
Appeal Decision

Site Visit made on 23 August 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/G5180/W/20/3263878

Archies Stables, Cudham Lane North, Cudham, SEVENOAKS, TN14 7QT

- 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 Mrs Charmaine Moore against the decision of London Borough of Bromley.
 - The application Ref 20/02706/FULL1, dated 6 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is relocation of the existing stables, retention of the existing static home and construction of a utility dayroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

3. The main issues raised in respect of this appeal are: -
 - a. Whether the proposed stable block would be inappropriate development in the Green Belt having regard to the development plan and the Framework and the effect of the stable block on the openness of the Green Belt;
 - b. The effect of the proposed development upon the rural character of the Green Belt; and
 - c. Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. If so, would those amount to the very special circumstances required to justify the proposal?

Reasons

4. There is no dispute between parties that the site's residents are Gypsies for the purposes of Annex 1 of the Planning Policy for Travellers Sites August 2015 issued by the Department of Communities and Local Government in August 2015. I am satisfied that the occupation of the site would be by persons that meet the PPTS definition.

5. The existing authorised use of the site is a mixed use for the keeping of horses and the use as a single pitch gypsy and traveller site. Rather than the site being split between two uses the land is covered by two designations in London Borough of Bromley Local Plan 2019 (the Local Plan). The front part of the site is designated '*Traveller Site Only, Inset Within the Green Belt*' with the largely undeveloped rear part of the site being solely within the Green Belt.
6. The proposal seeks the retention of the existing touring caravan, which the appellant describes as a static home, and construction of a utility dayroom in the position of the existing stable block. However, the Council's concern relates only to the repositioning of the existing stable block, which is currently sited at the front of the site, to the north-western corner of the site.

Inappropriate development and openness

7. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence.
8. Policy 49 of the Local Plan sets out that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. This policy and the Framework also indicate facilities for outdoor sport and outdoor recreation and cemeteries which preserve the openness of the Green Belt and do not conflict with the purposes of including land would not be inappropriate development within a Green Belt.
9. Policy 61 of the Local Plan indicates that stable blocks, loose boxes and other essential buildings and associated works connected with equestrian activities will generally only be permitted if, amongst other matters, the development would not have an adverse visual impact on the open or rural character of the Green Belt.
10. I acknowledge that a stable block was granted planning permission in 2008 in connection with a proposal relating to the use of the site for the keeping of horses. I am advised that that stable block was permitted in a similar position to that now proposed. However, much has changed at the appeal site since then when all the land was used for the grazing and tending of horses. The site has changed to a mixed use with the introduction of caravans and associated activity relating to the residential use at the site. Therefore, there has been change across the whole of the site. Despite a stable block having been historically positioned in a similar position to that now proposed, repositioning the stable block from the front to the rear of the site would introduce new development at a part of the site that is currently open and largely undeveloped. As such, the proposal would result in the creation of a stable and this would reduce openness by virtue of creating built development in the Green Belt. This would have a negative effect on the openness of the Green Belt.
11. I find that the proposal does not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt which is an essential characteristic of Green Belts. By undermining the openness of the Green Belt, this would amount to inappropriate development within the Green Belt. This brings the proposal into conflict with Policies 49 and 61 of the

Local Plan and the aims of the Framework to keep land within the Green Belt permanently open. use of the site. The appellant accepts the existing paddock is insufficiently large to sustain a horse permanently on the site.

12. I acknowledge that the stable would not create a new structure at the appeal site as it has permission to be sited in its present location. Nonetheless, its existence does not justify its repositioning to another part of the site where it would encroach into the openness of the Green Belt.

Rural character

13. A supporting paragraph to Policy 61 discusses applications for stables or loose boxes. Following the British Horse Society's recommended standards, a minimum of 0.4ha per horse is considered a minimum area of associated open land adjacent for the grazing of horses. The paddock does not contain a sufficiently large area of associated land to meet the standards. The authorised use of the site is one of mixed use and the pitch is of insufficient size to provide a sufficient area to meet the standards. A stable with insufficient associated grazing land could lead to an over intensive use of the site. The appellant accepts the existing paddock is insufficiently large to sustain a horse permanently on the site.
14. As an adequately sized grazing area would not be available commensurate to the size of the stable block, an over intensive use of the existing paddock could also undermine the rural character of the Green Belt. This would bring the proposal into conflict with Policy 61 of the Local Plan that seeks equestrian activities, amongst other matters, not to have any adverse visual impact on the rural character of the Green Belt.

Other considerations

15. It is advised that it is intended to keep only a single horse within the appeal site at a time, on a temporary basis, if a horse is sick, foaling, being prepared for a horse show or gypsy horse fairs. The appellant advises traffic movements potentially generated by horse related traffic are unlikely to exceed 32 movements per year. The appellant's four horses are normally kept in a 20-acre field at Meadow Farm. Indeed, the owner of Meadow Field has provided photographs of horses in a field and confirmed that a field has been rented to the appellant for around the past ten years where the appellant has kept her four horses.
16. It is advised that the stable would be utilised on a part-time basis with the horses only on the land at the appeal site for a very short amount of time. However, no mechanism has been put forward that might indicate how the extent of equestrian activity at the site would be controlled in the future. The stable would offer some convenience for the appellant to manage her horses at a location within the appeal site closer to the paddock. However, having regard to Policy 61 of the Local Plan, even if a low level of equestrian related activity were to take place, I do not consider that the stable would represent an essential building connected with the equestrian activities at the site that would justify the stable's repositioning. I, therefore, afford these matters little weight in support of the proposal.

17. The appellant seeks to re-position the stable at the location proposed so that the proposed dayroom can be placed on the existing hardstanding. The dayroom would provide a kitchen, seating area and bathroom in association with the appellant's daughter and partner's occupation of the caravan proposed to be retained. This would be a benefit for the appellant and her family. This offers some weight in favour of the proposal.
18. Re-positioning the stable away from the road would reduce traffic noise and other disturbance and would avoid the mixing of horses and young children. Whilst repositioning the stable may benefit horse welfare, I have not been provided any substantive evidence that might indicate that noise from traffic has been harmful to horses in the past or that there has been significant conflict between horses and children at the site. I accept that re-positioning the stable block would maintain a stabling facility close to where the keeper resides so that horses can be overseen and attended to at short notice. However, this would be a personal benefit for the appellant and would not provide justification for the repositioning of the stable. I give these matters little weight in support of the proposals.
19. In terms of the visual impact of the stables it would not appear out of keeping given the established equestrian use at the site. However, this does not obviate those applicable considerations relating to the Green Belt or justify the proposed development. This also holds little weight in favour of the re-positioning of the stable block.
20. The appellant is concerned about an existing palisade fence/retaining wall to the front of the property and a proposal to replace this with a masonry wall and hedge. However, it does not appear to me that the Council is raising any objection to its replacement. This holds no weight in favour of the proposal.

Planning Balance and Human Rights

21. I have identified that the proposal would be inappropriate development in the Green Belt as the proposed re-positioning of the stable block would result in harm to the openness of the Green Belt. This carries substantial weight. An over intensive use of the existing paddock would also likely result in harm to the rural character of the Green Belt. This carries significant weight. In this case I have found that there would not be an essential need connected with the equestrian activities at the site for a stable building that would clearly outweigh the harm to the Green Belt. The other considerations hold, at best, some weight and do not clearly outweigh the harm, which is the test that they have to meet. Consequently, there are not the very special circumstances necessary when taken individually or together to justify inappropriate development within the Green Belt.
22. I have considered the possibility of imposing a temporary or personal temporary planning condition that would require removal of the stable at a specified future point in time. Nonetheless, the harm to the openness would occur over the period the stable block is in situ. I do not consider a temporary or personal temporary planning condition would overcome or justify the harm to the openness of the Green Belt that I have identified.
23. I have had regard to the Human Rights Act 1998 and rights under Articles 3 and 8 of the Public Sector Equality Duty (PSED) under the Equality Act 2010 in respect of private and family life and the home and the rights of the

children. In dismissing this appeal this would not allow for the retention of the existing static caravan and erection of a dayroom at the site as proposed. These elements of the proposal are necessary so that the family can live together and support one another. This would be an interference of the appellant's and her family's rights under Article 8 of the Human Rights Act 1998. Nonetheless, I find that the issue of inappropriateness in relation to the Green Belt along with the resulting harm to the openness is so substantial and that, in the wider public interest, it cannot be clearly outweighed by the personal circumstances of the appellant and/or the other considerations. The dismissal of the appeal is necessary and proportionate in the public interest.

24. In exercising my function on behalf of a public authority I am also aware of my duties under the PSED which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In consciously thinking about the aims of the PSED I have had regard to the appellant's traditional way of life. However, it does not follow from the PSED that the appeal should succeed.

Conclusion

25. The proposal would conflict with Policies 49 and 61 of the Local Plan which, amongst other matters, state that permission will not be given, except in very special circumstances. I have concluded that the development would be inappropriate development in the Green Belt as the proposal would not preserve the openness of the Green Belt, as required by the Framework. The proposal would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. In addition, I have found that the proposal would be harmful to the rural character of the Green Belt, and this brings the proposal into conflict with Policy 61 of the Local Plan. The benefits of those other considerations, which include those personal benefits to the appellant of re-positioning the stable, retaining the caravan so that the family can live together and support one another, and, providing a dayroom at the site, do not clearly outweigh the harm. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
26. Having regard to all matters raised, for the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR