



Appeal Decision

Site visit made on 4 January 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2021

Appeal Ref: APP/M3645/W/20/3257026

Land at corner of Pikes Lane and Crowhurst Village Road, Crowhurst, Tandridge RH7 6LX

- 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 A Madhloom (Real Eden Limited) against the decision of Tandridge District Council.
 - The application Ref TA/2020/822, dated 6 May 2020, was refused by notice dated 24 July 2020.
 - The development proposed is described as the 'erection of two agricultural animal shelters on agricultural field'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr A Madhloom (Real Eden Limited) against Tandridge District Council. This application will be the subject of a separate decision.

Main Issue

3. The main issue is whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

Reasons

4. The National Planning Policy Framework ('Framework') sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Amongst its five purposes is safeguarding the countryside from encroachment. It continues that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. At paragraph 145 it regards the construction of new buildings as inappropriate. However, exceptions to this include at a) buildings for agriculture or forestry; and at b) the provision of appropriate facilities for outdoor sport and recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with its purposes. In all these regards, Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 - 2029 (2014) ('TLP') are consistent with that approach.

6. Whilst the proposal is described as 'agricultural animal shelters' the Council contends that the buildings would provide equestrian facilities which would harm the Green Belt's openness, and would thus be inappropriate development.
7. The appellant asserts that the shelters would be ancillary to the permitted use of the land for grazing and that there is "no need for a change to equestrian use under policy DP17 as this was not our purpose/need". He continues that they would simply be used to provide warmth and dryness for animals in the winter, and shade in the summer.
8. For my part, I note that two structures are proposed on this small parcel of land. The design, layout and form of each structure, with three separate compartments each individually accessed via a two-part door, which would need to be opened or closed, is wholly typical of stables for the keeping horses. Their character and design are not that of simple shelters for the purposes of agriculture.
9. Moreover, whilst no hardstanding or manege is proposed, and the structures are not depicted with a store, tack room or saddling area, the appellant has also indicated as part of this proposal that horses would be kept here. Although, he also mentions the keeping of sheep, given the size, layout and design of these two structures, and the very limited size of the site, I am not persuaded that that would be their primary purpose.
10. I have very few details before me of the Lawful Development Certificate (Ref: TA/2016/1239) on the site, although I understand that it established that the land could be 'used for grazing'. That may be so, but on the basis of the available evidence, including the detailed design of the proposed shelters, it appears to me that the primary purpose of this scheme would be for the keeping of horses.
11. Whilst no other paraphernalia typically associated with an equestrian use is shown on the plans, for the above reasons I am not persuaded that these would be buildings for agriculture, and the appellant has not clearly articulated why he considers that they would be.
12. In reaching that conclusion I have had regard to a previous scheme for two identical structures in the same location, but with a different access, which was considered at an earlier appeal (Ref: APP/M3645/W/19/3233753). However, the main issue there was the effect on biodiversity of the proposed access point, and whilst that Inspector found that "the evidence submitted by the Council does not substantiate the claim that the building would not be for agriculture", I have not been provided with all the information that led to that conclusion in that case.
13. Given my findings above regarding the use of the proposed structures, the scheme would not benefit from the exception at Framework paragraph 145 a), or with the similar stance in TLP Policy DP13 A).
14. Turning to Framework paragraph 145 b), the proposed structures would stand in a fairly isolated position within a much larger field. Although the site is partially screened from roadside vantage points by boundary hedgerows, the scheme would nonetheless introduce into an otherwise open field two significant structures, each measuring 11m long, 4m wide and 3m to the ridge.

15. That built form would harm the openness of the Green Belt and would result in an encroachment into the countryside. Consequently, the scheme would not benefit from that exception, nor with the similar stance at TLP Policy DP13 B).
16. The scheme would therefore be inappropriate development in the Green Belt.

Other matters

17. I understand that the proposed structures would not have foundations or be attached to the land. In that regard, the appellant has referred me to an appeal (Ref: APP/B1225/C/01/1057144) which established that a mobile field shelter did not amount to operational development; although I have no details of that case before me.
18. However, planning permission was applied for here, and I understand that these structures would need to be erected on site over a few hours. Thus, I have very little cogent evidence to support the claim that they would not be operational development.
19. I have had regard to the site's planning history, although I do not have all the details of those schemes, and the evidence provided with them, before me. I also note the appellant's dissatisfaction with the Council's handling of his proposal, which followed pre-application advice. However, I have not been provided with all the details upon which that advice was given, nor do I have the details of the plots elsewhere that the appellant owns and which he states are used for grazing or forestry.
20. I have also considered various representations by interested parties. However, I have disregarded speculation regarding any future proposals on the site, and I have dealt with the scheme before me on its merits.

Conclusion

21. I have found that the scheme would be inappropriate development in the Green Belt. In accordance with the Framework, I have given substantial weight to the harm that it would cause.
22. No other considerations have been advanced in favour of the scheme, and I am not aware of any which could clearly outweigh the harm to the Green Belt that I have identified. The very special circumstances necessary to justify the development do not therefore exist. The scheme would conflict with the development plan and with the Framework. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR