



Appeal Decision

Site visit made on 10 November 2020

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 November 2020.

Appeal Ref: APP/M3645/W/20/3251851

Land east of Piemedede, Rockshaw Road, Merstham RH1 3DE

- 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 Graham Marshall against the decision of Tandridge District Council.
 - The application Ref TA/2019/2231, dated 10 December 2019, was refused by notice dated 3 April 2020.
 - The development proposed is the erection of a stable (comprising 2 stables, tack room, and hay store) and the formation of hard-standing.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this case are:-
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposed development on the natural beauty and landscape quality of 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 the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

3. The appeal site lies within the Green Belt, where government policy in the National Planning Policy Framework (the Framework) says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (LP) repeats this message.
4. Paragraph 145 of the Framework says that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the provision of appropriate facilities for outdoor

recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy DP13 of the LP also lists appropriate facilities for outdoor recreation as an exception, with the same provisos. Policy DP17 deals with equestrian facilities, and includes the same requirement, that these must preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

5. Another exception to the construction of new buildings being inappropriate in the Green Belt in paragraph 145 of the Framework and Policy DP13 of the LP is limited infilling, as long as it would not have a greater impact on the openness of the Green Belt than the existing development.
6. Paragraph 146 of the Framework says that certain other forms of development, including engineering operations, are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
7. The proposed building would be over 15 metres long, approximately 4.8 metres wide (including the roof overhang) and about 3.3 metres high. It would comprise two stables, a tack room, a feed store and a roof over a hay shelter. It would be a substantial new building set within what is currently a large open field. An area of hardstanding would connect the building to the site access.
8. Erecting a building of this size, combined with the proposed hardstanding, in this largely flat and open setting would have a significant effect upon the openness of the field in which it would be located, and hence upon the openness of the Green Belt.
9. The appellant argues that any development within the Green Belt would have an impact on its openness, and that it cannot have been the intention of the Framework to prevent the erection of all stables, as buildings for sport and recreation are specifically cited as examples of buildings that may not be inappropriate development in the Green Belt.
10. However, I have to read the Framework as it is written. The proposed building and hardstanding would have a noticeable adverse effect on the openness of the Green Belt and would conflict with one of the purposes of including land within the Green Belt; that of assisting in safeguarding the countryside from encroachment.
11. The appellant also argues that the proposal could be considered as infill development, as it would be sited between two dwellings. It is doubtful whether the erection of stables could be regarded as infilling and, in any event, the exception relating to limited infilling in both the Framework and the LP contains a proviso that the development should not have a greater impact on the openness of the Green Belt than the existing development. In this case, as there is no existing development, the proposed development would have a considerably greater impact on the openness of the Green Belt than the existing situation.
12. For the reasons set out above, I conclude that the proposed development would harm the openness of the Green Belt and, conflict with one of the purposes of including land within it. As a result, it would constitute inappropriate development in the Green Belt, contrary to saved Policies DP10, DP13 and DP17 of the LP, and to government advice contained within the Framework.

Impact on the AONB

13. The appeal site is within the Surrey Hills AONB. Policy CSP20 of the Tandridge District Core Strategy (2008) (CS) says that the conservation and enhancement of the natural beauty of the landscape is of primary importance within the AONBs. The principles to be followed in the AONBs include conserving and enhancing the special landscape character, heritage, distinctiveness and sense of place of the locality, protecting the setting and safeguarding views out of and into the AONB, and for development to take advantage of existing landscape features and tree screening
14. The appeal site is set on a predominantly flat site, with houses on either side, a further residential curtilage to the rear, and shielded from its wider surroundings by belts of trees around the site boundaries, including on both sides of Rockshaw Road. The area in which the appeal site is located contains a number of residential properties in large gardens. In this setting, and given the relative lack of visibility into the site from further afield, the proposed development would not cause unacceptable harm to the natural beauty of the AONB.
15. I conclude that the proposed development would not have an unacceptable effect on the natural beauty and landscape quality of the Surrey Hills Area of Outstanding Natural Beauty, and would comply with Policies CSP20 of the CS and Policy DP17 of the LP, which seeks development that does not adversely impact upon the character of the landscape, in this respect.

Other considerations and conclusion

16. In his statement of case, the appellant says that the existing use of the land to graze horses could justify permitting the development. However, the grazing of horses does not have to include the erection of buildings of the scale proposed. The appellant also says that, if the stables were erected on site, he would no longer have to tow a trailer to and from the site to allow horses to graze there, which would reduce potential harm relating to highway safety. However, he would presumably still need to drive to the site to attend to the horses stabled there, and I do not have any evidence before me to suggest that the pulling of a horse trailer in this area is particularly hazardous.
17. I do not consider that the points put forward by the appellant amount to benefits of the proposal to clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness that I have identified. In addition, the lack of harm to the AONB is a neutral factor that does not weigh for or against the proposal. Consequently, the very special circumstances necessary to justify the development do not exist. I have accordingly concluded that the appeal should be dismissed.

Michael J Muston

INSPECTOR