



Appeal Decision

Site visit made on 29 September 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2020

Appeal Ref: APP/D3640/W/20/3251993

Stamford Manor, Station Road, Chobham, Woking, Surrey, GU24 8AX

- 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 & Mrs D Burrell against the decision of Surrey Heath Borough Council.
 - The application Ref 19/0570, dated 12 July 2019, was refused by notice dated 9 December 2019.
 - The development proposed is erection of an indoor riding school.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs D Burrell against Surrey Heath Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

4. The appeal concerns an area of paddock land which is adjacent to a stable building which is at an advanced stage of construction. Also closely associated with the appeal site are further paddocks and a replacement sand school. The proposal is for a private indoor riding school for the schooling and training of the appellants' family's horses.
5. The Council has not referred to any development plan policy relating to the general principles of development in the Green Belt in their refusal reason, instead relying on policy contained within the National Planning Policy

Framework (the Framework). The Framework states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework at paragraph 145, which include at sub-paragraph (b) *"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"*.

6. Paragraph 134 of the Framework also confirms that the Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment.
7. The appellant has referred to the Judgement in *R (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd [2016] EWCA Civ 404* which indicates that if a development is found not to be inappropriate applying paragraphs 145 and 146 of the Framework¹ it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it. It should be noted that *Lee Valley* concerned an agricultural building exempt under a different category of development (sub paragraph (a) of paragraph 145 of the Framework) that did not require an assessment of openness. However, it is clear that for a proposal not to be inappropriate under paragraph 145 (b), it must preserve the openness of the Green Belt and not conflict with the purposes of including land within it. This was indeed was also the view of the Inspector who determined the previous appeal for an indoor riding school at Stamford Manor².
8. The proposed indoor riding school would be well related to what appears to be an existing lawful use and in principle, would be consistent with paragraph 141 of the Framework in that it would provide for further opportunities for outdoor sport and recreation. However, paragraph 145 (b) of the Framework contains a specific test about whether openness is preserved, determining whether the proposal should be categorised as development that is not inappropriate development in the Green Belt.
9. The proposed indoor riding school is proposed to be sited within an existing open grassed area directly adjacent to the stable complex which is currently under construction. The boundaries of the site with the adjacent residential dwellings know as Stamford Manor and Oakhurst are generally well screened by trees and other boundary vegetation. The building would also be viewed in context with the stable building at Oakhurst although this building is of a lesser scale. Notwithstanding this, the proposed building would be sited on open land which has a clear visual association with the adjoining paddock land despite the screening that exists along some of the site boundaries. Its openness also has a value in separating built form.
10. The proposed building would measure 20 metres by 40 metres and would have an eaves height of 4.5 metres and a ridge height of 5.97 metres. Whilst the indoor school would be viewed in conjunction with the adjacent stable block, a building of this scale on land that is currently undeveloped would result in a change that would have an adverse impact and cause harm to openness in

¹ These paragraphs replaced paragraphs 89 and 90 of the previous Framework in force at the time of the Judgement

² Appeal reference: APP/D3640/W/18/3216045

both visual and spatial terms. The existing and proposed boundary planting would do little to reduce the overall impact on the building and the harm caused. Accordingly, I find that the proposal would not preserve the openness of the Green Belt.

11. The harm to openness that I have identified above means that the proposed development would not accord with paragraph 145 (b) of the Framework and as such would be inappropriate development. In accordance with paragraph 143 of the Framework, inappropriate development is, by definition, harmful to the Green Belt. As set out in the Framework, substantial weight should be given to that harm.

Other considerations

12. The indoor riding school would supplement other existing facilities at the private equestrian yard for the appellants and their family to train and compete at an amateur level in eventing, show jumping and dressage. The appellant also trains horses for sale to new owners. I have no doubt that the indoor riding school would provide all-weather facilities for training horses and would help to further the appellants riding ambitions and abilities all year round. I also note in relation to the previous application for an indoor riding school, the Council's professional consultant confirmed that the erection of the indoor school would provide purpose-built facilities which meet the needs of the appellants. As such the indoor riding school would be of considerable benefit to the appellants and their family. There is however no substantive evidence that the benefits go beyond the appellants and their family and accordingly I attach only moderate weight to this consideration.
13. I have been referred to Policy DM3 of the adopted Core Strategy and Development Management Policies Document 2012 (CS). This policy supports equestrian related development in the countryside which complies with various criteria. I note that the Council's professional adviser commented in relation to the earlier scheme that the proposal was appropriate development in terms of Policy DM3 in relation to equestrian development in the countryside and Green Belt although there was not substantive assessment of the impact of the proposal on the Green Belt. I accept that the building would be well related to existing buildings, however, I have found that its size and scale would be harmful to the openness of the Green Belt and would result in harm to it. The proposal therefore conflicts with CS Policy DM3.

Conclusion

14. Inappropriate development is by definition harmful to the Green Belt. In this case there is also actual harm to the openness of the Green Belt. For the reasons given, the other considerations are not sufficient to clearly outweigh the substantial weight that must be given to any harm to the Green Belt. Therefore, the very special circumstances needed to justify the proposal do not exist. As such the proposal would conflict with the Framework.

15. I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR