
Appeal Decision

Site visit made on 18 May 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday, 08 June 2020

Appeal Ref: APP/G2245/W/20/3246487

Land north west of Eagles Farm, Crowhurst Lane, West Kingsdown, Kent TN15 6JE

- 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 M. Smith against the decision of Sevenoaks District Council.
 - The application Ref 19/03195/FUL, dated 12 November 2019, was refused by notice dated 2 January 2020.
 - The development proposed is the erection of block, to be used as two stables, feed store and tack room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site's address is given on the application form as 'land west side of Crowhurst Lane, West Kingsdown, Kent TN15 6AY'. The decision notice describes the site as 'land north west of Eagles Farm, Crowhurst Lane, West Kingsdown, Kent TN15 6JE'. The latter address has been used by the appellant on the appeal form. I consider that the revised address is a more precise description of the site's location and have therefore proceeded on this basis.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal upon the openness of the Green Belt; 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 necessary to justify the development.

Reasons

Whether the development is inappropriate and effect on openness

4. The appeal site consists of a field that is currently used for grazing and is within the Metropolitan Green Belt. Next to the field is a footpath with the

- boundary being marked by a low-level fence. The boundary between the site and Crowhurst Lane is marked by a taller hedge. On the opposite side of Crowhurst Lane is a collection of buildings, albeit these are set back from the highway edge and on land that is lower than the road.
5. Paragraph 145 of the Framework states that the erection of new buildings in the Green Belt is considered inappropriate. However, the same paragraph states that some new buildings might not be considered inappropriate when they are associated with outdoors recreation. This is caveated in that it is specified that buildings, such as stables, might be considered inappropriate if they fail to preserve openness.
 6. Given that the proposed development would support the grazing of horses within the site, it would contribute towards the provision of facilities for recreation.
 7. However, the proposed building is described in the appellant's Statement of Case as having a length of 10.1m, a width of 3.95m, and a height (to the ridge) of 3.1m. In consequence, owing to its scale and the site's topography, there would be a notable loss of openness owing to the increase in built form. In addition, the proposed development would be readily viewed from the footpath that runs to the side of the site due to the type of boundary treatment that is in place. In consequence, the proposed development would result in a loss of physical openness within the Green Belt.
 8. In addition, there would be some views from Crowhurst Lane. These would be more limited owing to the presence of the hedge. However, the screening effect is less than total and can be expected to vary depending on the season. In consequence, the form of the building would be perceptible from the road.
 9. The stable block would be taller than some boundary treatments and notably separate from other buildings within the wider area, which are some distance away and predominantly screened by landscaping and trees. In result, it would erode the general character of the site and its surroundings, which can be summarised as being relatively undeveloped and of a natural character.
 10. Although there are buildings on the opposite side of Crowhurst Lane, these are set back from the road and on land that is lower than the road and appeal site, which reduces their prominence. This means that the existing and proposed buildings would be viewed as separate entities. In addition, the evidence indicates that an area of car parking is also proposed. This would remove an area of existing grass and contribute to the encroachment of development into the countryside. Accordingly, the proposed development would not be viewed as part of an existing, larger, cluster of buildings. The proposed development, in this regard, would erode the spatial quality of openness within the vicinity.
 11. I have given regard to the suggestion that additional landscaping could be installed in order to screen the proposed development. However, I would envisage that such screening would take some time to become established, which would lessen its effectiveness. Furthermore, I have not been provided with evidence that is indicative that such landscaping could entirely screen the development. I am therefore unpersuaded that this would mitigate the harm as previously identified.

12. My attention has also been drawn to a previous appeal decision¹, which pertained to another development within the Green Belt. I am not aware of the full planning circumstances of this development and I note that the scheme was sited further from existing buildings than the proposal before me. However, the site-specific topography and landscaping differ markedly between the two locations. Therefore, it is not a direct comparator and does not alter my conclusion, taking this proposal on its merits, regarding its harmful effect on openness.
13. In consequence, the proposed development due to its height, footprint and siting would harm the openness of the Green Belt. This would conflict with the purpose of including land within the Green Belt, including preventing the encroachment of inappropriate built form within the countryside. As a result, I conclude that the proposed stables would represent an inappropriate development. The development, in this regard, fails to accord with the requirements of Policy LT2 of the Sevenoaks District Council Allocations and Development Management Plan (2015); the Development in the Green Belt Supplementary Planning Document (2015); and the Framework. These, amongst other matters, seek to safeguard the countryside from encroachment; deter the construction of intrusive buildings; and, in the case of equine related development, be of an appropriate scale and closely related to other buildings.

Other considerations

14. There is some debate as to whether the site is of a suitable size in order to support the grazing of horses. However, I have not been directed towards any potential breach of development plan policy within this regard. Furthermore, I am aware that the appellant is a resident of a nearby settlement. In consequence, the development would provide shelter for horses and could be conveniently accessed. I am also aware that the scheme would be constructed from a palette of materials that is similar to that utilised on other rural developments.
15. Whilst these factors are of some benefit, the effects are limited in impact. In consequence, I attach only moderate weight to each of them.

Other Matters

16. There is some debate regarding the position of the proposed access. However, in the absence of any perceived breach of development plan policy in this regard, I have based my assessment on the details shown on the submitted plans.
17. My attention has been drawn to comments made by the Council's Ecology advisor. Given that I have identified significant harm in respect of the Main Issues, matters pertaining to ecology have not been determinative in my decision.

Planning Balance and Conclusion

18. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition to the adverse impacts on openness, the Green Belt's purpose of safeguarding the countryside from encroachment would be

¹ APP/G2245/W/19/3229279

eroded by the development. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

19. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development.
20. In consequence, and for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR