



Appeal Decision

Site visit made on 30 May 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/G5180/W/19/3224560

Land adjacent Iona, Skeet Hill Lane, Orpington BR6 7RX

- 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 Kevin Cash against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04627/FULL1, dated 9 October 2018, was refused by notice dated 25 January 2019.
 - The development proposed is the erection of stables.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. My attention has been drawn to a previous appeal on the site which related to a similar scheme (reference APP/G5180/W/17/3196980). I shall have regard to this background when considering the merits of this proposal.
3. In the grounds of appeal, the appellant has confirmed that the utility block no longer forms part of the scheme. I have, therefore, used the description included in the application form accordingly, though I omit the reference to 'utility block' as it is not required.
4. The site visit procedure was altered from an access required site visit to an unaccompanied site visit as the appellant was not present when I arrived at the appeal site during the pre-arranged period; I am satisfied that I was able to see all I needed to from public land.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - if the development is inappropriate for the purposes of the Framework, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate

6. The appeal site consists of an area of open grassland. It is accessed by a driveway just to the east of the junction between Chelsfield Lane and Skeet Hill Lane in the Metropolitan Green Belt. A residential property lies to the east and a public footpath to the west.
7. The proposed development is the change of use of the land to recreational equestrian use, erection of a detached stable block including feed and tack room with associated parking and access drive. The proposal would include a single stable to accommodate one horses and the area of land measures some 0.33ha. The scheme comprises both a change of use of land and the construction of buildings.
8. Policy 49 of the Bromley Local Plan January 2019 (LP) states that within the Green Belt, permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.
9. In paragraph 145, the National Planning Policy Framework (the Framework) gives various exceptions of where the construction of new buildings in the Green Belt would not be inappropriate. One of the exceptions is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do no conflict with the purposes of including land within it.
10. The Framework also provides at paragraph 146 that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the specified forms of development is material changes in the use of land (such as changes of use for outdoor sport or recreation). It is therefore necessary to consider the effect of the change of use on the openness of the Green Belt.
11. There is no dispute that the outdoor sport and recreation exception applies as the stables are for the shelter of horses kept by the appellant for recreational purposes. It is therefore also necessary to consider the effect of the proposed buildings on the openness of the Green Belt.

Openness

12. The stable building would be a low level, modest timber structure with shallow pitched roof and would be sited close to the dense hedging next to the public footpath. It is not an uncommon feature in rural environments and would be relatively unobtrusive. I therefore consider that the proposal would not have an adverse impact on the openness of the Green Belt. Similarly the change of use to an outside recreational equestrian use of the low-key scale proposed will not have an adverse impact on the openness of the land.

Intensification of use

13. The appeal must be determined in accordance with the development plan unless material planning considerations indicate otherwise. Policy 61 of the LP,

amongst other things, requires stables to not have an adverse visual impact upon the open and rural character of the Green Belt, not to result in detriment to the amenities enjoyed by the occupants of any adjoining residential properties, to be adequately screened and to not result in the unacceptable intensification of horse related activities.

14. I consider that there would be no adverse visual impact to rural character and screening would be adequate. The use would be low level in nature and the building sufficiently distant from surrounding dwellings such that no undue detriment would be experienced by local residents. The issue in dispute is therefore whether the proposal comprises unacceptable intensification of horse related activities.
15. As with the previous appeal the Council rely on the minimum ratio of 0.4 hectares per horse recommended by the British Horse Society and say that the site cannot accommodate more than one horse. The appellant does not dispute that the land is below the recommended guideline, but says that Policy 61 does not make reference to the standard and as such the scheme cannot be in conflict. However, the supporting text to Policy 61 does refer to the minimum ratio of 0.4ha per horse and states that the British Horse Society's recommended standard is considered to be a minimum standard requirement for grazing horses.
16. Whilst I acknowledge that the scheme has been reduced in size in comparison to the previous appeal and the appellant's wife would be able to use the site as a base for horse riding, there is no compelling evidence before me to warrant justification for setting aside the British Horse Society guideline. As the site only measures 0.33ha the requirement of policy 61 is not met. The shortfall would be likely to lead to overgrazing of the land and subsequent degradation.
17. I therefore conclude that the development does not amount to inappropriate development in the Green Belt and there is no negative impact on openness. However, the development fails to accord with the development plan, in particular policies 49 and 61 of the LP, which seek to prevent other harm to the Green Belt and an unacceptable intensification of horse related activities.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR