



Appeal Decision

Site visit made on 23 January 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/H4505/W/23/3333546

Bassetts Lookout, Bowes Equestrian Centre, North Side, Birtley, Gateshead DH3 1RF

- 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 and Mrs Stephen and Wendy Gair (Bowes Moor Equestrian Centre) against the decision of Gateshead Council.
 - The application Ref is DC/23/00711/FUL.
 - The development proposed is weather protection on part of an equestrian outdoor recreation facility.
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Decision

1. The appeal is allowed and planning permission is granted for weather protection on part of an equestrian outdoor recreation facility at Bassetts Lookout, Bowes Equestrian Centre, North Side, Birtley, Gateshead DH3 1RF, in accordance with the terms of the application Ref DC/23/00711/FUL, subject to the conditions in the Schedule at the end of this Decision.

Applications for costs

2. The appellants made an application for costs against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. The site address differs across the various application and appeal documents, so I have used the address originally given on the planning application form.
4. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and I have had regard to the latest version in reaching my Decision.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal is inappropriate development in the Green Belt including the effect on openness and purposes of Green Belt; and
 - the effect on the character and appearance of the area.

Reasons

Whether inappropriate development

6. The appeal site is part of an established equestrian centre and riding school, and is within the Green Belt.
7. The Government attaches great importance to Green Belts. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (2015) (the CS) states that the Green Belt will be protected in accordance with national policy.
8. The proposal would be constructed on part of an existing outdoor riding surface. The structure would be of steel frame construction with partial side panels extending some 2m below the eaves level and the roof would be corrugated fibre cement sheets with rooflights to both slopes. This would measure about 60m long, 18m wide, 6m to the eaves, and 8.6m to the ridge of the roof. Given the term building can include any structure or erection, I am satisfied that in relation to this appeal, the proposal should be considered as a building.
9. Paragraph 154 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within one of the listed exceptions. The appellants refer to the exception in subparagraph b) which concerns the provision of appropriate facilities (in connection with the existing use of land) 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.
10. The evidence before me explains that the riding centre utilises both on-site facilities and the local bridleways for a variety of equestrian activities including riding lessons, jumping competitions, pony parties, and horse training. In any reasonable sense, this amounts to an outdoor sport and recreation use in the terms expressed in the Framework.
11. Although the proposal would effectively result in some riding activity taking place indoors, paragraph 154 b) of the Framework provides for facilities which are buildings in connection with an existing outdoor sport/recreation use. In this instance, the proposal would be clearly connected with the overall outdoor sport and recreation activities at the riding centre, and there is nothing to suggest that its size, form, and location is not appropriate to its intended function. Thus, I am satisfied that the proposal can be regarded as an appropriate facility in connection with an existing outdoor sport and recreation use. My findings in relation to the effect on openness and the purposes of the Green Belt will therefore determine whether the proposal constitutes inappropriate development.
12. In terms of openness, the proposal would inevitably have some spatial impact due to its physical presence. However, it is implicit within paragraph 154 b) of the Framework that some form of impact to the openness of the Green Belt, arising from the construction of new buildings, may be allowed for under that exception.

13. The proposal would be tightly grouped with the existing L-shaped buildings that would adjoin it on two sides, and on land which is already developed in the form of an extensive sand riding surface. Consequently, it would not result in any significant outward spread of the existing building group, or extend beyond the developed area of the site and its boundaries.
14. The appellants' Landscape and Visual Assessment confirms that the proposal would mainly be visible from the south, including at close quarters from Northside Lane. Nevertheless, the proposal would be mostly open-sided with a typical barn-like appearance, in keeping with the height, form, and materials of the existing buildings and the rural character of the area. This, together with its close relationship to the existing buildings, would ensure that the proposal is not highly conspicuous in visual terms. The extensive landscaping proposed along the southern boundary would further reduce the visual impact of the proposal over time, and in my view, would provide improved screening of the building complex from the south. Though there may be some effects of internal lighting at night, this is unlikely to be any worse than from the existing external floodlights and would be seen in the context of other lighting across the wider site.
15. Taking all these factors into account, it is my judgement that the proposal would preserve the openness of the Green Belt.
16. Paragraph 143 of the Framework lists the five purposes which Green Belt serves. Policy CS19 of the CS generally reflects this. The Council alleges that the proposal would be contrary to the purposes of checking unrestricted urban sprawl; safeguarding the countryside from encroachment; and encouraging the re-cycling of derelict and other urban land.
17. As set out above, the proposal would be located on land which is already developed, albeit only at ground level, and would not result in any significant outward spread of development beyond the existing building group and site confines. Accordingly, it would not amount to urban sprawl or a level of encroachment that would be contrary to the purpose of the Green Belt. Furthermore, given its scale, function, and location, I fail to see how the proposal could be prejudicial to the re-cycling of derelict and other urban land. As such, the proposal does not conflict with any of the purposes of including land within the Green Belt.
18. For all these reasons, I find that the proposal falls within the exception under paragraph 154 b) of the Framework. Accordingly, it does not constitute inappropriate development in the Green Belt when assessed against the relevant provisions of the Framework and Policy CS19 of the CS. It follows that 'very special circumstances' do not need to be demonstrated to justify the development. Furthermore, it is not necessary to assess whether the proposal meets any of the other exceptions in the Framework.

Character and appearance

19. The appeal site lies on the slopes of the broad Team Valley. Despite a number of urbanising influences, including the nearby A1 motorway corridor, the area maintains an appreciable rural character and is identified as an area of medium landscape sensitivity.

20. Equestrian activities are evident on neighbouring sites and are clearly a feature of the appeal site. This results in a localised pattern of small to medium, irregular fields mostly bounded by hedgerows, with scattered building complexes of a typical agricultural and equestrian nature.
21. Policy MSGP33 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (the LPD) requires proposals within areas of medium landscape sensitivity to protect, conserve, and where possible enhance landscape character; avoid adverse impacts on views and vistas; and preserve the tranquillity and quiet enjoyment of the countryside by resisting proposals that would cause a significant increase in noise, light, or traffic, or reduce the sense of openness.
22. For the reasons already set out above, I consider that the proposal would be unobtrusive when viewed within the context of the existing site and would not result in any encroachment into the surrounding landscape. Nor would it unduly reduce the sense of openness. In addition, the strengthening of landscaping along the southern boundary would provide better screening of the site than currently exists, and in my view, represents an enhancement in landscape terms, even if it would take some time to become fully established.
23. As regards the effects of lighting and other activity, I do not consider that this would be any worse than the existing situation.
24. Overall, I am satisfied that the proposal would integrate comfortably with its surroundings, avoiding any adverse impact on the landscape and enjoyment of the countryside.
25. I therefore conclude that the proposal would not be harmful to the character and appearance of the area, including the landscape. As such, the proposal complies with Policy MSGP33 of the LPD. It also complies with the design and environment protection aims in parts 12 and 15 of the Framework.

Conditions

26. I have considered the conditions put forward by the Council against the provisions of the Framework and the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. Where necessary, I have amended the wording and combined some conditions in the interests of clarity and simplicity, and I have imposed only those conditions which meet the relevant tests.
27. The statutory time limit and approved plans conditions are imposed as standard and to provide certainty.
28. A condition relating to surface water drainage is necessary to ensure that surface water runoff from the development is properly managed in a location identified as a critical drainage area.
29. A condition relating to external building materials is necessary to ensure a satisfactory appearance of the development.
30. Various conditions relating to the provision and management of the proposed landscaping and habitat creation/enhancement; bat and bird nesting features; and external lighting, are necessary to safeguard and enhance biodiversity, and the landscape.

31. However, in the absence of any firm justification, the suggested conditions relating to a Construction Environmental Management Plan, and ground contamination, seem unduly onerous for this development, particularly given the low ecological value of the site, existing ground conditions, and the type of construction works involved. Hence, they are not imposed.

Conclusion

32. For the reasons set out above, the proposal complies with the relevant policies of the development plan and the Framework. Accordingly, the appeal should be allowed, subject to the conditions in the Schedule below.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1296-001
 - 23035-CO-LP-0-01-Rev-0
 - RS21-5148-0000-01
 - RS21-5148-0000-02
 - RS21-5148-0000-03
 - RS21-5148-0000-05
- 3) No above ground construction works shall take place until a scheme for the discharge of surface water runoff from the development, including provisions for its future maintenance, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and maintained in accordance with the approved details.
- 4) No above ground construction works shall take place until samples of all external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.
- 5) Notwithstanding any details on the approved plans, no above ground construction works shall take place until a scheme of landscaping and habitat creation/enhancement has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following:
 - i) All existing plants, trees, and hedges to be retained, and the measures for their protection during construction;
 - ii) planting species, numbers, sizes, and layout;
 - iii) the means to ensure successful establishment of new planting; and
 - iv) a programme for implementation.

The landscaping and habitat creation/enhancement scheme shall be carried out in accordance with the approved details and programme of implementation; and if any trees or plants die, are removed, or become seriously damaged or defective, they shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 6) The development shall not be brought into use until an Ecological and Landscape Management, Maintenance and Monitoring Plan (ELMMMP), which includes arrangements to address any defects/issues adversely impacting the biodiversity value and function of the approved landscaping and habitat creation/enhancement scheme pursuant to condition 5, has been submitted to and approved in writing by the local planning authority. The ELMMMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

- 7) The development shall not be brought into use until bat and bird nesting features have been installed on or within the fabric of the building in accordance with details which have first been submitted to and approved in writing by the local planning authority. The bat and bird nesting features shall be retained for the lifetime of the development in accordance with the approved details.
- 8) No external lighting shall be installed on the building unless details of the type, position, illumination levels, and light spillage have first been submitted to and approved in writing by the local planning authority. The approved lighting shall be installed and maintained in accordance with the approved details and no other external lighting shall be installed.

****End of conditions****