

Appeal Decision

Site visit made on 7 February 2019

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 23/08/2019

Appeal Reference: APP/B1550/W/18/3208968

Land at Highlands Road, Rawreth, Wickford, Essex SS11 8TL

- 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 Miss Z Walsh against the decision of Rochford District Council.
 - The application (reference 17/00960/FUL, dated 14 September 2017) was refused by notice dated 22 February 2018.
 - The development proposed is described in the application form as “stable building with ancillary facilities and detached hay barn”.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Since the determination of the appeal application, the National Planning Policy Framework published in 2012 has been replaced, with the latest version being published in February 2019 (the 2019 Framework). Paragraph 212 of the 2019 Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. I have therefore determined the appeal with this in mind.

Main issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the development on the character and appearance of the area;
 - and
 - 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 that are required to justify the development.

Reasons

4. The appeal site lies in a rural landscape, characterised by small settlements and scattered buildings. In the locality of the appeal site, the land is low-lying, flat land, intersected by drainage ditches and hedges.
5. The appeal site itself is an open field, with an access on Highlands Road, which is a country lane, from which it is largely screened by a substantial hedge, though the open land makes a significant contribution to the open character of the countryside, nevertheless. At the time of the site visit, the land was being grazed by horses.
6. The appeal proposal would involve the erection of a stables building (with ancillary facilities) and a separate hay barn on the appeal site. The buildings would be constructed in a traditional style, with tiled pitched roofs and horizontal timber boarding. The level of the ground floor would be raised above the natural ground level, as a flood precaution.

Inappropriateness

7. The 2019 Framework makes it plain, at paragraphs 144-145, that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in "very special circumstances". Nevertheless, certain exceptions are made to the policy, including *"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 not conflict with the purposes of including land within it"*.
8. Although the Policies in the Development Plan pre-date the National Planning Policy Framework, they are consistent with it in respect of Green Belt policy. Notably, Policy GB1 of the 'Local Development Framework Core Strategy Adopted Version' (December 2011) sets out the need to protect the Green Belt, within which the appeal site is located. Policy DM15 of the 'Local Development Framework Development Management Plan' (December 2014) provides more detail in relation to equestrian facilities and, in particular, permits small scale proposals.
9. The proposed new stables building would be a large structure, which would be obvious in the landscape, in spite of the existing mature hedgerows. According to the submitted plan, it would provide stabling for five horses, together with extensive ancillary areas (including a separate hay barn), on a relatively modest site of approximately 2.1 hectares. The land is currently in equestrian use but the scale of the proposed development and the range of ancillary accommodation, in relation to the size of the site as a whole, would exceed what could be considered to be an "appropriate facility", even though it is described as an "equestrian centre".
10. Moreover, the proposed stables building would have a significant adverse impact on the openness of the Green Belt, eroding the undeveloped character of the countryside due to its bulk and visual impact. It follows that the scheme would not "preserve the openness of the Green Belt" and, hence, that it would be "inappropriate development" in terms of Green Belt policies.

Character and appearance of the countryside

11. Policy DM15, referred to above, supports the creation of small scale equestrian development but is intended to protect the countryside generally, as well as underpinning Green Belt policies. Moreover, the appeal site also lies within the Coastal Protection Belt, where Policy ENV2 of the Core Strategy also has the aims of both protecting and enhancing the landscape.
12. In this case, the proposed development would create a substantial building, located in an open field in a rural landscape. It would not be "modest" in scale, as required by Policy DM15, and the scheme would have a significant impact on the qualities of the landscape, contrary to Policy ENV2 of the 'Core Strategy', which is intended to protect the landscape qualities of the Coastal Protection Belt (among other things).
13. Hence, the proposed development would cause real harm to the character and appearance of the surroundings, adding to the harm by reason of inappropriateness that flows from the nature of the development in the Green Belt.

Other considerations

14. A listed building, 'Pickerels Farmhouse', stands in its own grounds on the opposite side of Highlands Lane, and its setting must be taken into account in the appeal. Nevertheless, the proposed new buildings that are the subject of this appeal would be located at some distance from the listed building and would not have a material effect on its setting. This is not a "main issue" in the appeal, therefore, notwithstanding the primary legislation that applies to the setting of any listed building.

Conclusions

15. Green Belt policies impose a presumption against "inappropriate development" unless there are "very special circumstances" which justify it in a particular case. In this case, there are no "very special circumstances" to outweigh the harm by reason of inappropriateness and the harm that would be caused by the visual impact of the new building on the character of the countryside (which would include the erosion of the open landscape).
16. Hence, I have concluded that the scheme ought not to be allowed and, although I have considered all the matters that have been raised in the representations (including submissions in support of the proposals), I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR