
Appeal Decision

Site visit made on 21 January 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/J1915/W/19/3239431

Warren Cottage, Green Tye SG10 6JD

- 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 Paul Radley against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0154/FUL, dated 28 January 2019, was refused by notice dated 4 June 2019.
 - The development proposed is described as: 'erection of stable block on land previously used for agricultural purposes'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have assessed the proposal based on the description of development given on the Council's Decision Notice, rather than as stated on the application form. This is because it correctly references that a change of use of the land is proposed. In the interests of clarity, the description I have used is: 'Change of use from agricultural land, to equestrian. Erection of a stable block and a revised gate entrance'.
3. I have used the site address as given on the application form (without referring to an unclassified road that is unnamed on the form). I note here that the appeal site, as defined with a red line upon the submitted site location plan, does not contain Warren Cottage itself. Instead, the site sits in proximity to Warren Cottage and I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether or not the proposal is inappropriate in the Green Belt; and
 - If the proposal is inappropriate, whether any 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 it.

Reasons

Whether inappropriate development

5. The Council has not raised objections to the intended change of use of the land. Indeed, the private keeping of a single horse on the site would not, in itself, be anticipated to conflict with the purposes of the land's inclusion within the Green Belt nor lead to a loss of openness. My considerations here shall thus be centred upon the stable block element of the scheme.
6. The National Planning Policy Framework (February 2019) (the Framework) sets out that the construction of new buildings in the Green Belt shall be regarded as inappropriate development unless one of several exceptions apply. One of these exceptions is where appropriate facilities for outdoor recreation are proposed and these facilities would preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. I am satisfied that the proposed stable block would constitute an appropriate facility in connection with an intended use of the land for outdoor recreation purposes (an equestrian use). Thus, to determine whether or not the stable block would represent inappropriate development in the Green Belt, I shall consider its effect upon openness.
8. The appeal site is a rectangular shaped area of grassed land that is more or less flat in level. The site is bound to all its sides by post and rail fencing. An unclassified road, from which access to the site is gained, runs alongside its south-eastern edge. A narrow buffer of planting is in place along this south-eastern boundary, but this does not provide a solid buffer to views such that the site (including the intended location of the stable block) is visible from various publicly accessible vantage points.
9. The stable block would be a small building of single storey height and it would contain merely a single stable and an associated tack/store room. Nevertheless, it would have a standalone presence in a visible location and would introduce a building to a site that is currently clear of built development. The stable block would thus inevitably erode the Green Belt's openness.
10. The appellant has stated that the stable block would be mobile in the sense it would not be permanently sited in a specific location on the site. Nevertheless, whilst I must consider the scheme's merits based on the set of proposed plans that are before me, the stable block's effect upon the Green Belt's openness would not be altered to any material extent by any potential future periodic changes to its position within the appeal site.
11. For the above reasons and on the basis that the stable block would not preserve the Green Belt's openness, the proposal would be inappropriate development in the Green Belt. The proposal conflicts with Policy GBR1 of the East Herts District Plan (October 2018) (the District Plan) and with the Framework in so far as these policies affirm that inappropriate development is, by definition, harmful to the Green Belt.

Other considerations

12. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

13. Policy CFLR6 of the District Plan sets out various expected criteria with respect to proposals for equine development. I acknowledge that the proposal accords with many of these provisions. Indeed, there are no existing structures on the site (which could potentially be re-used) and the intended stable block would be of low-scale and simplistic design such that it would not be unduly visually intrusive within the rural landscape. The amenities of nearby residents would not be impacted upon by the proposal and it would not be anticipated to result in ecological harm. However, Policy CFLR6 makes it clear that proposals will only be permitted where they do not conflict with other policies within the District Plan. Indeed, the site is located within the Green Belt, such that, as set out under Policy GBR1, the scheme must be considered in line with the Framework's Green Belt provisions.
14. I note that reference has been made to two recent successful planning applications for equestrian facilities in the locality, one relating to a stable block and the other to a private ménage. Nevertheless, the full details of these schemes have not been provided and, in any event, I must consider the proposal before me upon its own individual merits with the development plan the starting point for decision making.
15. I accept that there would be anticipated to be some security, animal welfare and sustainability benefits associated with homing and stabling a horse in immediate proximity to its owner's home address. Indeed, daily vehicular trips to a separate location elsewhere would no longer be required. However, details of the current stabling arrangements have not been provided and it has not been clearly demonstrated that a suitable and readily accessible alternative location for homing/stabling a horse does not exist nearby. In this context, I apportion only limited weight to each of the scheme's security, animal welfare and sustainability benefits.
16. The full details of intended soft landscaping have not been provided. Nevertheless, I apportion limited weight to any potential biodiversity benefits that would be brought about by new planting. This is because the site is of fairly limited size and is already edged by planting to its south-eastern boundary.
17. The contributions set out in the previous two paragraphs would not outweigh the substantial harm identified to the Green Belt (including harm derived from loss of openness) so as to amount to the very special circumstances necessary to justify the proposal. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

18. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR