



Appeal Decision

Site visit made on 18 July 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 3rd August 2017

Appeal Ref: APP/P1940/W/17/3171662

Cross Keys Farm, Old Shire Lane, Horn Hill, Chalford St Peter, SL9 0QY

- 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 Danny Haslam against the decision of Three Rivers District Council.
 - The application Ref 16/2284/FUL, dated 16 November 2016, was refused by notice dated 18 January 2017.
 - The development proposed is described as: '1) *Demolition of existing stable block, 2) Proposed erection of single storey accommodation and office, 3) Erection of new stables and garage blocks, 4) Refurbishment of existing barn 5) Reposition of existing menage (sic), 6) New entrance gates and paddock fencing*'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Submitted drawing 0 contains both a land registry plan at a scale of 1:1250 and another plan at a scale of 1:500. Both show a different site area outlined in red. What is more, neither definitively shows that the appeal site abuts the rear edge of the public highway and the position of the existing manège appears to be further away on the submitted drawings than it is on the ground. Furthermore, on one plan, the manège is contained within the red line site area, but not on the other. Notwithstanding these minor imprecisions, I am able to form an assessment on the scheme as a whole from the other submitted drawings.

Main Issues

3. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* and the adopted Development Plan, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

Reasons

Whether inappropriate development

4. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts, and is an important material consideration. The Government attaches great importance to Green Belts. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In local policy terms, the Green Belt policies of the Framework are broadly reflected in Policies CP1, CP11 and CP12 of the *Core Strategy 2011* (CS) and Policy DM2 of the *Development Management Policies LDD 2013* (DMP).
5. Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. In consideration of those listed in Paragraph 90, the exceptions are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions. I see no reason not to concur in this instance. Paragraph 89, sets out exceptions to inappropriate development which includes bullet point 4; *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*.
6. In this case, the proposal seeks the replacement of a stable block including a grooms living accommodation, with a three bedroom property with office. Given the scale of change that this would result in, with the introduction of a three bedroom dwelling (each with en-suite) with kitchen/dining day room, living room, office, timber pergola and patio together with separately fenced off grounds as shown on drawings 3A and 4, it does not represent a replacement building which would be in the same use (Paragraph 89, 4th bullet point).
7. Furthermore, this part of the proposal would represent a distinct change of use of this part of the site area from one of a horse-related activity to a noticeably residential one. The change of use of land is not a category which would constitute not 'inappropriate development' within the exceptions set out in Paragraphs 89 and 90 of the Framework. In this respect, the proposed new dwelling would constitute inappropriate development as defined by the Framework.
8. The appellant has pointed me to the last bullet point of Paragraph 89 of the Framework which states that *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'* is an exception. In this respect, I note that there is already an existing stable block in a roughly 'U' shaped footprint and which would be demolished, some areas of hardstanding, and an existing manège – although the latter is used partially for the storage of building materials and the rearing of ducks and chickens and their associated coops. To the unobservant, it is not apparent that the manège is such, with it not having been used as one for some length of time, as seen by tufts of grass growing in it.

9. The proposal would see not only the erection of a three bedroom residential building and its grounds, which I have considered above, on roughly the same area as the existing stable block with a height of about 4.5 metres, roughly 2.25m to the eaves and width/depths of 17.8m and 19.4m respectively, but also see the erection of a detached double garage block with a height of about 4.35m and width of roughly 9.5m, the erection of an L-shaped stable block (with a height of mostly 4.4m and width/depths of 31.7m and 21.2m), and the erection of new gates of about 2.4 metres in height. The 'relocation' of the manège onto an area of hardstanding is also sought, although as observed above, it is unclear as to the precise location of the existing manège compared to the proposed one.
10. The appellant has referred me to the fact that the appeal scheme would see a reduction in the meterage areas covered by development from an existing size of 1830m² to about 1302m². This would represent about 40% reduction in the developed area. However, as pointed out by the Council, the existing stables have a floorspace of about 406sqm, with the proposed stables being about 216sqm, the proposed dwelling would be roughly 206sqm, and the detached garage about 64sqm in floor area. This would result in a total of approximately 479sqm: representing roughly an 18% increase in internal or covered floor areas. What is more, many of these new structures would have a greater height and bulk compared to the existing buildings on site. For example the existing stables are about 3.3m in height, with the proposed stables roughly 4.4m in height.
11. Openness is typically understood to be the absence of built form; irrespective of whether it can be seen from the public realm or not. Cumulatively, these buildings would be spread across the appeal site, rather than concentrated as the buildings currently are. There would also be four separate buildings on the site, whereas there are currently two; the main stable building and the barn, and the new buildings would have a greater floor area than existing. What is more, the residential use of the dwelling and office are very likely to result in its grounds containing residential paraphernalia such as washing lines, patios, decking areas and other such items, which would radically alter the appearance of the area by extending the domestic character further into the Green Belt and reduce its openness.
12. The combination of both the proliferation of buildings and structure across the site; both vertically and horizontally, together with the changed nature of parts of the site from equestrian to residential use, would result in a greater impact on the openness of the Green Belt. What is more, the Green Belt serves five key purposes set out at Paragraph 80 of the Framework, which includes '*to assist in safeguarding the countryside from encroachment*'. The proposed scheme would fail to achieve this purpose of the Green Belt, for the reasons set out above.
13. I have also considered the second bullet point of Paragraph 89, in terms of the '*provision of appropriate facilities for outdoor sport (and) outdoor recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*'. However, as I have found that the proposal, when taken in the round, would conflict with at least one of the purposes for including land within the Green Belt and fail to preserve openness, the proposal would not meet the criteria of this exception.

14. As such, the proposal would not fall into the exceptions set out in Paragraph 89 of the Framework, including as a previously developed site in the last bullet point. It would therefore constitute inappropriate development in the Green Belt in terms of both local and national planning policy. It would also be at odds with one of the essential characteristics of the Green Belt set out at Paragraph 79 of the Framework which are their openness and permanence, so any reduction in these characteristics would also be harmful.
15. In light of the fact it does not fall into one of the exceptions listed in Paragraph 89 or 90 of the Framework or any provided within the adopted development plan for the District, the development proposed would be inappropriate development, as defined by both. As such, the proposed development would be contrary to Policies CP1, CP11 and CP12 of the CS and Policy DM2 of the DMP and those of the Framework, which, amongst other aims cited previously, seek to maintain the national and local planning purposes of the Green Belt.

Other considerations

16. The appellant has pointed me to the fact that the Council's Landscape and Ecology Officers raised no issues in respect of arboricultural or ecological issues, such as protected species. The proposal included an energy statement which the appellant considers satisfies the requirement under Policy CP1 of the CS and it could use renewable energy sources. I also note that the site is not located within a flood risk area and that it is unlikely to result in any unacceptable loss of privacy for occupiers of adjoining properties. However, the absence of potential harm in these examples in this case is not a factor or reason which weighs in favour of granting permission here.
17. The appellant also points to the fact that there is an application to build 500 homes within Chalford St Peter and Chalfont St Giles. I do not have the full details of that before me. However, working on an assumption that this level of housing will be delivered in this area for the purposes of this appeal alone, it is envisaged that the appeal scheme will employ three members of staff once built. Given the number of houses suggested by the appellant, this scheme is likely to employ a minimal number of new residents, if any. Accordingly, I afford this factor little weight. However, I afford the ability to provide a recreational facility within the countryside through the site's rejuvenation, which could help meet the cultural or social needs of existing and new residents, modest weight.
18. I also note that the appellant considers that the proposal would not result in any measures that would '*negatively impact the environmental quality of the Green belt.*' However, I have found that it would erode the openness of the Green Belt and in doing so it cannot also not negatively impact its environmental quality as the appellant suggests. This does not, therefore weigh in favour of the proposal.
19. The suggestion that landscaping could be used to improve the aesthetics of the site is noted. However, this is not wholly dependent on the appeal scheme as such improvements can normally be carried out with the need for planning permission. This factor is afforded minimal weight.

Overall Conclusion

20. Paragraph 88 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce the openness of the Green Belt.
21. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these are the creation of three jobs, the rejuvenation of the site and its use for recreational purposes, and the potential to landscape it to improve its aesthetics. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 88 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.
22. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness and the other harm I have identified. The very special circumstances needed to justify the proposal do not therefore arise, and the proposal conflicts with Policies CP1, CP11 and CP12 of the CS and Policy DM2 of the DMP, and the Policies of the Framework, the aims of which I have aforesaid.
23. Accordingly, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR