



Appeal Decision

Site visit made on 24 September 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/M1520/W/19/3232484

Land to the east of Canvey Road, Canvey Island, Essex

- 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 Persimmon Homes against the decision of Castle Point Borough Council.
 - The application Ref 18/0980/FUL, dated 6 November 2018, was refused by notice dated 7 February 2019.
 - The development proposed is the erection of a stable block with adjoining hay storage and tack room, associated landscaping, formation of access track together with the change of use of land for the keeping of horses. Installation of a width restriction barrier to discourage unauthorised motorcycle access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) flood risk; and
 - (iv) 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.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
4. My attention has been drawn to paragraph 145 (b) which sets out that 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, would not be inappropriate development.

5. I am also conscious of paragraph 146 (b) which relates to engineering operations which has a similar criterion in that such works should preserve openness and would not conflict with the purposes of including land within the Green Belt.
6. Therefore, regardless of the merits of whether the use of the land for the grazing of horses would constitute an outdoor sport or outdoor recreation use, to determine whether the proposal would be inappropriate development consideration needs to be given as to whether the proposal would have a greater impact on openness than the existing situation.

Effect on the openness of the Green Belt

7. The appeal site consists of an area of undeveloped land which is largely formed of grassland. There is also a pond and trees/hedgerows around and within the site itself.
8. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
9. The construction of the stable block would result in a built development where there are not presently any buildings. The development of a new building (and associated paraphernalia) would inevitably lead to the loss of openness. This is particularly the case as the site has no other buildings or development on it.
10. In coming to that view, I acknowledge that the stable block would not be readily visible from public vantage points owing to the lower land level than the adjacent road and the landscape screening. I also acknowledge that it has been reduced in size from that considered by the Council in an earlier planning application, nor is it uncommon for land on the edge of built up areas to have stable blocks and land used for equine related uses. However, none of these factors overcomes the loss of openness.
11. I therefore conclude that the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 145 or 146 of the Framework. Furthermore, it would also lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework.

Flood risk

12. The appeal site is located within Flood Zone 3 as defined by the Environment Agency. The Council's principal concerns stem from whether there are sequentially preferable sites for the proposal which are located outside of Flood Zone 3.
13. The Appellant has identified that the whole of Canvey Island is located in Flood Zone 3 and considers that the sequential test area should be limited to Canvey Island as it is expected that it would address a need within the local community of Canvey Island.

14. However, the Council disagrees that this should be the case and points to the fact that the Appellant has not demonstrated that such facilities are in high demand on Canvey Island.
15. My attention has been drawn to an unimplemented planning permission¹ granted by the Council for the development of 40 stables at Haven Road on Canvey Island. The Appellant sets out that the Council have been inconsistent in the application of the sequential test as on that proposal it was accepted that there were no other more sequentially sites on Canvey Island and that the development was designed to be predominantly for the residents of Canvey Island.
16. A flood risk sequential test should not take into account the need for such facilities as such but should concentrate on whether the suggested location is appropriate having regard to other available sites.
17. In this case, the Appellant has justified the limitation of the sequential test area to Canvey Island on the basis of the local need from Canvey Island and the desirability to have such facilities in proximity to the owner of the stabled horse(s). It has also been suggested that the 'mainland' is around 3 miles away². However, the Council consider there is a more direct route to Benfleet via the B1014. On my journey to/from the appeal site, I travelled along both routes and I agree with the Council that the route via the B1014 is a quicker and a more direct route. To my mind, this indicates that sites away from Canvey Island should be considered as part of any overall sequential test assessment. Given that the information provided to inform the sequential test does not consider other sites away from Canvey Island, this presents a significant omission.
18. Whilst I recognise that this is in contrast to the Councils assessment in respect of the Haven Road application, that proposal is not before me, nor do I have the full information for that scheme to understand why the Council came to that conclusion.
19. For the above reasons, in the absence of a comprehensive sequential test it has not been demonstrated that the proposal would not present an unacceptable risk in relation to safety and flood risk. Consequently, the development would be contrary to the flood risk aims of the Framework.

Other matters

20. The Appellant has outlined that the development would provide more opportunities for countryside recreation which is an appropriate use in the Green Belt.
21. My attention has also been drawn to the increase in the number of people horse riding nationally. It has also been indicated that the number of households which own a horse has decreased. However, as pointed out by the Appellant, this may well be down to a reduction in access to horses and equestrian facilities. With that in mind, the Appellant has stated that the proposal would assist in addressing this issue by the provision of such stabling facilities.

¹ Planning application reference 16/0433/FUL

² London Road, Benfleet via the Saddles Farm Island

22. The Council have suggested that there is not a demand for such facilities in the area and have cited the loss of such a facility to housing in Benfleet. I am also conscious that, from the evidence before me, the scheme on Haven Road has not been implemented. However, it is unclear why this is the case or whether this relates to demand for such facilities or other external factors.
23. That said, I consider that the provision of a small-scale stable building could provide a benefit to the equestrian community.

Green Belt balance

24. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
25. Taking into account the other matters raised, it is clear that the provision of a small scale stable block would have some recreational benefits, as would the opportunity to use the land for the riding of horses as a recreational use. However, I consider that these benefits are only modest in the overall balance.
26. In considering the substantial weight given to the Green Belt, to my mind, the benefits outlined above do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework.

Conclusion

27. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR