



Appeal Decision

Site visit made on 15 November 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary

Decision date: 30th November 2021

Appeal Ref: APP/H2265/W/21/3272325

Winfield Barn, Long Mill Lane, Crouch, Kent TN15 8QA

- 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 Hilbre Johnson against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/20/01470/FL, dated 9 July 2020, was refused by notice dated 8 March 2021.
 - The development proposed is for the use of land for keeping of horses and erection of stable block comprising two stables and hay store.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for keeping of horses and erection of stable block comprising two stables and hay store at Winfield Barn, Long Mill Lane, Crouch, Kent TN15 8QA in accordance with the terms of the application, Ref TM/20/01470/FL, dated 9 July 2020, and the plans submitted with it subject to the conditions set out in Annex A.

Procedural Matters

2. In the interests of clarity and brevity the main parties agree that the description of development is that stated on the appellants' appeal form and the Council's decision notice. I have proceeded accordingly.
3. The *National Planning Policy Framework* (the Framework) represents the Government's up-to-date planning policies for England and how they should be applied. The Government published a revised Framework on 20 July 2021 and is a material consideration for development proposals. I note however, in this case, that the main parties have made no further comments in respect of these changes.

Main Issues

4. The main issues are:
 - whether the proposal would represent inappropriate development in the Metropolitan Green Belt (the Green Belt), and if so,
 - the effect of the proposal on the openness of the Green Belt,
 - whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development, and;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Inappropriate development and openness

5. The appeal site is an agricultural type field to the rear of the dwelling known as 'Winfield Barn'. The site can be accessed from the highway via a recessed set-back and a pair of double gates to the side of the host dwelling which lead to a gravelled parking and turning area that transitions in to a semi-landscaped garden area. The garden is separated from the appeal site by an open timber post and rail fence. The field is scattered with a number of semi-mature trees and is surrounded by dense hedging and trees that slopes down to the countryside beyond which is typified in the nearby location by similar open fields, stabling, loose knit development facing the road and clusters of residential development found at nearby Crouch and Claygate Cross. There is a footpath near to the appeal site which is signed posted from Long Mill Lane.
6. The proposal is to construct a timber weather-boarded stable block and haybarn set on a concrete pad with a corrugated black fibre base roof. The field would be used for the keeping of horses. I noticed at my site visit that the development has been completed.
7. The Framework sets out clearly in Paragraphs 147-151 that unless an exception can be demonstrated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist. In this case the appellant contends that an exception given in Paragraph 149 (b) of the Framework applies, which says that 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, can be regarded as not inappropriate development in the Green Belt. As such, I am persuaded that the stable is a building for outdoor recreation which would be 'appropriate' for the intended purpose of the non-commercial keeping and riding of a small number of horses and donkeys which in my view would not conflict with the purpose of including land in the Green Belt.
8. Furthermore, notwithstanding that the appeal site has limited built form other than a greenhouse and other garden type equipment, the low-level, mostly timber structure would be located to the sunken left-hand corner of the host field and would be surrounded by mature evergreen hedging and shielded by newly planted trees at one end. As such, the diminutive and rural type proposal is very unlikely to be seen fully in the longer views, including from the nearby footpath. Indeed, even if the stable were to be glimpsed through the hedges at less leafy times of the year, the low-key proposal and its unassuming equine type activity is likely to be unremarkable structure in this rural location where stables can be found in the nearby fields and surrounding countryside.

Special circumstances

9. As such, I find that the proposal would not be inappropriate development in the Green Belt or harm the openness of the Green Belt. Hence, in this case the consideration of very special circumstances need not be applied.
10. Accordingly, the proposal meets the requirements of Policy CP3 of the Tonbridge and Malling Borough Council, Local Development Framework, Core Strategy, 2007 (TMCS), and Paragraph 138 of the Framework.

Character and appearance

11. I acknowledge that the immediate area is typified by open fields and pastures that are surrounded by hedges and trees. However, the proposal would be built in traditional type materials with a slim concrete 'apron' proportionate to the overall footprint. Moreover, it would be similar to other stable type buildings seen in the surrounding area and wider countryside. As such the proposal would not be unexpected in this rural type setting.
12. I conclude therefore, that the proposal would accord with the character and appearance of the area and meet the aims of Policy CP24 of the TMCS and Policy SQ1 of the Tonbridge and Malling Borough Council, Managing Development and the Environment Development Plan Document, 2010, which requires that all development must be well-designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
13. For similar reasons, the proposal meets the requirements of Paragraph 130 (c) of the Framework which says that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Conditions

14. I have considered the Council's suggested conditions against Paragraph 56 of the Framework and the national *Planning Policy Guidance*, and for certainty have imposed a condition requiring that the development is retained in accordance with the approved plans. In the interests of highway safety and local amenity generally a condition related to the private use of the stable has been imposed.
15. However, I have removed the suggested 'access' condition which lacks the precision required by Paragraph 55 which says that a condition must be clear as to what is required and must be worded so that they can be understood by the appellant and/or their successor(s) in title, the authority and interested parties. In any event, I noticed at my site visit that the appeal property has a substantial gateway and access that is set back from the highway sufficient to accommodate the limited vehicular activity that is likely to be associated with the modest proposal.
16. A standard time and a materials condition are not necessary as the development has been completed.

Conclusions

17. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Annex A – Conditions:

- 1) The development hereby permitted shall be retained in accordance with the following approved plans and documents:
 - HM Land Registry Location Plan reference - TQ6155SE
 - Location Plan JO/21/101.01, dated January 2021
 - Block Plan JO/21/101.02, dated January 2021
 - Proposed Stables and Hay Barn Johnson, H June-20, dated June 2020
- 2) The stables hereby permitted shall be used solely for private stabling of horses owned by the owner/occupier of the application site and not for commercial stabling or in connection with a riding school/livery.

*****End of Conditions*****