



Appeal Decision

Site visit made on 13 November 2019

by David Murray (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/L3625/W/19/3235566
Brook Farm, Peeks Lane, Horley. RH6 9PP.

- 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 R Whittaker against the decision of Reigate & Banstead Borough Council.
 - The application Ref. 19/00897/F, dated 29 April 2019, was refused by notice dated 27 June 2019.
 - The development proposed is the demolition of existing buildings and construction of a barn to accommodate an indoor riding arena for private purposes.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed indoor riding arena constitutes inappropriate development in the Green Belt, and the effect on its openness, and if so, whether any harm is outweighed by other factors so as to constitute very special circumstances.

Reasons

Background

3. The appeal site comprises a private competition equestrian yard which lies in an area of countryside and forms part of the Metropolitan Green Belt. At the moment the yard has a pole barn with mostly open sides, a large enclosed barn, ménage and an 'L' shape building of stables, together with a large concrete yard, a bungalow and grazing land. It is proposed to demolish the pole barn and some of the stable building and erect a large barn to house an indoor riding arena/ménage. This would have the basic dimensions of about 40m long, 20m wide, 4.5m to the eaves and 7.2m to the ridge of the roof. The barn would have elevations of timber Yorkshire boarding above a plinth of concrete panels and the roof would be corrugated fibre cement sheets with rooflights in both slopes.

Whether 'inappropriate development' in the Green Belt

4. The National Planning Policy Framework (NPPF) sets out in paragraph 145 that the erection of new buildings in the Green Belt constitutes 'inappropriate development' unless the building falls within one of the listed exceptions. The appellant's agent submits that parts (b) and (g) of this paragraph apply which

concern appropriate facilities including for outdoor sport and recreation under clause (b), and limited infilling or partial or complete redevelopment of previously developed land under clause (g). Taking these in turn, in respect of (b) although the main activity on site appears to be as a private competition equestrian yard, this can reasonably be considered as an outdoor sport and recreation activity. However, I am concerned that the indoor riding arena/ménage would in principle be beyond the scope of an outdoor activity as its main characteristic would be an enclosed indoor space away from the elements.

5. Nevertheless, I am satisfied that clause (g) is relevant to the proposal as the existing use would constitute 'previously developed land', having regard to the definition set out in the glossary to the NPPF, and the proposal would involve at least partial redevelopment of this continuing use. The principle of the erection of a further building on this site could therefore accord with this part of the NPPF subject to the building not having a greater impact on the openness of the Green Belt.
6. I have also had regard to saved Policies Co1 and Re8 of the Reigate and Banstead Borough Local Plan adopted in 2005 but these are not wholly consistent with the more recent NPPF to which greater weight needs to be given.

The effect on openness

7. In assessing this issue I have had regard to the nature and extent of the building to be replaced as well as the scale of the proposed building. Moreover, the issue of openness is concerned with both the visual and spatial aspects.
8. The appellant refers to the floorspace of the buildings that are proposed to be removed as about 400sq.m but even so this is only about half of the footprint of the indoor arena proposed. Further, it appeared to me at the site visit that the pole barn is a fairly dilapidated building where its open nature allows some views through it. This reduces the effect of the bulk of the existing building on openness. Moreover, the section of stable that would be removed is a relatively low building that would hardly reach the height of the eaves of the proposed indoor arena.
9. In my judgement, the three dimensional bulk of building of the proposed arena greatly exceeds the volume of buildings to be taken down. I recognise that some of the visual impact of the new barn would be screened by the existing large barn. I also note the appellant's agent's view that the siting of the new barn would help concentrate the cluster of buildings together. However, this has to be balanced with the position that the present spaces between the pole barn and stables helps to break up their visual bulk. I also note the existing and proposed planting but even though this vegetation may help to screen some of the visual impact of the barn in the countryside landscape, I am concerned about the spatial effect of an additional new building some 40m long and over 7 metres high.
10. Overall, I find that the additional bulk of building proposed would have a much greater impact on the openness of the Green Belt than the existing development and would not constitute 'limited infilling'. Moreover, the degree of new building would have a significant adverse effect on the openness of this

part of the Green Belt especially in spatial terms. As such the proposal does not meet the exception test set out in part (g) of paragraph 145 of the NPPF.

Other matters and individual circumstances

11. In justification for the indoor arena the appellant stresses his individual need for the facility to help develop his career as an international showjumper and for the training of his horses particularly in the winter months when the outdoor arena is not useable, or its use may cause injury to himself or the horses. The indoor facility would also help reduce the need to travel to an alternative off-site facility said to be about an hour away.
12. The justification put forward should be considered as a material consideration and I can see that an indoor facility would enable the training of the horses to be undertaken all year round, aid the horses being bred, and reduce travel as well as help the appellant develop his competitive showjumping skills. However, I find that the weight that can be attached to the personal factors in particular is limited by the fact that such circumstances may vary and are likely to change over time whereas the main planning aspects are likely to be applicable in the long term. The opening paragraph 133 to section 13 of the NPPF stresses that the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open and that the essential characteristics of Green Belts are their openness and permanence.

Planning and Green Belt balance

13. Bringing together my conclusions on the main issues I have found that the proposed indoor arena would constitute inappropriate development in the Green Belt. As the scale and net three dimensional bulk of new building would have a much greater impact on the openness of the Green Belt and would not preserve this essential characteristic, the proposal would not accord with any of the exceptions as set out in paragraph 145 of the Framework. This includes part (g) involving the partial redevelopment of previously developed land. The proposal would harm the Green Belt and substantial weight has to be given to this harm.
14. To be balanced with this is the appellant's personal justification for the arena and the benefits it is likely to bring to his horse training and rearing facility and his showjumping interests. Nevertheless, the weight that can be attached to these is limited and must be set against the need to preserve the openness of the Green Belt on a permanent basis and to which substantial weight must be afforded.
15. I conclude that the other considerations put forward do not clearly outweigh the harm caused by reason of inappropriateness and the substantial harm to openness. This indicates that planning permission should not be granted. Therefore, very special circumstances do not arise in this case.

Conclusion

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

David Murray

INSPECTOR