



Appeal Decision

Site visit made on 1 September 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2020

Appeal Ref: APP/M3645/W/20/3250438

Fox Barn, Marden Park, Woldingham CR3 7JB

- 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 Russell Hicks against the decision of Tandridge District Council.
 - The application Ref TA/2020/52, dated 9 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is the erection of stables.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site has been the subject of a previous appeal¹ (the previous appeal) which I have had regard to insofar as it is relevant to the development before me.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty (AONB); 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 very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

4. The Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. In this context, paragraph 145 of the Framework states that other than for limited exceptions, the construction of new buildings in the Green Belt is inappropriate. Policy DP13 of the Tandridge District Council Local Plan Part 2: Detailed Policies 2014 (the Local Plan) also references such exceptions.

¹ APP/M3645/A/07/2049014

5. However, paragraph 145 of the Framework advises that certain forms of development need not be inappropriate in the Green Belt. It is common ground that a stable with tack and feed stores comprise facilities for outdoor sport and recreation. Therefore, they fall to be considered against the exception in paragraph 145 b) of the Framework, in terms of their effects on the openness and purposes of the Green Belt. Paragraph 133 of the Framework explains that the Government attaches great importance to Green Belts, with the fundamental aim of preventing urban sprawl by keeping land permanently open. Therefore, openness is an essential characteristic of the Green Belt, which it is necessary to preserve for the Green Belt to be an effective policy instrument.
6. Openness is not defined in national policy or the development plan, but case law establishes that it has both spatial and visual aspects. The appeal site is part of a small copse of trees that is located adjacent to an open field and a public bridleway. Although the site is located to the rear of dwellings and their respective gardens, it is essentially surrounded by other fields and agricultural land, which are all characterised by their openness. Moreover, the dwellings are well contained within their own curtilage and the proposal would not be read as the same site as them. The appeal building would therefore be spatially isolated from, and have no physical relationship with any built form.
7. I acknowledge that the proposal seeks to introduce additional landscaping in the form of hedging to compensate for the loss of trees required to facilitate the development. However, although the stable would be relatively modest in size and scale and despite the additional landscaping, it would nonetheless be seen from the bridleway through the new access into the site. Moreover, there is no guarantee that this landscaping would remain in perpetuity. Consequently, the erection of the appeal building on open land in the Green Belt, located away from other buildings with which it has no functional relationship, fails to preserve the openness of the Green Belt.
8. One of the five purposes of the Green Belt in paragraph 134 of the Framework is to assist in safeguarding the countryside from encroachment. The erection of the stable in an area otherwise devoid of development and well away from other buildings, constitutes an encroachment into the countryside.
9. Accordingly, in line with paragraph 145 of the Framework, I conclude that the appeal scheme is inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I consider whether such very special circumstances exist below.

The Surrey Hills AONB

10. The appeal site is located within the Surrey Hills AONB and paragraph 172 of the Framework gives great weight to conserving and enhancing the landscape and scenic beauty of AONBs. Although there are open fields in the vicinity of the appeal site, the wooded areas and undulating topography of the AONB also form part of its backdrop.
11. The stable would be sited adjacent to the bridleway and a new access would be created. However, the land on which the stable would be sited sits lower than adjoining land so that it would not punctuate the skyline that forms the

- surrounding countryside or become part of a wider vista. Therefore, while it would be visible to users of the bridleway, given the modest scale, materials and siting of the stable, it would have a limited visibility from the wider area. This leads me to conclude that the proposed stable building would cause little harm to the landscape character of the area, which includes the AONB.
12. I acknowledge that the Inspector considering the previous appeal found that the development would result in some harm to the AONB. However, there are material differences in the scale and location of the stable block that is the subject of this appeal, which I find sufficient to enable me to reach a different conclusion.
13. With regard to the loss of agricultural land, the appeal site was not being put to active use for such purposes at the time of my visit and from its appearance it may not have been put to such a use for some time. Furthermore, the appellant confirms that notwithstanding a period of small scale domestic pig rearing, the land is not in agricultural use.
14. Therefore, the development would not result in harm to the character and appearance of the area, which includes the Surrey Hills AONB. It would not be in conflict with Policy CSP 20 of the Core Strategy, Policy DP17 of the Local Plan, Policies L1 and L3 of the Woldingham Neighbourhood Plan 2016 which seek, amongst other things, to ensure that equestrian facilities do not adversely impact on the character and appearance of the area, conserve and enhance important viewpoints, protect the setting and safeguard views out of and into the AONB and to conserve the beauty of the landscape. In reaching this decision I have also had regard to Policy P4 of the Surrey Hills AONB Management Plan 2020-2025.

Other Considerations

15. The appellant states that the area has historically been used for equestrian purposes and the proposal has been reduced in size following refusal of a previous application for a stable on the site. Furthermore, additional measures have been included to integrate the building into the landscape. It is argued that the Council failed to take these matters into account when considering the application which is the subject of this appeal.
16. Whether the proposal is small in comparison to the development proposed under the previous appeal is not a determinative factor, as examples of developments such as a '*small stable for outdoor sport and recreation*' previously contained within Planning Practice Guidance Note 2: Green Belts (PPG2) is not contained within the current Framework. Moreover, the need to define what is meant by small is no longer required as the Framework does not refer to such matters.
17. In addition, the use of the wording '*essential facilities for outdoor sport*' is also taken from PPG2 and is not an indication that the development before me should be treated as such. It is clear that the emphasis on the importance of the Green Belt has changed to that within the Framework. Thus, it is whether the appropriate facilities for outdoor sport or recreation preserve the openness of the Green Belt, and do not conflict with the purposes of including land within it, that is for consideration.

18. Although the proposal falls within a type of development that may be considered as an exception to inappropriate development, in accordance with paragraph 143 of the Framework, there is still a requirement to demonstrate that very special circumstances exist to justify the proposal, if it fails to preserve the openness of the Green Belt and thus, amounts to inappropriate development within the Green Belt. For the reasons already rehearsed, I have found that the development would fail to preserve the openness of the Green Belt.
19. Matters relating to the conduct of the Council and its perceived impartiality in the determination of the planning application are not a material consideration, as other mechanisms exist to deal with such matters.
20. Although the land may have historically been part of a larger equestrian use, this in itself does not override the importance that the Government places on keeping land within the Green Belt permanently open. In addition, buildings for agriculture and forestry do not have to demonstrate that they preserve the openness of the Green Belt.

Green Belt Balance and Conclusion

21. In accordance with the Framework, I attach substantial weight to the harm to the Green Belt by reason of the loss of openness of the Green Belt resulting from the development. Against this, I attach limited weight to the effect of the development on the AONB and to the appellant's assertion that the arguments put forward amount to the very special circumstances required to justify the development.
22. I therefore conclude that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist. Accordingly, the development is in conflict with Green Belt policy as set out within the Framework and Policies DP10, DP13 and DP17 of the Local Plan. Thus, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR