



Appeal Decision

Site visit made on 14 February 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/C3430/W/22/3306717

Land at Shanrye Stables, Micklewood Lane, Penkridge ST19 5SB

- 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 Mrs Eve Meer against the decision of South Staffordshire District Council.
 - The application Ref 21/01325/FUL, dated 14 December 2021, was refused by notice dated 14 March 2022.
 - The development proposed is a horse rehabilitation centre and provision of park home for three year temporary period.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that Reason for Refusal No.3 relates to the Council working proactively with the applicant. However, as this reason does not relate to the planning merits of the case before me, I haven't explored this further.

Main Issues

3. As the site lies within the Green Belt, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including its effect on openness, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect on the character and appearance of the surrounding area; and
 - If the proposal is 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

Whether inappropriate development in the Green Belt

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that 'inappropriate development' in the Green Belt is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework establishes that the construction of new buildings is inappropriate in the Green Belt subject to a number of exceptions. The exception at Paragraph 149 b) allows for the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds, and allotments. However, in this regard, the Framework confirms that development is not inappropriate provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy GB1 of the South Staffordshire Core Strategy 2012 (CS) is broadly consistent with the Framework in this regard.
6. Whilst it could be argued that the rehabilitation of horses is related to outdoor sport and recreation as the horses themselves are kept for recreational purposes, in my view the proposed development would be more closely related to a medical activity. This would take the use significantly beyond what could be within the bounds of recreation. Therefore, it is not an appropriate facility for outdoor sport and recreation according to Paragraph 149 b) and the appeal proposal is therefore inappropriate development in the Green Belt.
7. If I had found the development to be an appropriate facility for outdoor sport and recreation according to the terms of Paragraph 149 b) of the Framework, I would then need to consider the second limb of this criterion, ie, whether it would preserve the openness of the Green Belt or conflict with the purposes of including land within it. For the sake of clarity, I shall now address this.
8. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. It has been established that openness has both a spatial and visual aspect.
9. In spatial terms, the rehabilitation centre would have a sizeable footprint, similar to that of the existing stables and yard combined. Unlike the existing stables it would incorporate a first floor. It would be a large, bulky building, clearly taller than the existing stable range and would substantially impact on Green Belt openness. Alongside, the temporary mobile home would be of much lesser massing but nevertheless would represent an additional, sizeable footprint. The footprint, height and volume of the structures would significantly affect the openness of the Green Belt when compared to the existing undeveloped nature of the land.
10. The site forms part of a much larger complex of fields which to the north and west are predominantly open countryside with extended views across the largely flat landscape, with few intervening features. The only significant buildings in the immediate area are those associated with Micklewood Stud several fields away to the north west. To the east and south of the site is woodland.
11. The visual impact of the proposal has been minimised by positioning the buildings in the south east corner of the field, screened on two sides by the woodland; and the existing stables would also provide some screening from Micklewood Lane. However, despite the proposed siting away from the road, alongside woodland, the development would be apparent in local views when

travelling east along Micklewood Lane and from across the fields to the west. The height and volume of the proposed rehabilitation centre would exacerbate the prominence of the appeal proposal, although that effect would be to some extent mitigated by the backdrop and height of the nearby woodland.

12. There is the potential to introduce native hedging and trees for screening to assist in mitigating the visual harm, limiting to some extent public views. However, this is unlikely to have any significant mitigating effect on the height and volume of the rehabilitation centre. Also, a reliance on screening by planting to mitigate an otherwise inappropriate development is not an effective means of managing visual impact, and limiting visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.
13. The development would introduce built form to where there is none and although visually the harm to openness would be limited, by virtue of its physical presence it would spatially result in a substantial loss of openness of the Green Belt. I find the appeal development would not preserve the openness of the Green Belt. Furthermore, it would fail to safeguard the countryside from encroachment. Hence, there is conflict with the fundamental aim and one of the purposes of including land within the Green Belt contrary to paragraphs 137 and 138 of the Framework respectively.
14. CS Policy EV7 is permissive in respect of equestrian related development in the Green Belt and open countryside subject to specific criteria. It also supports larger scale enterprises which are beneficial to the rural local economy through sound financial planning and provided that they are consistent with other local planning policies. Whilst there is no definition within the policy of 'larger scale', the footprint and volume of the proposed rehabilitation centre is much larger than a typical range of stables found in the open countryside and is related to a developing business. Therefore, for the purposes of this appeal, I am satisfied that the proposal before me is a larger scale enterprise.
15. Based on the evidence before me, the business plan does not adequately provide a detailed account of how the existing business operates, how it would be scaled up and run to develop the on-site care, why it needs to be of the size proposed, and how it would remain viable in the future following the significant investment in the site. Whilst there may be some benefits to the rural local economy arising from an equine enterprise of the scale proposed, the amount and nature of those benefits have not been adequately demonstrated through the information submitted and the business plan, including with evidence of sound financial planning as Policy EV7 requires. Accordingly, it will not attract substantial weight in the appeal.
16. The Council also referred to CS Policy EV8 in its reasons for refusal. While I have had regard to that policy, it concerns development related to agriculture, including farm diversification, and is therefore not directly relevant to the proposal and has not been determinative in this appeal.
17. Therefore, the appeal scheme as a whole would be inappropriate development in the Green Belt in conflict with the Green Belt aims of Policy GB1 and the Framework as I have referred to them above. Inappropriate development and loss of openness are, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Character and appearance

18. The appeal site is set within a largely flat, open countryside with extensive agricultural fields to the north and west with far-reaching views, and a backdrop of trees to its southern and eastern sides, the latter which is designated Ancient and Semi-Natural Woodland. The site is accessed via a rural lane with a car park nearest to the lane alongside a ménage, and the stable yard immediately beyond. The stables are of small scale, timber construction and arranged in a u-shape around a yard. The immediate area is largely devoid of other buildings except for a cluster of buildings associated with Micklewood Stud. Despite the presence of some visual intrusions in the landscape such as the M6, visible in the distance, the agricultural fields, interspersed by hedgerows and individual trees, combined with wider tracts of woodland combines to create an attractive rural character.
19. The rehabilitation centre would incorporate a red brick plinth, timber cladding to the walls, and steel profile sheet roof. The park home would be finished in similar materials. The size and massing of the proposed rehabilitation centre, although large, would be similar to agricultural buildings at nearby Micklewood Stud and fairly typical of other large agricultural buildings. The materials and colour would also be largely consistent with those found locally. In addition, the location of the appeal proposal sited some distance from the road, close to and on the far side of the existing stables, and tightly flanked by the woodland would enable the appeal proposal to be to some extent assimilated in the surrounding landscape. The impact on the character and appearance of the area would be further minimised by the proposed landscape enhancements. Therefore, whilst the appeal proposal would intensify the use of the site and significantly increase the presence of the buildings, it would not be an unexpected and discordant element in the landscape.
20. As such the development would not have a harmful effect on the character and appearance of the surrounding area and would comply with CS Policies EQ4 and EQ11 and the Framework which seek to respect local character and distinctiveness.

Other considerations and very special circumstances

21. Very special circumstances would need to exist to justify granting permission for the development because it would constitute inappropriate development in the Green Belt and harm the openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.
22. The appellant has an established business manufacturing and selling equestrian supplements to aid laminitis recovery as well as offering advice and support. In addition, they can accommodate up to two horses at a time to provide 24hour care for horses suffering from laminitis. On these occasions, accommodation is provided on site in a mobile horse box.
23. The appellant wishes to develop and grow the business to offer a full and complete rehabilitation programme and develop their product range. The rehabilitation centre would provide a purpose-built structure comprising 4 stables, a horse walker, office, laboratory and first floor store. This would adjoin the existing stable block and related equine facilities. Alongside, the

proposed temporary, park home would provide accommodation to facilitate the 24-hour care.

24. I recognise that laminitis is a common and often severe disease and the evidence before me indicates that there is a demand for the residential care of the more serious cases. I have had regard to the testimonials from customers, local vets and a farrier which support the products and services provided by the business, including the 24-hour care provided to horses suffering from laminitis. A local vet commends the business, commenting on its extensive knowledge and experience with a good success rate in helping horses recover. Also, that the rehabilitation unit would be of immeasurable benefit, offering critical care and reducing the need for sick horses to travel long distances to other centres. The local support for the proposed development attracts considerable positive weight in favour of the development.
25. The appeal proposal would represent a significant investment in the business, allowing it to expand and to employ more staff. The investment in the appeal proposal to date also demonstrates that the appellant is eager to implement the scheme. This complies with Paragraph 84 of the Framework which supports the growth and expansion of businesses in rural areas. However, despite this intention to develop the business and the benefits to the rural economy, I can only afford this moderate positive weight based on my observations of the limited evidence provided, including the inadequate business plan.
26. A temporary dwelling on the site would allow more comfortable accommodation to provide long-term care for sick horses as well as on-site security and to respond to emergencies; and I note the lack of alternative accommodation in the area. Paragraph 80 of the Framework also provides support for dwellings where there is an essential need for a rural worker. These factors also attract weight in favour of the development. I also recognise the opportunities for new native planting to enhance the landscape and biodiversity of the area. These would be a limited positive weight in favour of the development given the lack of detail and the identified harm to the Green Belt. Whilst I recognise the benefits of developing the business alongside existing equestrian facilities, these circumstances carry limited weight as there is no evidence to demonstrate why this development could not be located in another rural area where it would not harm the Green Belt.
27. Micklewood Stud nearby is an equine and agricultural enterprise, uses regarded as not inappropriate development in the Green Belt. Based on the evidence before me it is apparent that the Council's recent approval of a rural workers dwelling was to support that existing enterprise and the Council was satisfied that very special circumstances could be demonstrated. Likewise at Little Saredon, the development related to the breeding of ponies, also regarded as not inappropriate development in the Green Belt. Both these cases therefore relate to businesses regarded as not inappropriate development in the Green Belt with a different set of circumstances and this does not suggest a lack of consistency in determining these applications.

Other Matters

28. The appeal site lies near to the Cannock Chase Special Area of Conservation (SAC), which is a European designated site. Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority have completed a Habitats Regulation Assessment concluding that

subject to mitigation in the form of a payment towards the SAC the appeal proposal would not adversely affect the integrity of the Cannock Chase SAC. In this regard, a draft Unilateral Undertaking has been submitted.

29. If the circumstances leading to a grant of permission had been present, I would have given further consideration to this in accordance with the Habitats Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider this matter any further as it would not alter my decision.

Conclusion

30. Although I have found no harm to the character and appearance of the area, I have identified that the development is inappropriate development in the Green Belt as defined by the Framework. I have also found substantial loss of openness of the Green Belt. Harm to the Green Belt carries significant importance and weight. Taken as a whole, I find that the other considerations in this case do not clearly outweigh the significant harm that I have identified. In concluding, therefore, the harm by reason of inappropriateness, and any other harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. As such, the proposal would be in conflict with CS Policy GB1 and EV8 and the Framework.
31. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

G Bayliss

INSPECTOR