
Appeals Decision

Site visit made on 12 May 2017

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 15 June 2017

Appeals Ref: APP/M3645/C/16/3159904, 3159905, 3159906, and 3159907

Land at Buttons Mead Farm, Tandridge Lane, Lingfield, Surrey RH7 6LW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Colin Graves, Mrs Sharon Graves, Mr Paul De Rita, and Mrs Helen De Rita against an enforcement notice issued by Tandridge District Council.
 - The notice was issued on 22 September 2016.
 - The breach of planning control as alleged in the notice is the erection without planning permission of a horse walker in the approximate position shown hatched black on the attached Plan B.
 - The requirement of the notice is:
 - (i) remove from the land the horse walker in the approximate position shown hatched black on the attached Plan B and the associated hard surface base.
 - The period for compliance with the requirement is within two months from the date on which this Notice takes effect.
 - Appeal 3159904 is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. The other appeals are proceeding on ground (g) only. Since the prescribed fee has not been paid within the specified period for Appeals 3159905, 3159906, and 3159907, the appeals on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act in relation to those appeals have lapsed.
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Summary of Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Ground (a) and the deemed application for planning permission

Main issue

2. The appeal site is located within the Metropolitan Green Belt. The main issues are: firstly, whether the development is inappropriate development in the Green Belt; secondly, the effect of the development on the character and appearance of the area; and thirdly, if the 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.

Whether inappropriate development

3. The development plan includes the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029 (DP). Policies DP10 and DP13 restrict planning
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- permission for inappropriate development in the Green Belt, in line with national policy set out in the National Planning Policy Framework (Framework).
4. The walker, including the associated ground works is some 11-12m in diameter and covers approximately 100m² of the existing car parking area to the front of the site. It is about 2.5m high to the eaves and 3.2m high to the highest point. It allows for up to 6 horses to be exercised, warmed up and cooled down. The use is a private use in connection with the 17 stables on the site for horses which compete at dressage and other events.
 5. Paragraph 89 of the Framework states that new buildings, which would include the walker, would be inappropriate development in the Green Belt. An exception would be the provision of appropriate facilities for outdoor sport and recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
 6. Openness is defined as absence of development so that any development will have an impact on openness whether or not it is visible from public viewpoints. The walker is partially solid with a cage-like, circular enclosure and a partially enclosed roof, erected between the large stable buildings and the highway. By reason of its location and design, including its size and footprint, the walker has an adverse impact on openness. Some of the car park area is to be planted with native shrubs and trees to mitigate views of the walker from the road. The small conifers which I saw in place around the eastern side of the walker would no doubt grow and afford limited screening but, although mitigating the impact on visual amenity, would not redress the loss of openness.
 7. One of the purposes of the Green Belt according to Paragraph 80 of the Framework is "to assist in safeguarding the countryside from encroachment". The car park to the front of the site would not appear to be permanently fully occupied with vehicles and as such the development represents a greater encroachment into the countryside than the pre-existing position.
 8. Therefore having regard to the Framework and DP Policies DP10 and DP13, the development is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt. Paragraph 88 of the Framework advises that substantial weight is to be given to any harm to the Green Belt. Development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Character and appearance

9. The Council has no concerns that the development has significant adverse impacts on the character or appearance of the site, in light of the screening that would be provided, and the fact that it is generally viewed against the background of the larger stabling and other buildings behind it.
10. In my view the walker is in a somewhat incongruous and prominent position at the front part of the site which is generally open in character, whereas the equestrian related buildings and recently constructed arena are grouped together at the rear. These structures are separated, by an access through the site, from the Buttons Mead farm dwelling in the front corner of the site and the car park area. In winter months the vegetation along the boundary with Tandridge Lane would die down and the dwelling and formal grounds around it

would be more exposed to views. The scale and height of the walker, despite the screening which would have a limited effect, would have a slight adverse impact on these views and the open character of this part of the site.

Other considerations

11. Competitive horse riding and jumping as carried on by the appellants requires certain equestrian facilities. The Council is concerned that considering its scale, extent and design, the walker is not genuinely and reasonably required for purposes incidental to the enjoyment of the dwellinghouse. Nevertheless the dwelling and its grounds are very extensive, and the competition level of the appellants and the need for equestrian facilities of this nature appear to be fairly unusual amongst the general horse riding community. The walker allows safe, controlled exercise in a dry environment which is something that cannot be offered by the existing facilities on site. In addition equine activity is encouraged in rural areas and facilities such as the walker can assist in protecting the local road network and reducing the erosion of heavily trafficked paths. These factors carry moderate weight in favour of the development.
12. It is also claimed that the siting of the walker allows for ease of access from the dwelling and yard area and minimises the distance for materials to be delivered, whilst biodiversity of the area may be improved through additional planting. Such considerations may be valid, but have slight merit in my view and would not, taken individually or cumulatively overcome the significant harm caused by reason of the development being inappropriate in the Green Belt.

Conclusions on ground (a)

13. I conclude that the walker and its base have materially eroded the openness of the Green Belt and increased encroachment into the countryside. As a result they constitute inappropriate development which by definition causes harm. Substantial weight must be given to inappropriate development. Further, there would be a slight adverse impact on the character and appearance of the area.
14. The personal circumstances and needs of the appellants in relation to their equestrian activities are capable of amounting to very special circumstances but I do not consider that the harm to the Green Belt caused by the design and siting of the walker is outweighed by the undoubted benefits presented by this additional facility. Whether it may be appropriately located elsewhere is not a matter before me. Insofar as personal circumstances may be advanced as very special circumstances, these may change over time. They therefore militate against the permanent form of development sought, since harm from that inappropriate development may exist after the need for it has ceased.
15. In sum, having had regard to all matters raised by the appellant, very special circumstances do not exist that would clearly outweigh the substantial defined harm to the Green Belt. In this regard the development is fundamentally contrary to section 9 of the Framework and DP Policies DP10 and DP13.
16. The appeal on ground (a) must therefore fail.

The appeals on Ground (g)

17. An appeal on this ground is that the time given to comply with the notice is too short. The appellants request that more time is given but do not suggest what

further period is appropriate. I see no reason why a period of two months should not be adequate to dismantle and remove the walker and the associated base. In the circumstances the appeals on this ground do not succeed.

Overall Conclusion

18. For the reasons given, and having regard to all other matters raised, I conclude that the appeals should be dismissed and I shall uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Formal Decision

19. The enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Grahame Kean

INSPECTOR