
Appeal Decision

Site visit made on 9 December 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/D3640/W/20/3257676

Small Stud Farm, Highams Lane, Chobham, Woking GU24 8TD

- 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 Peter Hewitt against the decision of Surrey Heath Borough Council.
 - The application Ref 19/0523, dated 14 June 2019, was refused by notice dated 2 March 2020.
 - The development proposed is the use of land to site a caravan, to be used to provide day facilities in association with the equestrian use of the land.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has taken place. The caravan has been on site since 19 March 2018. Permission is sought for its retention in its present position.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - (b) The effect on the openness of the Green Belt,
 - (c) The extent the proposal would comply with the purposes of including land within the Green Belt, and
 - (d) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Small Stud Farm comprises an assortment of buildings around a hardstanding area surrounded by fields. Most of the buildings and the use of the site for equestrian purposes are authorised by a grant of planning permission in 2012 (ref. 11/0752). Planning permission is required for the caravan due to a condition to the permission and existence of an Article 4 Direction on caravans.

5. The Framework at Paragraph 145 confirms that subject to stated exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. Exception b) relates to *"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"*. It could be argued that a caravan is not a building, and that this exception should not apply, but it is clear from the proposal and red outline on the site plan that the caravan is intended as a permanent, fixed feature in one designated place on the site.
6. The appellant has explained that there is a need for an out of the weather facility to change, sit, make hot drinks, or wait when attending horses or meeting vets. This would appear to be an appropriate facility for the equestrian use of the site, but the impact on openness also needs to be considered.
7. Policy DM3 of the Surrey Heath Core Strategy and Development Management Policies Document (2012) (CSDMP) states that equestrian related development in the Green Belt will be supported subject to provisions. These include (i) priority is given to the re-use of existing buildings; (ii) new buildings are justified where they are well related to existing buildings and are small in scale; and (iv) the overall size, siting and scale of development including any cumulative impact should not be harmful to the character and openness of the countryside or Green Belt.

Openness

8. Paragraph 133 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that *"the essential characteristics of Green Belts are their openness and their permanence"*. Openness has spatial and visual dimensions. The caravan has a width of about 3.6 metres and a length of about 10.6 metres, resulting in a floor area of some 38.2 square metres which would be raised above ground level. It has a significant spatial mass.
9. The caravan is located on a hard surfaced area alongside three stables which screen it in views from the north-east, and there is a hedgerow to the north-west that also provides screening. The caravan cannot be readily viewed from any public vantage point due to distances to roads. However, it is open to view across the appellant's land to the south and therefore has a limited visual impact. Its white colour also makes it conspicuous alongside the dark colours to neighbouring buildings.
10. The High Court decision in *Europa Oil and Gas Limited v SSCLG* [2013] EWHC 2643 (Admin), referred to in the appeal submissions, recognised that the impact of a development on openness is not necessarily related to its size but also its purpose. It is therefore appropriate to consider not only the scale of the caravan but also its purpose in supporting equestrian activities at the site.
11. The caravan contains a large sitting area with kitchen alongside. Beyond these are rooms which at the time of my visit had been converted from bedrooms to stores, for woodchip, other equestrian paraphernalia and some festive decorations. The main living area would meet the needs explained in paragraph 6 above, but the size of the caravan as a whole would appear to be excessive for that need. The appellant comments that the size of the caravan provides

sufficient space in the sitting/rest area and that second-hand caravans come in a limited range of sizes. But it has not been demonstrated that the need could not reasonably be met in a smaller structure.

12. It is also relevant to consider if the need could not be met through use of an existing structure on site. The three stables alongside the caravan were not authorised by the planning permission but appear to now be immune from enforcement action. At my visit one of these was vacant, to be kept available for vet visits; the other two were used for storage of equestrian materials. The stables are in part open to the elements and would not be suitable for the proposed day facilities without significant alterations. Nonetheless, it is reasonable to consider the proposal's impact on openness in relation to the totality of structures on site and the degree to which the needs can be met other than through the proposed caravan.
13. Policy DM3 of the CSDMP also prioritises the re-use of existing buildings; the appellant claims that the adjacent stable buildings are "*entirely unsuitable for use by humans for changing, privacy, etc.*" but alterations to this structure have not been robustly examined to justify the provision of the caravan. Whilst the siting of the caravan would relate well to existing buildings, the proposal would not satisfy other requirements of Policy DM3 in that it would not be small in scale and its impact would be harmful to the character and openness of the Green Belt.
14. Overall, having regard to all relevant considerations, the permanent presence of the caravan would not preserve the openness of the Green Belt.

Purposes

15. Paragraph 134 of the Frameworks sets out the purposes of the Green Belt. There is no evidence before me that the proposal would conflict with any of the five purposes listed for including land within the Green Belt.
16. Nonetheless, the proposal would amount to inappropriate development. It would not preserve the openness of the Green Belt and would therefore not satisfy any of the exemptions to inappropriate development listed in Paragraphs 145 and 146 of the Framework. Paragraph 143 of the Framework states "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*".

Other considerations

17. The appellant contends that there are reasons amounting to very special circumstances in the event that the proposal is considered to be inappropriate development. The first of these is welfare, for the appellant and other persons at the site and also for the horses. I acknowledge that the provision of a shelter from the weather, to change out of dirty clothing and keep warm are basic requirements for looking after horses when the owner does not live at the site. Similarly, I acknowledge that the owners may need to be at the site for long periods of time in attending to some illnesses of horses and in waiting on site for when vets arrive. Welfare considerations attract significant weight in favour of the proposal but nonetheless need to be weighed against other Green Belt considerations.

18. Reference has been made to security and the past theft of items. The presence of a large caravan that is not used as overnight accommodation would not alone form much of a deterrent. Security would need to be addressed through a range of measures and therefore attracts only limited weight.
19. Reference is made to the absence of alternative facilities and the unsuitability of existing structures to meet needs. However, in the absence of a more robust examination of the potential for the re-use of existing structures with alterations or on the size of a new structure to meet needs whilst limiting the impact on the openness of the Green Belt, only limited weight can be given to this point.
20. Similarly, the relatively well-screened siting of the caravan and its wider impact on the area does not fully address concerns relating to preserving the openness of the Green Belt; it attracts only limited weight.
21. The suggested planning condition would address other concerns about the use of the caravan as overnight sleeping accommodation but would not overcome concerns about the scale of the caravan and its impact on the Green Belt.

Conclusion

22. The proposal would amount to inappropriate development. It would not preserve the openness of the Green Belt. Paragraph 144 of the Framework states that, "*substantial weight is given to any harm to the Green Belt*". I have attributed significant weight in favour of the proposal to welfare concerns, but only limited weight to other considerations raised by the appellant. Even collectively, these would not clearly outweigh the substantial harm to the Green Belt. Very special circumstances therefore do not exist.
23. There would be conflict with the Green Belt provisions of the Framework and also with Policy DM3 of the CSDMP in relation to equestrian activities in the Green Belt. For the reasons given, and having regard to all other matters raised, the appeal should be dismissed.

Rory MacLeod

INSPECTOR