
Appeal Decision

Site visit made on 31 October 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 13th December 2017

Appeal Ref: APP/P1940/W/17/3180524

Former High Herts Riding School, Bedmond Road, Pimlico, Hemel Hempstead, Hertfordshire HP3 8SJ

- 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 Ms Anfisa Ershova of Equitopia Ltd. against the decision of Three Rivers District Council.
 - The application Ref 17/0716/FUL, dated 3 April 2017, was refused by notice dated 15 June 2017.
 - The development proposed is the demolition of existing 'L-shaped' stable block and erection of an 'American' style barn containing 24 stables with associated facilities positioned on the northern boundary and connecting into the existing horse-walker on its west facing side together with associated reconfiguration of the existing car park.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; ii) the effect on the openness of the Green Belt; and iii) if the proposal is inappropriate development, 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.

Reasons

Whether inappropriate development and openness

3. Paragraph 89 of the National Planning Policy Framework (the Framework) regards the construction of new buildings as inappropriate in the Green Belt, but identifies a number of exceptions. These include the construction of a building for appropriate facilities for outdoor sport and outdoor recreation so long as it (the building) preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. It is not disputed that the development is for the provision of appropriate facilities for outdoor sport relating to an established use.
4. Whilst the Framework does not set out precisely how openness should be assessed, in this case the proposed 'American' barn would be of a substantial size (about 68.6 metres in length and 12.2 metres in width) and significantly

larger than the stables which would be removed. The appellant states that the proposal would increase the total floor space of buildings on the site by about 690 square metres. There is also dispute between the parties as to whether there is conflict with the purposes of Green Belt.

5. Whilst the barn would be set amongst the existing group of buildings and screened by an indoor manege and a line of mature trees, it would be located on a part of the site which, apart from the horse walker, is currently open and free from buildings. In this context, a barn of the size proposed would have an appreciable effect on openness. Consequently, whilst I have had regard to the purpose of the proposed building and the legal case cited¹, the exception for appropriate facilities for outdoor sport and recreation or the other exceptions set out in Paragraph 89 of the Framework, do not apply. Accordingly, the proposed building would be inappropriate development in the Green Belt.
6. The Framework advises at Paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I attach substantial weight to the identified harm to the Green Belt.

Other considerations

7. The appellant advises that the building is required to support the established equestrian enterprise and would have economic benefits. I have had regard to the comments that upgrading of facilities has taken place including the installation of a horse walker, converting of a barn to an indoor arena and forming of an outdoor manege. There is no dispute that the condition of the existing stables does not meet the needs of a modern equestrian facility catering for competition horses and I have taken into account that the appeal proposal would help to meet an increased demand for facilities in the area.
8. Whilst the proposal would have some economic benefits, the information outlined by the appellant in relation to these matters is brief. Although I have taken into account Core Strategy Policy CP6 which is concerned with employment and economic development and paragraphs 19 and 28 of the Framework which are concerned with sustainable economic growth and supporting a prosperous rural economy, in the absence of robust and detailed evidence that this development is so critical to the livelihood, economic future and growth of the business, such benefits carry only limited weight.

Green Belt Balance

9. Having considered all matters raised in support of the development, I conclude that collectively, they do not clearly outweigh the harm I have identified in relation to the Green Belt. Accordingly, very special circumstances do not exist.
10. The harm I have found gives rise to conflict with Policies CP1, CP11 and CP12 of the Three Rivers District Council Core Strategy (2011); Policy DM2 of the Development Management Policies Local Development Document (2013) and to the objectives of the Framework which together seek to protect the Green Belt from inappropriate development. Development plan policy accords with the Framework in respect of the protection of the natural environment and the environmental quality of the Green Belt. It states that approval will not be given except in very special circumstances and only for those buildings specified in national policy.

Conclusion

11. Nothing else raised outweighs the above findings. It is therefore concluded that the appeal should be dismissed.

Janet Wilson

INSPECTOR

ⁱ Europa Oil and Gas Limited v SSCLG [2013] EWHC 2643 (Admin)