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## Appeal Decision

Site visit made on 30 August 2022

**Decision by C Rafferty LLB (Hons), Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 September 2022**

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**Appeal Ref: APP/V4250/W/22/3294257**

**1 Samuels Fold, Pendlebury Lane, Haigh WN2 1LT**

- 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 Rashid Sohail against the decision of Wigan Council.
  - The application Ref A/21/90931/FULL, dated 20 February 2021, was refused by notice dated 23 November 2021.
  - The development proposed is a new stable block, associated horse exercise area, storage/sitting cabin and resurfacing of access road.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the time of my visit a modest stable building and storage container were in place. While the Council has stated that the proposal is retrospective, the current structures on site do not reflect those for which permission has been sought. In any event, I have dealt with the appeal on the basis of the plans submitted to the Council at the time of its decision.

### Main Issues

3. The main issues are:
  - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - 2) the effect of the development on land stability; and
  - 3) 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 necessary to justify the proposal.

### Reasons for the Recommendation

*Whether the proposal constitutes inappropriate development*

4. The appeal site comprises an open field, located in the Green Belt and set back from Pendlebury Road by a long access track. The surrounding area is rural in nature, made up primarily of similarly open fields with agricultural buildings and sporadic residential development also present nearby. Policy CP8 of the Wigan Local Plan Core Strategy (the Core Strategy) states that

development within the Green Belt will only be allowed in accordance with national planning policy.

5. Paragraph 147 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. Policy 149 of the Framework sets out that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. This includes at paragraph 149(b) the provision of appropriate facilities for outdoor sport or outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
6. The Framework states 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 their permanence."* It has been established that openness has both a spatial and visual aspect.
7. The proposal would be associated with outdoor activities for the purposes of paragraph 149(b). From a spatial perspective, the proposal would inevitably lead to a reduction in the openness of the Green Belt. The stable block is single storey and of limited depth. However, due to its length, with the sitting cabin, paddock area and resurfaced access, the proposal would overall have a substantial footprint. As such, even acknowledging that there would be little ground disturbance, the proposal would introduce a sizeable form of development to the field, which otherwise remains largely open. There would therefore be spatial loss of openness.
8. From a visual perspective, I acknowledge the buildings and paddock would be set back, with planting to the north and west providing screening from these directions. Nevertheless, due to the open site and limited screening in other directions, views of the proposal would remain in the area. The buildings would be set back from other development, such that they would be experienced primarily as a standalone cluster of built form in the immediate vicinity.
9. The hardstanding of the access would be clear from Pendlebury Lane, signalling the presence of the proposal in an otherwise open area. In addition, the proposal would be highly visible from rear gardens and habitable rooms of certain properties on Pendlebury Lane, despite the separation distance. As such, even acknowledging that the stable block and sitting cabin would be positioned so as to present a flank view in this direction, the combined elements of the proposal would notably disrupt the visual openness of this part of the Green Belt. Accordingly, due to its spatial and visual impact the proposal would fail to preserve the openness of the Green Belt.
10. Paragraph 138 of the Framework states that Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment. Due to the absence of built form at the site and in the immediate area, the introduction of the proposal in this location would amount to an encroachment into the countryside. The proposal would therefore conflict with the purposes of including the appeal site within the Green Belt.
11. As the proposal would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt, it would not meet the exception set out in paragraph 149(b) of the Framework. There is no suggestion that it would meet any other exception listed in the Framework. The

scheme would therefore be inappropriate development, which by definition is harmful to the Green Belt.

#### *Ground stability*

12. The Council has stated that the appeal site falls within a 'Development High Risk Area', with records indicating that it falls partially within an area from which coal has been extracted and further unrecorded mining activity is likely to have taken place. Accordingly, a Coal Mining Risk Assessment has been requested.
13. The appellant is agreeable to a pre-commencement condition requiring such an assessment to be carried out, approved by the Council, and adhered to throughout development. Similar conditions appear to have been used by the Council in other schemes.
14. On the basis of the information before me, I am satisfied that the issue of land stability could be addressed by an appropriately worded planning condition relating to the Coal Mining Risk Assessment. Such a condition would be capable of meeting the six tests of Planning Practice Guidance and would adequately address the concerns of the Council, ensuring no adverse effect with regards to land stability.
15. For the reasons given, subject to an appropriately worded condition, the proposal would not have a significant adverse effect on land stability. As such, it would comply with Policy CP17 of the Core Strategy and paragraph 183 of the Framework, which together seek to ensure proposals take account of land instability risks. While reference is made to Policy ENV1B of the Wigan Replacement Unitary Development Plan, this relates to pollution and contamination rather than ground stability.

#### *Other considerations*

16. The appellant has made reference to other development of stables within the Green Belt, approved by the Council. However, limited information on the specifics of these schemes or their comparability with the proposal has been provided. In any event, the proposal has been considered on an individual basis and the acceptance of other developments referred to is therefore not relevant to my assessment.
17. While the appellant has stated that the proposal is temporary, there is nothing substantive before me to suggest this would be the case. The application did not seek a temporary permission and the Council did not assess it as such. I have therefore not considered the effects of the proposal on that basis, but as a permanent development.
18. The concerns raised in relation to how the application was considered by the Council are not relevant to my assessment of the scheme which is confined to consideration of the planning merits of the proposal.

#### **Green Belt Balance**

19. I have found the proposal would be inappropriate development in the Green Belt, a matter which the Framework requires me to give substantial weight. The absence of harm to ground stability is not a factor in the scheme's favour.
20. There are no other considerations which clearly outweigh the harm by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist.

## **Conclusion**

21. The proposal would conflict with the development plan. There are no other considerations, including the provisions of the Framework which indicate that a decision should be taken other than in accordance with the development plan. For this reason the appeal is dismissed.

*C Rafferty*

INSPECTOR