



Appeal Decision

Hearing (Virtual) held on 9 February 2021

Site visit made on 11 February 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2021

Appeal Ref: APP/T0355/W/20/3251269

Land at Lower Mount Farm, Long Lane, Cookham, Maidenhead, SL6 9EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Geoffrey Copas against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/02442, dated 19 August 2019, was refused by notice dated 22 November 2019.
 - The development proposed is an equine facility.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Geoffrey Copas against the Council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Procedural Matters

3. The description of the development in the banner heading above is taken from the application form. However, the description of the development on the Decision Notice, appeal form and Statement of Common Ground is '*Outline application for access and layout only to be considered at this stage with all other matters to be reserved for a proposed new equine centre with worker accommodation*'. At the Hearing the appellant confirmed that the proposal includes living accommodation for 2 grooms within the proposed facility. I have therefore determined the appeal on the basis of the revised description.
4. The floor plans submitted with the application are marked 'illustrative' and the proposed elevations are marked 'indicative'. At the Hearing it was confirmed that the only plan for approval at this stage was the site plan, which shows the access, a large U-shaped building, a car park for 34 cars, horse trailer parking, a horse walker and a manure clamp. I have determined the appeal on the basis of this plan.
5. The Council's third reason for refusal was that insufficient information had been received to establish the extent to which protected species may be affected by the proposals, notwithstanding the submission of an Ecology Report by the appellant prior to the decision being taken. However, in the light of that

Report, the Council withdrew that reason for refusal¹. This was confirmed at the Hearing.

6. The Council confirmed at the Hearing that the submission Royal Borough of Windsor and Maidenhead Local Plan is still at examination. The main parties agreed that only limited weight could be given to the policies of the submission Local Plan at this time.
7. An updated spreadsheet indicating expressions of interest in stabling from the appellant was circulated at the Hearing. The Council and other parties were given the opportunity to comment on this.

Main Issues

8. The main issues are:

- i) whether or not the proposal would be inappropriate development in the Green Belt;
- ii) the effect of the proposal on the character and appearance of the area; and
- iii) whether any harm, by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal is inappropriate development

9. The appeal site is within the Metropolitan Green Belt. Policy GB1 of The Royal Borough of Windsor and Maidenhead Local Plan (Including Alterations Adopted in June 2003) (the Local Plan) sets out that approval will only be given for the construction of new buildings in the Green Belt for certain specified purposes or in very special circumstances. Under clause A)2) of the policy these purposes include essential facilities for outdoor sport and recreation. Policy GB2)A) of the Local Plan sets out that permission will not be granted for new development in the Green Belt if it would have a greater impact on the openness of the Green Belt or the purposes of including land within it than an existing development on the site.
10. Paragraph 143 of the National Planning Policy Framework (the Framework) sets out that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Paragraph 145 states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions. One of those exceptions, as set out in clause b), is the provision of appropriate facilities for, amongst other activities, 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.
11. As the Local Plan predates the Framework, I have given precedence to the policies of the Framework in determining this appeal.

¹ Initial appeal statement dated August 2020

Facilities for outdoor recreation

12. The proposed facility would principally comprise a building with 30 no. stables with tack cupboards, 2 no. foaling boxes, rug room / drying room, hay, feed and bedding stores, changing rooms, toilets, kitchenette and rest room and grooms' accommodation. With the exception of the grooms' accommodation, the main parties agree that the proposal is capable of being an appropriate facility associated the keeping of horses on the land adjacent to the appeal site, for which planning permission was granted in 2018 and subsequently implemented². I concur with this view.
13. The appellant has set out the need for 2 grooms to be on the site on a permanent basis to attend to horses that may be unwell, otherwise in distress or foaling. The need for staff on the site therefore stems principally from the need to care for the horses grazing the adjacent land rather than from the proposed facility itself. Whilst cameras in each loose box could provide a degree of supervision from a remote location, these would need to be monitored and would not allow the swift attention a horse may need. Consequently, I am not persuaded that cameras would provide a satisfactory alternative to an on-site presence.
14. The Council suggested at the Hearing that it might be possible to accommodate grooms within an existing building on the north side of Long Lane. However, even if this were possible, the grooms would not be within sight and sound of the horses in the stables. I am therefore satisfied that the provision of on-site accommodation would be justified as part of the proposed equine facility.
15. The appeal site and adjoining field extend to approximately 34 acres. Defra's 'Code of practice for the welfare of horses, ponies, donkeys and their hybrids', drawn to my attention by The Cookham Society, sets out that, as a general rule, each horse requires approximately 1.25 - 2.5 acres of grazing if no supplementary feeding is being provided.
16. However, the inclusion of a feed store in the proposed facility indicates that there would be supplementary feeding. The number of stables proposed is thus justified in relation to the number of horses that could be kept on the adjoining land. The various other elements of the proposed facility are also justified, as acknowledged by the Council. I therefore consider that the facility is proportionate to the scale of the enterprise.

Openness

17. Paragraph 133 of the Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. The appeal site is currently an area of rough grassland, devoid of any permanent buildings, and therefore contributes to the openness of the Green Belt.
18. The proposal would represent an entirely new building which the site plan shows as having an extensive footprint, intended to accommodate 30 stables and associated facilities including staff accommodation above. Consequently, although height is not a matter for approval at this stage, it is possible to appreciate the mass of the proposed building. Furthermore, the site plan also shows a large gravelled car park to the front of the building. The combination

² 17/02729/FULL

of the mass of the building and its associated car park would result in a significant loss of openness to the appeal site.

Green Belt purposes

19. Paragraph 134 of the Framework sets out that Green Belts serve five purposes. Purpose c) is to assist in safeguarding the countryside from encroachment. The development would result in the extension of built development on the south side of Long Lane into currently open land. It would therefore conflict with purpose c).

Findings

20. I thus find that the proposed development would fail to preserve openness and fail to assist in safeguarding the countryside from encroachment. Therefore, it would not satisfy paragraph 145 b) of the Framework and so would represent inappropriate development. The proposal would conflict with the exception set out in Policy GB2A) and significantly conflict with Policy GB1A)2) of the Local Plan.

Character and appearance

21. The appeal site is located at a point of transition in the character and appearance of Long Lane between the commercial units at its eastern end and the more open agricultural countryside to the west. The site is bounded by vegetation comprising deciduous trees, evergreen shrubs of varying sizes and a native species hedgerow. To the north side of Long Lane opposite the site are a pair of semi-detached dwellings and a range of buildings in commercial use. Beyond the site boundary to the east are two large commercial buildings.
22. The current undeveloped nature of the site is an important feature that contributes positively to the character and appearance of the area. The site relates more closely to the land used for grazing to the west of the site than to the buildings to the north or east due to this nature and the gaps in the planting to the western boundary of the site. The proposed building, extensive car park, area for the parking of clients' horseboxes, manure clamp and a horse walker would result in the substantial loss of this characteristic of the site, to the detriment of the character of the site and area.
23. Due to the topography of the area and intervening development or vegetation, the site is not highly visible in the landscape, although it is visible from Long Lane through gaps in the existing vegetation. The proposed building would also be visible from part of Bridleway 19 which is on higher ground to the west of the site. From here it would be seen at a distance and in the context of the existing commercial buildings to the east of the site.
24. Therefore, although limited, the proposal would have a visual impact and would be seen as extending the existing built development into the more open landscape on the south side of Long Lane. Whilst vegetation could provide greater screening in time the proposal would still be visible in the meantime and potentially during the winter.
25. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. Accordingly, in this respect, it would be contrary to guideline 11) of Policy DG1 of the Local Plan which sets out that

harm should not be caused to the character of the area through the loss of important features which contribute to that character.

26. However, as the scale and appearance of the proposed building are reserved matters, I find no conflict at this stage with guideline 3) of Policy DG1 which relates to the design of new buildings. Policy DG1 is consistent with paragraph 127 c) of the Framework which requires decisions to ensure that developments are sympathetic to local character. The proposal would also be contrary to Policy GB2B) of the Local Plan which seeks to protect the character of the Green Belt.

Other considerations

Opportunities for the disabled

27. The appellant suggests that the proposed facility would provide horse riding and care opportunities for people with disabilities. This could be a benefit of the scheme. However, notwithstanding the appellant's expressed willingness, I have no specific details of what these opportunities would be or specific evidence that they would be provided. Neither was any evidence provided of a need for such opportunities in the locality of the appeal site nor of any support for the proposal from groups working with the disabled. This suggestion is therefore not a factor in the proposal's favour.

Demand

28. The appellant has produced a spreadsheet of approximately 20 people seeking stabling on a mixture of DIY, part-time and full-time livery basis as evidence of demand for the proposed facility. However, it is not clear whether the people on the list are existing horse owners with their horses stabled elsewhere or people wishing to own a horse but currently unable to do so due to a lack of facilities. Furthermore, whilst the current manager of Hardings Farm Stables has indicated a demand for livery, I have no firm evidence to support the appellant's contention that other local stable yards are currently full with waiting lists.
29. Previous stabling in the locality at Cannon Court Farm and Woodlands Farm has been lost to redevelopment in recent years. Whilst alternative provision was not made for these facilities in accordance with Policy R7 of the Local Plan, the Council has explained that the loss of the stabling at Cannon Court Farm was deemed acceptable as the evidence indicated that the DIY livery was a very low key operation.
30. The redevelopment of Woodlands Farm was considered acceptable as it represented previously developed land in the Green Belt and the evidence indicated a decline in horse ownership. Policy R7 does not expressly permit replacement facilities and so does not lend any significant weight to the proposed development.
31. I am not persuaded that the appellant's spreadsheet represents a firm indication of unmet or latent demand for equine facilities. This limited evidence of the demand for the proposal is therefore not a significant factor in the proposal's favour.

Individual stables

32. The appellant has indicated that, should the appeal fail, he would site individual stables on the land adjacent to the appeal site as permitted development under Class A of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This Class permits the provision on land of buildings or moveable structures where they are required temporarily in connection with and for the duration of operations being carried out on that land. The appellant also indicates that accesses to each paddock would be provided as permitted development under Class B of Part 2 of Schedule 2 of the GPDO.
33. It may be possible to site stables on the adjacent land with accesses under these Classes. However, this would be an entirely different scheme from that before me on a different site, notwithstanding the functional relationship between this adjacent land and the appeal site. Furthermore, I have no firm evidence that the stables would only be required temporarily or that the keeping of horses is an 'operation' in terms of Class A such that they would be permitted development. Consequently, this is a factor of limited weight.

Rural economy

34. Paragraph 83 of the Framework sets out that planning decisions should enable the sustainable growth of businesses in rural areas. It is accepted that equine activities contribute to the rural economy. However, only anecdotal evidence rather than specific evidence has been put to me of the proposed development's potential contribution to the local economy. Moreover, existing horse owners already contribute to the local economy and it has not been demonstrated that the facility would significantly increase horse ownership and thus result in a materially greater contribution to the local economy.
35. The appellant operates a large-scale and diversified farming operation, to which the proposal would add another element. However, I have no evidence of the extent to which the equine facility would contribute to maintaining the farming enterprise. I find no support for the proposed development from Policy TM8 of the Local Plan as it requires diversification proposals to comply with Policy GB2 nor from Policy E6 which relates to development proposals outside the Green Belt. Based on the evidence before me I therefore give little weight to this matter.

Recreation

36. The proposed development could facilitate riding as an outdoor recreational activity, with potential associated health and well-being benefits. It may also lead to the greater use of the bridleways in the locality, including the Cookham Bridleway Circuit. However, I have no evidence that the proposal would lead to a significant increase in horse ownership or riding, and the proposal would not result in any improvement to the network itself. This is therefore not a significant factor in the proposal's favour.

Green Belt Balance

37. I have found that the proposal would be harmful to the Green Belt by reason of inappropriateness. Paragraph 144 of the Framework requires me to give this harm substantial weight. The proposal would also be harmful to the character and appearance of the area. The limited benefits that would accrue from the

proposal would not clearly outweigh these harms. Consequently, the very special circumstances necessary to justify the proposed development do not exist and the development should not be approved.

Conclusion

38. The proposal conflicts with the Framework and the development plan as a whole and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

Martin Small

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Geoffrey Copas	Appellant
Tom McArdle	Pike Smith Kemp Rural
David Jacobs	Estate Manager, Copas Farms

FOR THE LOCAL PLANNING AUTHORITY

Susan Sharman	Principal Planning Officer, Council of the Royal Borough of Windsor and Maidenhead
---------------	--

INTERESTED PERSONS

Bill Perry	Chairman, Planning Committee and Chairman, Cookham Neighbourhood Plan Working Party, Cookham Parish Council
Richard Scarff	Chairman, Planning Sub-Committee, The Cookham Society
Fiona Beaumont	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Email from Mr McArdle dated 5 February 2021 with updated equine requirements spreadsheet and letter of support attached.
2. Email from Mr McArdle dated 9 February 2021 with additional conditions agreed with the Council.