
Appeal Decision

Hearing Held on 12 October 2021

Site visits made on 12 October and 15 November 2021

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2021

Appeal Ref: APP/N5090/W/21/3268715

Arkley Riding Stables, Hedgerow Lane Barnet EN5 3DT

- 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 Heronslea (Arkley) Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4297/FUL, dated 9 September 2020, was refused by notice dated 4 December 2020.
 - The development proposed is demolition of existing buildings, change of use from equestrian centre (Sui Generis) to residential use (Use Class C3) and construction of 4 detached dwellings with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Hearing was 'blended' with 2 witnesses for the appellant and an interested party attending virtually.
3. Since the Council's decision to refuse planning permission, the Government issued its latest version of the National Planning Policy Framework (the Framework) and a new version of the London Plan was adopted by the Greater London Authority. Accordingly, policy references in this decision reflect the new versions of each document.

Main Issues

4. The appeal raises 3 main issues:
 - The effects of the proposals on the provision of community facilities in the borough
 - Whether or not the proposal is inappropriate development within the Green Belt, including the effects of the development on openness, and
 - The effects of the proposals on the character and appearance of the area.

Reasons

Community facilities

5. Adopted policy included in the Framework, the London Plan and the Barnet Local Plan require the retention of sports and recreation facilities.

6. Both parties agree that the appeal site was used as a private livery with 2 maneges for many years. According to the appellant the stables were offered on a DIY basis and ceased operations in 2012. The site is overgrown and the buildings are dilapidated. The site does not lie on any part of the bridleway network. It would seem that horses would use the maneges for exercise.
7. A national sales marketing campaign conducted for over a year resulted in around 2,000 expressions of interest which led to 9 offers.
8. Although the Council have indicated that they would normally expect its Property Team to be approached as part of a marketing exercise there is no policy requirement for agents to do this. The Council could evidence that a local equine charity was looking for sites although it was unclear how serious this level of interest was.
9. Evidence¹ submitted with the appeal points to an over provision of stables in the local area with only 5 of 35 stables included in the survey reporting that they were full. Given that the stables have been closed for around 9 years, this has been accepted by both the BEF² and Sport England.
10. Whilst the Council identifies a body of reports and strategies which point to the importance of Barnet's open spaces for sport and recreation, I was not directed to any specific points in support of its case regarding the need for the protection of equestrian facilities specifically.
11. Although the balance of evidence presented during the Hearing points to a lack of demand for stabling at the site, the hierarchy of national, strategic and local policy points to the retention of sports and community facilities not just to protect such uses but to allow for the creation of new opportunities for sport/recreation. However, in this regard the site presents constraints in terms of topography and access which would mean that its re-use would not be conducive to other activities associated with open space. Built facilities could also be constrained by the site's Green Belt designation.
12. I have considered the Council's evidence in respect of the BEF Trade national survey (2019) which demonstrates that there is a growth in demand for horse riding together with the email from Mr Bishop³. However, this is outweighed by the more recent commentary⁴ from the BEF that they would have no objection to the loss of stables at the site.
13. Paragraph 99 of the Framework, Policy S5 of the London Plan and Policies CS10 of the Local Plan seek to resist the loss of sports facilities unless there is evidence that there is no demand demonstrated through site marketing and through an assessment of need. I regard the balance of evidence before me as pointing to a lack of demand for the retention of the site for stables. The site's constraints would not allow for other forms of community led development such as multi use sports facilities suggested in Policy S5 of the London Plan and Policies CS10 and DM13 of the Local Plan.
14. For the above reasons, I conclude that the existing stables are surplus to requirements and that the marketing campaign and needs assessment are

¹ Assessing Need and Opportunities Guide

² British Equestrian Federation

³ Email from Mr Bishop re an application for new stables at a local farm

⁴ 19 February 2021

sufficient evidence that the loss of stabling would not be in conflict with Policy S5 of the London Plan and Policies CS10 and DM13 of the Local Plan. Furthermore, the requirements of Paragraph 99 of the Framework have been addressed.

Green Belt

Previously developed land (PDL)

15. Both parties agree that the site is previously developed land falling within the definition included in the Glossary to the Framework.
16. The boundaries of the appeal site reflect the extent of the stable complex with development concentrated on the west side of the site but includes land on the east part on which there are several other buildings including a mobile home and areas of hardstanding. The site's southern boundary is along the northern edge of the maneges.
17. Interested parties have questioned the extent of previously developed land and how temporary structures including the mobile home could be considered as part of the volumetric and floorspace assessments included with the appeal.
18. Annex 2 of the Framework includes a definition of previously developed land. In my view a significant part of the appeal site falls within this definition as it embraces built structures on both the west and east sides of the site. The location of those structures considered to be temporary by interested parties are evidenced on historical aerial photographs. Accordingly, I consider that they each have a degree of permanence consistent with the Annex to the Framework.
19. Both parties have agreed the volumetric and floorspace of the existing buildings across the whole site. I was given assurances about the integrity of these measurements and have no reason to doubt them.
20. For these reasons I am satisfied that the appeal site falls within the Framework's definition of previously developed land.

Impact on Openness

21. The main parties disagree on the extent of harm to openness which would result from the proposed scheme and whether it falls within the first limb of Paragraph 149g) of the Framework.
22. Paragraph 137 of the Framework describes the essential characteristics of Green Belts as their openness and permanence. The Council identify that the appeal scheme is counter to the purposes of Paragraph 138a) and c) which seek to check the sprawl of large built up areas and assist in safeguarding the countryside from development.
23. The appeal site lies on the northern edge of a large area of Green Belt which extends east from Barnet Way towards High Barnet and includes Totteridge Park and Whittings Hill open space and agricultural land. This area of Green Belt is characterised by undulating topography, hedgerows and clusters of trees.
24. The site lies below the houses on Hedgerow Lane and Saddlers Close and to the west of Raeburn Gardens. The eastern section of the site is slightly higher than the west. The existing stables are located on the west side of the access road

- with ancillary buildings and areas of hardstanding and the former mobile home located on the east side. All of the buildings are in a poor state of repair.
25. The site presently benefits from a considerable amount of shrub cover which has grown since the stable's closure and which hides the extent of existing development across the site. For this reason, I accept the appellants point that if the site was fully operational, many of the existing structures would be more visible than at present.
26. The appeal scheme includes an extension of Hedgerow Lane into the site providing access to the dwellings via a short road on its northern edge. Each dwelling would be 1.5 storeys in height involving the first floor located in the roof.
27. Although there is no definition of 'openness' within the Framework, the Guidance⁵, refers to assessments of openness as being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated. Whilst only a suggested framework it is a useful guide given the issues involved in this appeal.
28. The appellants acknowledge that the volumetrics and floorspace of the existing buildings have been key determinants in the size of the proposed buildings. The scheme keeps within these parameters with reductions in both volume by 1% and floor area by 37% with a 47% reduction in the areas of hardstanding.
29. However, the appeal scheme differs in several respects from the existing development in that the houses would be evenly located across the site.
30. The individual houses would be of a greater height than the existing buildings. For example, around 11% of the volume (or 'oversail') of houses 1 and 2 would be higher than the existing structures on the western part of the site and 3% of the volume of houses 3 and 4 would be higher than the buildings lying on the eastern part.
31. The appellant's Landscape and Visual Impact Assessment includes a large number of views from points to the south. Through a combination of topography, distance and the location of tree belts the appeal site appears indistinct from many of them.
32. However, the appeal site is most prominent from the east side of the Whittings Hill open space. The orange and green containers on the west side of the site can be seen above the crowns of surrounding trees whereas parts of the east side of the site are less prominent due to the extent of tree cover.
33. The existing orange container on site allows a useful benchmark to enable assessment of the visual impacts of the scheme in that it broadly aligns with the rear building line to each of the proposed houses. Although the palette of materials proposed for the scheme would be less obtrusive the proposed houses would be taller and extend across the site. Houses 1, 2 and 3 would be more visible than the existing buildings although House 4 would be largely obscured by existing vegetation.

⁵ Planning Practice Guidance 001 reference ID:64-001-020190722

34. Whilst the appellant seeks to balance the reductions in floor area and volume, I consider that the encroachment of development across the whole site would have a greater impact on openness than existing because of its visual impact. This impact could not be sufficiently mitigated by the use of darker materials in the elevational treatment of each dwelling as the appellant suggests.
35. I acknowledge the point raised in the decision of an Inspector colleague⁶ included in the appellants evidence that new development on a previously developed site does not have to be of the same form as that to be demolished. However, the requirements of the first limb of Paragraph 149g) set a high bar with respect to openness which have to be addressed.
36. In terms of those other aspects of 'openness' defined by the Guidance such as traffic generation, I find that these would have less impacts than the previous use⁷. Furthermore, whilst the occupation of 4 dwellings would result in the generation of domestic paraphernalia across the site this has to be compared to the number of jumps and other equipment which are likely to have been found across the site.
37. Even allowing for the reduction in volumetric and floorspace figures and matters such as the extent of activity, the spread of development across the whole site would be more visible than existing with a greater impact on the openness of the Green Belt. As 3 of the houses would sit above the tree line they would be visible throughout the year and not just in the winter months. They would be seen as a separate group of properties and not against the backdrop of the existing properties as the appellant suggests.
38. In concluding on this issue, the assessment of openness should be made within the context of the site's previous operation and lawful use. The provisions of the first limb of Paragraph 149g) of the Framework require that new development should not have a greater impact on openness than that existing. For these reasons it would infringe on the purposes identified in Paragraphs 138a) and c) of the Framework
39. Policy G2) of the London Plan 2021 and Policies CS7 and DM15 of the Barnet Local Plan 2012 are consistent in resisting proposals for development which would harm the Green Belt.
40. I recognise that the impacts on openness between the existing and proposed schemes is finely grained but in this instance given the visibility of the scheme, I conclude that it would conflict with these policies and with the requirements of the first limb of Paragraph 149g) of the Framework.

Character and appearance

41. The appeal site is located in the Green Belt but is surrounded on 2 sides by housing with its western and southern boundaries being open. The southern boundary lies next to the former manege area and paddock which are completely overgrown and separated from public open space to the south by a thick tree belt.
42. The Council's adopted Policies CS5 and DM01 require that new development preserves and respects existing local character. The local character of built

⁶ APP/A0665/W/19/3232921

⁷ EAS Transport Note 7 September 2020

development in the surrounding area is defined primarily by detached dwellings in large plots.

43. I recognise that the design of the proposed housing has been influenced by the pattern of surrounding development with similar plot to house ratios. The appellant has stated that an important driver influencing the design is the requirement to achieve an optimal amount of development dictated by the floorspace and volumetric calculations established by the scale of the existing buildings on site and a need to reduce their impact on the Green Belt. The selection of materials is to achieve a design of semi-rural character⁸.
44. Each house has been designed as a form of contemporary chalet of 1.5 storeys. The ground floor in plan form is essentially square with a first floor raised centrally with roof planes which are not of uniform slope.
45. The requirement to adhere to floorspace and volumetric calculations has resulted in a contrived design which contrasts with the more traditional form of residential development which characterises the local area. The proposed design seeks to identify with the form of surrounding built development and also respond to the Green Belt land beyond through the use of a varied palette of materials which include brick, natural timber weather boarding, roof tiles and stone for the porch with a glazed balcony above.
46. I acknowledge that the proposed development is designed to lie close to or in the appellant's description 'hug' ⁹the site's northern boundary to minimise its impact on the Green Belt. Although the separation distances with existing development could potentially emphasise the contrast in design resulting in an adverse impact on the character of the area, the fall in ground levels and the chalet design would allow the appeal scheme to be a standalone development on the edge of the settlement which would not adversely affect the character of the built development in the surrounding area.
47. For these reasons, I conclude that the proposed scheme respects the existing local character of built development and would not conflict with Policies CS5 and DM01 of the Councils Development Plan.

Planning balance and conclusions

48. I accept that the loss of the stables would not conflict with adopted policy which requires the retention of land and buildings for the purposes of sport and recreation and that the form of development proposed would not adversely impact on the character and appearance of built development in the area.
49. However, the determining issue in this appeal is whether the proposed development would not have a greater impact on the openness of the Green Belt than the existing development.
50. For the above reasons, I find that the proposed scheme would have a greater impact on openness and for this reason it falls outside the provisions of the first limb of Paragraph 149g) of the Framework.
51. For this reason, the appeal is dismissed.

⁸ Evidence of Mr Watkins

⁹ Evidence of Ms Bruner

Stephen Wilkinson

INSPECTOR

List of documents received both in advance of and during the Hearing

HD1 Representations from interested parties, dated 5 October 2021

HD2 email from BEF dated 12 October 2021

HD3 Historic photographs

HD4 email from Mr Bishop indicating new application for additional stables at Chesterfield Farm

APPEARANCES

FOR THE APPELLANT:

Paul Engelberg	Heron'slea
James Bombas BA (Hons) MA, MSc, MBA	Iceni Planning Consultants
Simon Watkins BSc, BArch (Hons) RIBA	Hub Architects and Designers Limited
Jason Rishober	Heron'slea
Silke Gruner BA (Hons), CMLI	Landscape Architect CSA (Virtual)
Neil Allen BA (Hons)	Tetra Tech Planning (Virtual)

FOR THE LOCAL PLANNING AUTHORITY:

Joe Mari BSc, MSc	Principal Planning Officer
Emily Bell	Observer

INTERESTED PERSONS:

Robin Bishop RIBA	Chair of the Barnet Society (Virtual)
Ed Perry	Speaking on behalf of the Saddlers Close and Hedgerow Lane Residents