



Appeal Decision

Site visit made on 9 April 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2024

Appeal Ref: APP/T4210/W/23/3330749

Smith Fold Farm, Taylors Lane, Bury, Radcliffe, BL2 6QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Phil Johnston against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 69415.
 - The development proposed is described as "Single storey Stables to replace existing stables".
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Decision

1. The appeal is allowed, and planning permission is granted for single storey stables to replace existing stables at Smith Fold Farm, Taylors Lane, BL2 6QS in accordance with the terms of the application, Ref 69415.

Preliminary Matters

2. The development to which this appeal relates has already taken place and I was able to see it on my site visit.
3. The description of development in the heading above has been taken from the planning application form with the narrative element removed. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. In considering Green Belt issues, both the Council and the appellant have referred to paragraph numbers from the previous version of the National Planning Policy Framework (the Framework). In my decision I have referred to the paragraph numbers from the most recent version. The content of these paragraphs has not changed, so I am satisfied that no parties are prejudiced as a result.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.

- Whether or not emissions from the proposal could be properly dealt with.
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The Framework is clear that new buildings in the Green Belt should be regarded as inappropriate, but for certain exceptions. Both the Council and the appellant set out that the appeal development could fall under either the exception at paragraph 154b of the Framework or that at paragraph 154d.
7. However, given the description of the appeal development, the wording of the Framework and the facts of the case, I consider that the second cited exception, in paragraph 154d, is the relevant one. It is not in doubt that the appeal development is in the same use as the building it replaces, so the first part of that test is passed.
8. As for whether or not it is materially larger, whilst it is on the same footprint as the previous stable, it is taller, having a pitched roof rather than the previous mono-pitched roof. However, whilst the appeal development is plainly larger than the building it replaces having a greater overall volume, given the eaves height is similar, the footprint is the same and its relationship to its surroundings is acceptable, I do not find that it is materially so.
9. As such, the appeal development is not inappropriate in the Green Belt. It would therefore not conflict with Policy OL1/2 of the Bury Unitary Development Plan, adopted in 1997 (the UDP) or national policy in the Framework.

Openness

10. I have found that the appeal development is not inappropriate development in the Green Belt. In line with the relevant exception in the Framework no consideration of openness is required.

Character and appearance

11. The appeal development is a single storey brick-faced stable with a dual-pitched roof under a slate roof. In this, its form, materials, scale and appearance are wholly consistent with those of the other closely located buildings within the same complex and immediate context, as well as the wider area. Although the Council has made specific reference to the facing brickwork being distinct from that used elsewhere in the complex, I do not find any inconsistency in appearance or character. There is plainly a variety of age, type and colour of brickwork within the complex and wider area, and the bricks used in the appeal development are not significantly or harmfully different.
12. The Council has drawn my attention to the Development Control Policy Guidance Note 10 – Planning for Equestrian Development, adopted 2007 (the DCP Note), notably the sections within it concerning roof form and facing materials considered suitable for stables. Whilst I note this, I also note that one of its aims is to ensure that equestrian-related development is sympathetic to its surroundings in terms of, amongst other things, siting, appearance, design, materials and wider landscape effects.

13. As I have set out above, the form, materials, scale and appearance of the appeal development are wholly consistent with its surroundings, causing it to blend in to those surroundings. Its siting is also appropriate, being both in the same location as the building it replaces, and within a well-established complex with limited longer views. In any longer views in which it may appear, it does so as a cohesive part of that already well-established complex. Any wider landscape effect is extremely limited by both its scale, surrounding built form, landscape planting and the form of the landscape itself.
14. I therefore find that the appeal development is not discordant or intrusive, nor does it have a detrimental and long-term harmful impact on the character and appearance of the area, or the Special Landscape Area. The appeal development does not therefore conflict with Policies EN1/1, EN1/2, EN9/1, OL1/2, OL4/7 of the UDP, or national policy in the Framework. The proposal would also not conflict with guidance in the DCP Note.

Emissions

15. As set out in my consideration of Green Belt issues above, the appeal development is a replacement stable. As such, waste management, surface-water run-off and drainage associated with the appeal development simply replicates the previous arrangements. Even if the appeal development had not occurred these would be taking place and there is no suggestion that those arrangements were harmful or otherwise unacceptable. The carrying out of the appeal development has not altered the situation on the site in this respect, and as such, I do not consider that the appeal development therefore conflicts with policies EN7/3, EN7/4 or EN7/5 of the UDP, the guidance in the DCP Note or the principles of the Framework.

Whether very special circumstances exist

16. As I have found that the appeal development is not inappropriate development in the Green Belt, in line with the Framework, it is not necessary to consider whether very special circumstances exist.

Conditions

17. As the appeal development has already taken place, it is not necessary to impose conditions relating to implementation or compliance with plans. The Council has requested the submission of a waste management, surface-water run-off and drainage strategy. However, as the appeal development is a replacement for a previous stable, such a condition would be seeking to address a pre-existing situation, and would therefore fail the tests of necessity, reasonableness and relevance. It has not therefore been imposed.

Conclusion

18. For the reasons given above I conclude that the appeal development accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR