



Appeal Decision

Site visit made on 16 August 2012

by **R J Maile BSc FRICS**

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

Decision date: 14 September 2012

Appeal Ref: APP/C3430/A/12/2176294

Lane Green Barns, Lane Green Road, Codsall, Staffordshire, WV8 1LP.

- 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 Michelle South against the decision of South Staffordshire District Council.
 - The application ref: 12/00129/FUL, dated 15 February 2012, was refused by notice dated 19 April 2012.
 - The development proposed is retention of 3 stables, 1 hay/feed store and tackroom.
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Decision

1. The appeal is allowed and planning permission is granted for retention of 3 stables, 1 hay/feed store and tackroom at Lane Green Barns, Lane Green Road, Codsall, Staffordshire, WV8 1LP, in accordance with the terms of the application ref: 12/00129/FUL, dated 15 February 2012, subject to the following condition:
 - 1) The dung heap associated with the keeping of horses on the site shall at no time be located closer than 50m from the site boundary of any adjacent residential property.

Preliminary Matter

2. The building had been erected at the time of my site visit. I have therefore amended the description of the development in my decision and in the banner heading above to reflect this fact.

Main Issue

3. The main issue in this case is the effect of retaining the stable building upon the living conditions of nearby residents.

Reasons

4. The single storey timber frame building has timber clad walls with a pitched roof which is covered with box profile steel sheeting. It is located within open countryside beyond the confines of Codsall. There is a continuous ribbon of residential development on the west side of Lane Green Road, from which the
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appeal site is part screened by a mature deciduous hedge. To the north is a pair of semi-detached cottages and a barn that has been converted to provide three residential units, one of which is occupied by the appellant.

5. The site is within the Green Belt. In line with paragraph 89 of the National Planning Policy Framework ('the Framework') "saved" Policy GB1¹ of the Local Plan states that the construction of new buildings in the Green Belt is inappropriate unless it is for one of the purposes specified in the policy, including outdoor recreation as in this case.
6. Policy EV7 of the Council's Core Strategy published in February 2011 supports horse-related facilities, provided that they are sited a suitable distance away from dwellings.
7. The siting of the stable block was amended following discussions with Council Officers. It is, however, located approximately 20-25m from the boundary with the three residential units within the converted barn. This distance is less than the 50m recommended by the Council's Environmental Health Officer.
8. The stables are deep-littered with the dung stored approximately 50m from the boundary of the nearest residential units. The prevailing winds are from the southwest, while the dung heap will be regularly removed to retain as much grazing as possible. For these reasons, I have concluded that any potential loss of amenity from odour and flies will be within acceptable limits.
9. I therefore find on the main issue that subject to the condition I have imposed above, retention of the stable building will not have an adverse effect upon the living conditions of nearby residents.

Conditions

10. The Council has not suggested any conditions should I be minded to allow the appeal. This probably arises from the fact that the development has already been completed.
11. Given the comments of the Council's Environmental Health Officer and the single reason for refusing the application, I have imposed a condition (no. 1) to ensure that the dung heap is located no closer than 50m from the nearest residential property. This condition is necessary to protect the amenity of nearby residents from odours and flies associated with the dung heap and use of the building for the stabling of horses and ponies.

Conclusion

12. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

¹ The South Staffordshire Local Plan 1996.