The Planning Inspectorate

Appeal Decision

Site visit made on 15 April 2013

by Alan M Wood MSc FRICS

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

Decision date: 9 May 2013

Appeal Ref: APP/H1033/A/12/2186918
Will Hey Farm, Watford Lane, New Mills, High Peak, SK22 4EN

- 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 and Mrs M Wilson against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0207, dated 9 March 2012, was refused by notice dated 15 May 2012.
- The development proposed is a new stable block, sand paddock and associated earthworks and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for a new stable block, sand paddock and associated earthworks and landscaping at Will Hey Farm, Watford Lane, New Mills, High Peak, SK22 4EN in accordance with the terms of the application, Ref HPK/2012/0207, dated 9 March 2012, subject to the conditions set out in the schedule below.

Procedural Matter

2. Development on the site has already commenced in respect of landscaping works and the partial construction of the walls for the proposed stable block.

Main Issues

3. (a) Whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (2012) [the Framework] and development plan policy;
(b) The effect of the proposed development on the openness of the Green Belt and the character and visual amenity of the surrounding open countryside; and
(c) If the proposed 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

Reasons

<u>Inappropriate Development</u>

4. The appeal site is located in open countryside within the North West Derbyshire Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the Framework

asserts that the construction of new buildings in the Green Belt should be regarded as inappropriate unless falling within one of the exceptions set out in the paragraph. Policy OC2 of the High Peak Saved Policies (2008) taken from the High Peak Local Plan (2005) [LP] broadly echoes the requirements of the Framework in these regards.

5. There are a two principal business activities associated with Will Hey Farm. The breaking and schooling of both young and a limited number of older horses with identified behavioural difficulties is carried out by Kirsty Wilson under the auspices of Kirsty Wilson Equine Business which is based at Will Hey Farm. (The surrounding fields owned by the appellants are used for growing grass for use as winter feed for the horses kept at the farm). There is also a bed and breakfast tourist facility (B&B) within the main farmhouse building which is operated by the appellants.

6. The farm has an existing stable block comprising two stables and a tack/hay storage area in close proximity to the farm building. The appellants have stated however that the existing stables are only of sufficient size to accommodate smaller horses which are less than 15 hands. Consequently, horses associated with the equine business are currently transported to and from a site in Pott Shrigley which provides stabling facilities for the larger horses. Operating from the two sites involves a daily commute of about 20 miles.

7. One of the exceptions in paragraph 89 of the Framework relates to buildings for agriculture and forestry. The appellants have contended that the nature of the equine activities could be considered as agricultural. In this respect however I agree with the Council that, in planning terms, equine activities are not construed as agriculture.

8. In respect of the B&B facility, the appellants have indicated that Will Hey Farm is close to a network of bridleways. Broadworth Edge and Ludworth Moor are situated to the west and the Sett Valley Trail, which is about 1/3 mile from the appeal site, leads directly to the Pennine Bridleway and the general area of Kinder Scout and Lantern Pike. The appellants have affirmed that the bridleways can be accessed by a short ride on predominantly lightly trafficked roads and facilitate a full day's riding in the open countryside.

9. Another of the exceptions in paragraph 89 refers to the provision of facilities for outdoor recreation. The facilitation of horse riding in the locality through the implementation of the proposed development would, in my judgement, fall within this exception.

10. This exception has two caveats namely that: (i) the openness of the Green Belt is preserved and (ii) there is no conflict with the purposes of including land within the Green Belt. Paragraph 79 of the Framework states that the essential characteristics of Green Belts are their openness and permanence. The proposed stable block would be set into the surrounding land and the level of the roof would align with the ground level at the rear. Both of the side elevations would also be screened to a fairly significant degree by the rising ground levels immediately adjacent to them. The prominence of the building in its setting would therefore be considerably diminished. A timber post and rail fence would be constructed at the north-west extremity of the paddock together with a native hedgerow but this would have a minimal effect on openness. From my observations, any loss of openness to the Green Belt in

this location resulting from the proposal would be insignificant and would not cause any material harm.

11. Paragraph 80 of the Framework sets out the five purposes of Green Belt. In my judgement, two of those purposes are particularly pertinent in this case. The first is to check the unrestricted sprawl of large built up areas. The second is to assist in safeguarding the countryside from encroachment. Will Hey Farm is situated at the end of a line of ribbon development along Watford Lane. The proposed stable block would be located adjacent to the existing stables and in relatively close proximity to a neighbouring dwelling. The proposed sand paddock would be created in an area adjacent to the proposed stable block on land enclosed on two sides by existing drystone walls. The stable yard would be adjacent to the existing stable and the hay storage and turning areas are sited adjacent to the curtilage of the main farm building. From my observations, the overall level of incursion by the proposed development into the open countryside would therefore be negligible. Consequently, I find no conflict with these purposes in this particular case.

12. Accordingly I find that, in so far as the construction of the proposed building relates to the equine business activities, the proposed development does constitute inappropriate development. However, in so far as the construction of the proposed building facilitates the recreational activities associated with horse riding in the local area by holiday makers directly related to the B&B business, the proposal does not represent inappropriate development. The appellants have indicated that two of the proposed stables would be used for the equine business and the other two for the B&B. (The existing stables would be utilised by two ponies relating to the equine business). As the proposed stable block would be a single entity, I find that in overall terms, the proposal before me is therefore inappropriate development in the context of the Framework and Policy OC2. Paragraph 88 of the Framework stipulates that substantial weight should be given to any harm to the Green Belt.

Character and Visual Amenity

13. The proposed stable block would have a mono-pitched roof and its front elevation would contain a stable door and a small window for each of the four stalls. Its form and appearance would be in keeping with the existing stables and the external finishes can be controlled by a condition. As indicated above, the rear and side elevations would largely enclosed. In my judgement, the stable block would not therefore unacceptably harm the character and quality of the surrounding countryside. Given the setting of the sand paddock, stable yard and the hay storage/turning area, as described above, from my observations, the proposed layout would also have no materially detrimental effect on the character and quality of the open countryside in this location.

14. Consequently, the proposal would not conflict with Policy OC1 of the LP. This policy stipulates that within the countryside, permission will be granted for development which is an integral part of the rural economy and does not detract from the open character and distinctiveness of the countryside. That being the case, this consideration would add no additional weight against the proposal.

Other Considerations

Supporting Rural Businesses

15. The appellants have drawn my attention to paragraph 28 of the Framework. The paragraph seeks to support economic growth in rural areas in order to create jobs and prosperity. This includes support for the expansion of all types of businesses and enterprise in rural areas and the promotion of the development and diversification of land-based rural businesses. Specific mention is made in the paragraph to supporting sustainable tourism and leisure developments that benefit businesses and visitors. The appellants have identified the business objectives which the additional facilities provided by the proposal would achieve.

16. The proposed development would provide stabling facilities for the visitors to the B&B. The visitors would be able to transport their horse(s) to the site as a base for riding in the local area. Alternatively, the B&B would provide a stopping point on the Pennine Bridleway for visitors on horseback. These arrangements would therefore improve the visitor facilities and create the opportunity for an increase in trade for the B&B. The proposal would also enable the equine business to house and train larger horses at the appeal site and thereby negate the need to operate from two separate sites. This would represent a more efficient arrangement and would allow the business to develop as the 3.2ha or thereabouts of pasture at Will Hey Farm are of sufficient size to rear competition horses.

17. Policy LT5 of the LP supports the establishment of stables and equestrian facilities providing there would be no harm to the open character of the area, there would be adequate exercise and grazing areas, and have suitable access to the bridleway network. As indicated above, the proposal would meet these requirements. The policy also indicates that commercial equestrian development in the countryside should be located with adequate access, be close to towns and villages, and should normally be based on existing farms. Watford Lane is accessed from a road serving the adjacent housing estate and the highway authority has raised no objections to the proposed development. In my judgement therefore, Policy LT5 would also provide support for the proposal.

18. Paragraph 19 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system. I therefore accord this consideration significant weight.

Carbon Footprint

19. The appellants have contended that the establishment of all of the equine activities associated with the business at the appeal site would provide a more sustainable arrangement which would lower the carbon footprint of the business activity. I agree with that view. I note that paragraph 30 of the Framework, which relates to promoting sustainable transport, states that encouragement should be given to solutions which support reductions in greenhouse gas emissions. I also therefore accord this consideration significant weight.

Associated Agricultural Use

20. The appellants have contended that the storage of haylage bales at the site is an agricultural use. They have also stated that the fields surrounding the appeal site are also used for the production of haylage as well as for grazing the horses and the former activity is an agricultural use. It is not clear however whether the haylage would be used solely in association with the equine activity or also for the benefit of visitor's horses in relation to the B&B. I therefore attach little weight to this consideration.

Conditions

21. I have imposed a condition to control the appearance of the stables in the interests of the character and visual amenity of the surrounding open countryside, as referred to above. A condition is also necessary to confirm all of the plans upon which the decision has been made for the avoidance of doubt and in the interests of proper planning. I have taken note of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions* in this regard.

Conclusion

22. Having given full consideration to all of the evidence before me, I find that the other considerations set out above in favour of the proposal, when taken together, are sufficient to clearly outweigh the harm that I have identified in respect of inappropriate development. Therefore the very special circumstances necessary to justify the proposed development do exist in this particular case. Accordingly, the proposal would not conflict with the Framework or Policy OC1. For the reasons given above, the appeal succeeds.

Alan M Wood

Inspector

Schedule of Conditions

1) The use of the stable block hereby permitted shall not begin until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority and the erection of the stable block has been fully carried out in accordance with the approved details.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 12-001-P001 rev B, 12-001-P002 rev A, 12-001-P003 rev B, 12-001-P004 rev A, 12-001-P005 and 12-001-P006.