses, and the number of movements to and from the Site would remain consistent with the current activity.
- 35.26. The Appellant's business gives rise to significant community benefits, in particular to the students referred to it for alternative education provision, who gain life skills from the education and behavioural therapy they receive and many of whom are reliant on the business for their basic education. There will therefore be significant community benefits arising from the enhanced training on offer and from the support for looked after children and those with additional educational needs that the business will be able to provide.

- 35.27. Accordingly, (to the extent that it is necessary) it will be submitted that there are very special circumstances justifying the Stables, sufficient to outweigh any harm that may be identified to the Green Belt and any other harm.
36. As noted above, and as shall be expanded upon in the Statement of Case, it is proposed that planning permission be granted for the retention and completion of the Stables pursuant to the combined operation of Grounds (a) and (f), by reference to the drawings submitted with the Application, as shall be supplemented in this appeal.
37. The submission and approval of such supplemental layout and elevation plans can be regulated by condition. Further details of the proposed conditions to be attached to any grant of permission pursuant to Ground (a) will follow in the Appellant's Statement of Case.

Appeal against the refusal of the Council to grant planning permission

38. The Notice was issued before the Appellant had had the opportunity to prepare and submit her appeal against the refusal to grant planning permission pursuant to it. It is noted that whilst the Appellant shall submit that planning permission may be granted by the Inspector for the completion of the Stables as an 'alternative scheme' pursuant to the combined application of grounds (a) and (f), the Appellant nonetheless intends to submit an appeal against the Council's refusal to grant permission pursuant to the Application in order that the full scheme may be considered.
39. The Inspector is respectfully invited therefore to combine the two appeals, in order that the issues may be addressed together.
40. **Ground (g)**. The Appellant submits that the time given to comply with the requirements relating to the breach is too short.
41. The Appellant's business operates Tuesdays-Thursdays and Saturdays-Sundays (inclusive), and involves the movement of horses, children and adults across the Site for schooling, exercise and livery purposes as well as general equine care. It is not practicable or suitable for animal welfare for demolition and the movements of construction traffic to be occurring during those times. Any such works that are undertaken by the Appellant could only be undertaken during those times when those other business activities within the Site are at a minimum, in order to minimise the

disturbance to the horses kept on the Site, who are sensitive to unusual noise and movements.

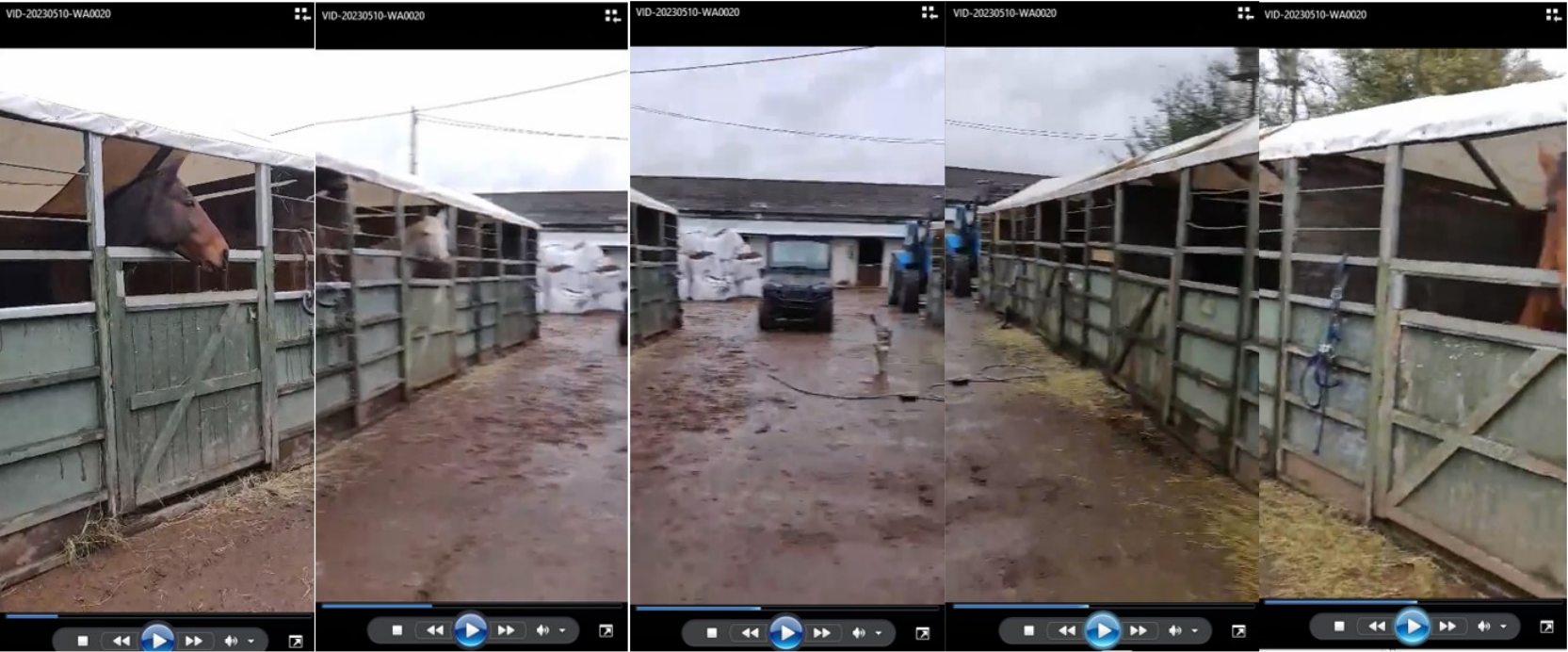
42. Accordingly, it will take longer to comply with the requirements of the Notice that might ordinarily be expected, and a longer period of 9 months is considered to be more appropriate and practicable than the 4 month period stipulated in the Notice at section 6.

Dated 23 May 2023
Suzanne Tucker
FBC Manby Bowdler LLP

Appendices:

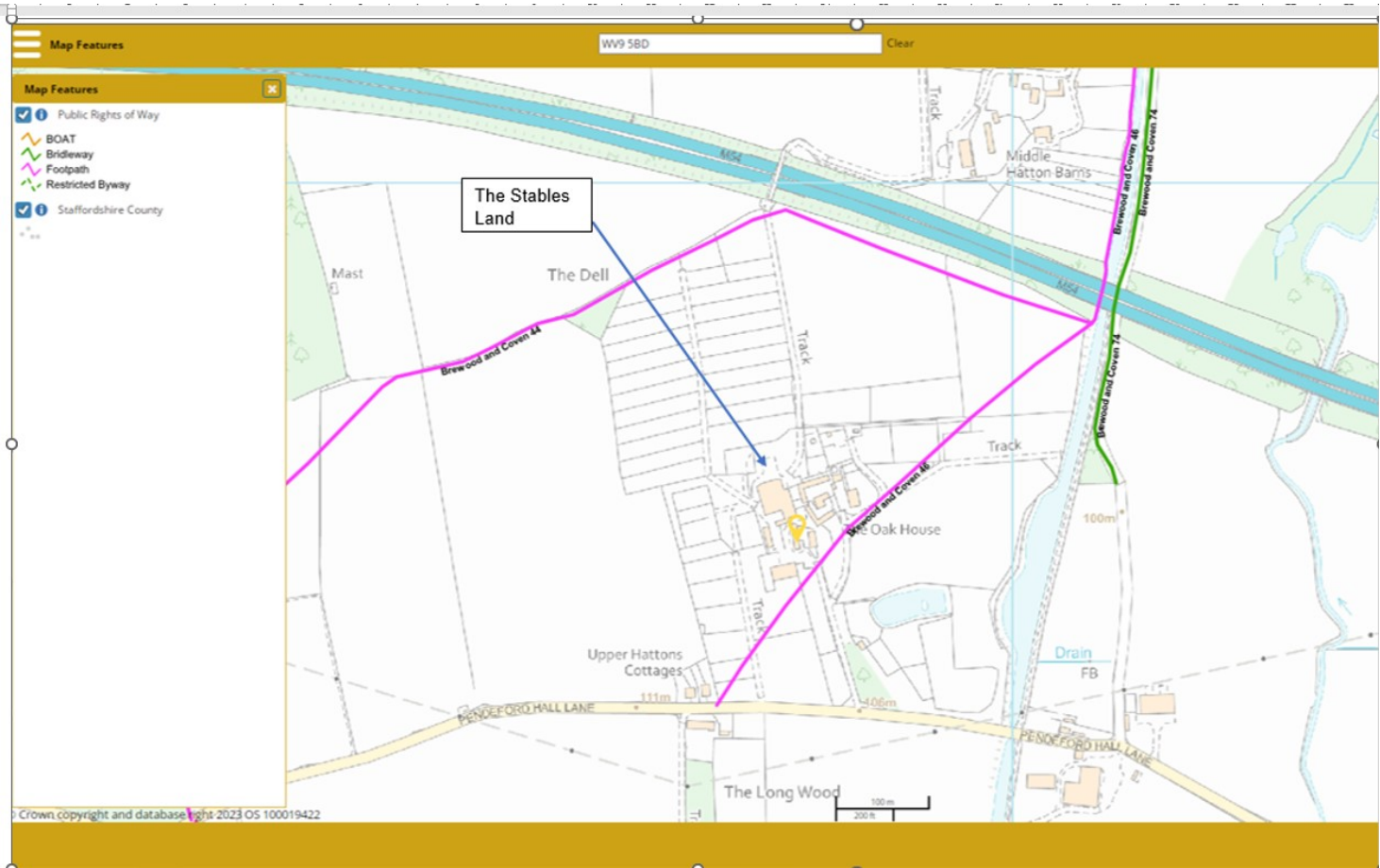
Appendix 1	Photographic stills taken from a video of the Previous Stables	See below
Appendix 2	Extract showing Public Rights of Way	See below
Appendix 3	Annotated Site Plan	See below
Appendix 4	Officer's Report to Application Ref 22/00713/FUL	Submitted as a separate document

Appendix 1 - Photographic stills taken from a video of the Previous Stables

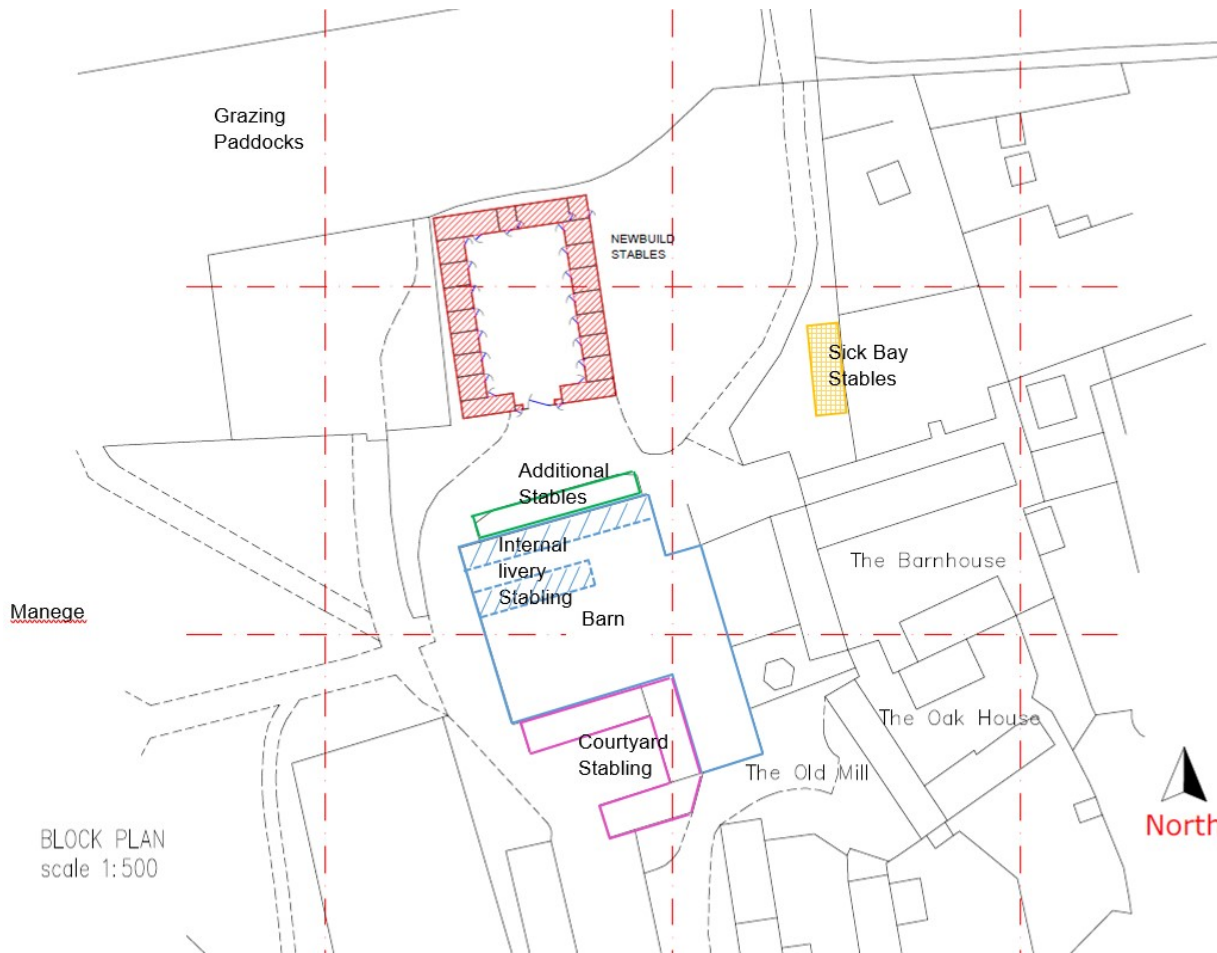


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Appendix 2 - Extract showing Public Rights of Way



Appendix 3 - Annotated Site Plan (Not to scale)



BLOCK PLAN
scale 1:500

Jayne Goodwin Jpper Hattons Stables Venderford Hall Lane Wolverhampton WV9 5BD	Proposed New Stable Block on existing concrete slab	Block plan	1 : 500
			2022-31-02

22/00713/FUL

Jayne Goodwin

BREWOOD & COVEN

Upper Hattons Farm Pendeford Hall Lane Coven Staffordshire WV9 5BD

Horse stables with tack room / washing room and storage forming a central court yard

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

The existing site is known as Upper Hattons Farm with extensive planning history related to residential conversion, stables and livery business as well as a media centre. The site is fairly isolated in that open fields surround it but to the north the M54 Motorway is located. Access is gained via the existing access located to the north of Pendeford Hall Lane. This application refers to the equestrian use of the site.

1.2 Planning History - Equestrian

1980 Proposed riding school and stables, approved (80/00467)

2001, retention of livery stables and indoor riding school (a/c 01/00138/FUL)

2001, COU of existing building for storage ancillary to livery (a/c 01/00159/COU)

2005, formation of a new access from Pendeford Hall Lane to Upper Hattons Stables, refused (05/00310/FUL)

2015, Construction of new menage/training facility, approved (15/00396/FUL)

2. APPLICATION DETAILS

2.1 The Proposal

This application proposes the erection of a large rectangular shape stable block (partly retrospective). It would comprise of 14 stables, 3 storerooms, 2 tack rooms and a wash room. It would occupy a footprint of around 300sqm with ridge height of 3m. The walls would be constructed from blockwork (painted) with a green powder coated profiled roofing sheet.

The building would be positioned to the north of the existing equestrian buildings.

2.2 Agents Submission

The application is accompanied by a very brief supporting statement.

3. POLICY CONTEXT

3.1 Within the West Midlands Green Belt.

3.2 Core Strategy

Core Policy 1 - The Spatial Strategy

GB1 - Development in the Green Belt

Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment

EQ4 - Protecting the Character and Appearance of the Landscape
Core Policy 4 - Promoting High Quality Design
EQ11 - Wider Design Considerations
Core Policy 9 - Rural Diversification
EV7 - Equine Related Development

3.3 National Planning Policy Framework

4. CONSULTATION RESPONSES

4.1 Comments received

Councillor: No comments received

Parish Council [21/11/2022]: No objection

County Council Footpath Officer [03/11/2022]: We are unable to comment on this application as, although the Definitive Map of Public Rights of Way for Staffordshire indicates there is a right of way crossing the access track and through the farm, it is not shown on any of the plans or mentioned in any of the documents.

County Highways [21/11/2022]: No objections

Natural England [05/12/2022]: No comments

Neighbours: Two comments received which expresses concerns over:

- Creation of more equestrian traffic using the access road / damage to private road / maintenance contribution
- Lack of available car parking for more stable blocks

A site notice was posted on the 07/11/2022

5. APPRAISAL

5.1 Key Issues

- Principle of development
- Impact on the Green Belt / very special circumstances
- Policy EV7: Equine related development
- Impact on neighbouring properties
- Highways/access
- Other matters

5.2 Principle of development

The site is within the Green Belt. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and permanence; and sub paragraph 138 (c) of the Framework advises that one of the purposes of Green Belts is to assist in safeguarding the countryside from encroachment. The openness of the Green Belt has both spatial and visual dimensions.

Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless they fall under certain listed exceptions. Included in this list, and not therefore to be regarded as inappropriate development is 'the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation..... as long as the facilities preserve the openness of the greenbelt and do not conflict with the purposes of including land within it'. Although the precise wording of Policy GB1 of the CS slightly differs from paragraph 149, its overall aims concerning the provision of appropriate facilities for outdoor sport and recreation are broadly consistent with the NPPF. As such, this policy should be given weight in the assessment of this case.

Policy EV7 of the Core Strategy supports horse related facilities and equine enterprises in the Green Belt, but makes it clear that "proposals for larger scale equine enterprises will be considered on whether they will be beneficial to the local economy through sound financial planning and should be consistent with other local planning policies."

It is not considered that the extensive proposals represent the provision of appropriate facilities for outdoor sport, outdoor sport which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it', as outlined in the NPPF. It is therefore concluded that the proposals would be inappropriate development in the Green Belt, which could not be approved, except in very special circumstances. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3 Impact on the Green Belt /Very Special Circumstances

Paragraph 148 of the Framework provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

The proposals represent a significant increase in the amount of built development on a site which already contains a substantial amount of development. The building would further extend the built form of the site further north, resulting in encroachment and would occupy an extensive footprint of some 300sqm (650sqm including courtyard area). After visiting the site, I was noted that there is already a considerable amount of stabling provision on the existing site, although no details of the existing stabling provision have been provided in this application, or planning justification to explain why more is required. The very brief planning statement references that the stables would be constructed on an existing concrete base in replace of some existing stables, however the proposed area was noted in the 2015 application (for a new ménage/training facility) as a car parking area for horse owners (15/00396/FUL). Aerial imagery also shows no stable blocks in this location. After clarifying with the planning agent, he provided that the stables are to replace some derelict stables onsite, however no further details have been received to indicate where these stables are, or why these stables cannot be repaired or re-built in their current location.

The scale of the proposals would diminish the openness of the Green Belt and significantly encroach into the countryside. No very special circumstances have therefore been clearly advanced to outweigh the harm identified to the Green Belt.

5.4 Policy EV7 Equine Related Development

Policy EV7 says that "proposals for larger scale equine enterprises will be considered on whether they will be beneficial to the local economy through sound financial planning and should be consistent with other local planning policies"

No information has been submitted to demonstrate that the proposed development would be beneficial to the local economy; or that the benefits arise would be so beneficial to the local economy that this would override the significant harm to the openness of the Green Belt.

Policy EV7 also requires the design, materials and siting are sympathetic to the rural character of the area in which the building(s) is situated. The proposed design, given its scale and materials is not sympathetic to the rural character of the area or wholly appropriate for its intended purpose.

5.5 Impact on neighbouring properties

There is a well-established equestrian business on site and therefore it is not likely given the position of these stables that any significant harm will be caused on neighbouring amenity with regards to smells or disturbance. There is no infringement with Policy EQ9.

5.6 Highways/access

Whilst I note that neighbours are concerned with additional vehicle movements The County Highways Officer has expressed no concerns with the application. The use, upkeep and maintenance of a private road is a civil matter, to which the Council cannot attribute any planning weight too.

5.7 Other Matters

The concerns expressed by interested parties have been addressed in the main body of the report. Concerning the public right of way, this lies some 105m south of the proposed stable block and is unaffected by the proposals.

6. CONCLUSION

Accordingly, whilst the principle of the proposed development could be considered an appropriate facility for outdoor recreation, due to the scale of the proposal I conclude that there would be significant harm to the openness of the Green Belt. As directed by the NPPF, I attach significant weight to the identified harm to the Green Belt.

Given that no 'other considerations' have been advanced to outweigh the harm I have identified to the Green Belt by virtue of inappropriateness and the other identified harm (i.e. harm to the openness and visual amenity), planning permission should be refused.

7. RECOMMENDATION - REFUSE

Reasons

1. The site is within the Green Belt and the proposed development is considered to be inappropriate development as set out in policy GB1 of the adopted Core Strategy and paragraph 149 of the NPPF. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy and paragraph 149 of the NPPF.

2. The Local Planning Authority has considered the reasons advanced, but does not consider that these reasons constitute the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness.
3. The scale of the proposals would diminish the openness of the Green Belt and significantly encroach into the countryside., contrary to chapter 13 of the NPPF.
4. The proposed design, given its scale and materials is not sympathetic to the rural character of the area or wholly appropriate for its intended purpose, contrary to Policy EV7 of the Core Strategy.

Proactive Statement -The Local Planning Authority has worked in a positive and proactive manner in accord with National Planning Policy Framework 2021, paragraph 38, by attempting to seek solutions with the applicant to problems associated with the application. A solution could not be found and so the development fails both with regards to the NPPF and the adopted Core Strategy 2012.

This application relates to submitted plans:
2022-31-02 Block plan
2022-31-02 Proposed plans and elevations.