



Appeal Decision

Site visit made on 8 March 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/G5180/W/21/3281150

Wycombe, Hockenden Lane, Swanley BR8 7QH

- 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 & Mrs I & L Hulf against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/03338/FULL1, dated 25 August 2020, was refused by notice dated 13 August 2021.
 - The development proposed is the demolition of existing buildings and erection of detached equestrian barn formation of new access to barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council suggests that the proposal involves a change of use of the land. However, the application forms do not seek a change of use and although the use of the land was an issue for the previous appeal¹, there is no substantive evidence before me to suggest it is now a matter which should form part of my considerations.

Main Issues

3. The main issues are:
 - a) whether the proposed development would be inappropriate development in the Green Belt;
 - b) the effect of the proposed development on the character and appearance of the area; and
 - c) would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. Policy 49 of the Local Plan² concerns development in the Green Belt. It states that new development in the Green Belt will constitute inappropriate

¹ APP/G5180/A/13/2209784

² London Borough of Bromley Local Plan (2019)

development unless it falls within a stated list of exceptions. This list is broadly similar to Paragraph 149 of the Framework.

5. The exception in Paragraph 149(b) includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and 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. Paragraph 149(g) also allows for the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. The appellant considers the proposal to fall within both exceptions.
6. Although they are subtly different in their wording, both of these exceptions as set out in Paragraph 149(b) and (g) contain an explicit requirement to consider the openness of the Green Belt in relation to the proposal. This is necessary in order to determine whether or not the proposal would be inappropriate development in the Green Belt.
7. The proposed building would be positioned centrally within the main part of the appeal site, which is currently a field. It would have a footprint of just over 200m² and a height to ridge of 3.6m. The appellants indicate it would have a volume of 580m³. The building would clearly represent sizable built form which would necessarily result in a significant loss of openness of the Green Belt.
8. The appellants have drawn my attention to four existing buildings on site which would be removed as part of the proposal. In addition, it is suggested that the previous appeal decision for stables in 2014 should be taken into consideration. That Inspector judged the effect of that building on openness to be small, and that scheme did not involve the removal of the four existing buildings. Thus, the appellants suggest that this should be taken into account when assessing any loss of openness caused by the current proposal. The appellants have produced a calculation to illustrate that the volume of the current proposal would be just over 11m³ less than the combined volume of the previous appeal proposal and the existing buildings now proposed for removal.
9. Putting aside that the consideration of harm and the weight to attach to it is a matter for the decision maker in each case, I note that the previous Inspector was very clear that the proposed building, which was a different style of building on a different part of the site to that now proposed, was being considered in isolation in terms of the effect on openness. No views were expressed on any other buildings, either individually or cumulatively, in relation to that proposal and the issue of openness.
10. Furthermore, that the previous Inspector found nothing to indicate that the stables could not be located closer to the dwelling, does not mean that a different proposal, positioned nearer to the dwelling would necessarily be acceptable. Therefore, given that an assessment of openness involves both spatial and visual considerations, it does not automatically follow that the previous scheme and existing buildings would necessarily have been judged to have an acceptable effect on openness.
11. It would not therefore be appropriate to assume that the volume of that previous proposal should largely be taken as being acceptable in relation to a

very different proposal and the issue of openness. I also note that the currently proposed building would, according to the Council, be 0.9m higher than the previous scheme and have a larger footprint than that scheme. The appellants have not disputed these figures. The previous scheme also involved significantly less of a new access road than the current proposal. The proposed access would run the length of the building and include a large area of hardstanding to the north of it. As such, I give the previous appeal decision limited weight in this regard.

12. I find that the existing buildings are both individually and collectively not as visually prominent as the proposed building would be. They are all individually much smaller than that which is proposed, and even though they are located at different points across the site, they have a significantly reduced visual and physical presence in comparison to that of the proposed building. Thus, notwithstanding the existing screening, their impact on the openness of the land is significantly less harmful than the proposed development would be. As such, the consolidation of all the development on this single site, in the form proposed, would accentuate the overall effect on the openness of the Green Belt, when compared to the existing situation.
13. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Taking all of the above into account, the proposal would not preserve the openness of the Green Belt and would have both a greater impact on the openness of the Green Belt than the existing development and would therefore conflict with the purposes of including land within it.
14. The Council does not consider that the proposal should be assessed under Paragraph 149(g). Even if I were to disagree with the Council on that point, I have found the proposal would cause harm such that it would not fall within either of the exceptions listed in paragraph 149(b) or (g) of the Framework. I therefore conclude that it would be inappropriate development in the Green Belt, contrary to Policy 49 of the Local Plan and the Framework which, amongst other things, seek to restrict inappropriate development in the Green Belt.
15. By definition, inappropriate development would be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a proposal substantial weight should be given to any harm to the Green Belt.

Character and Appearance

16. The proposed building would be located in open countryside, to the southwest of the main cluster of buildings of Hockenden. Although there are some nearby buildings, the appeal site generally has a rural, undeveloped character. Policy 61 of the Local Plan establishes criteria against which horse, stabling and riding facilities should be considered. In the supporting text to the policy the Council recognises that such buildings and uses can be an integral part of the rural environment but also cautions that such developments can cause harm to the Green Belt.
17. Accordingly, criterion (a) of Policy 61 seeks to resist such developments if they would adversely impact on the open character of the Green Belt; and criterion (b) requires buildings to be suitably sited in relation to their surroundings.

Thus, even though there would be no intensification of horse related activities and even if I were to find that the proposal accords with all the other criteria in this policy, they would not overcome my previous findings with regard to (a) and (b).

18. The proposed equestrian barn would have a somewhat utilitarian design. Although it would not appear as a traditional stable block or rural building, such functional looking buildings are not uncommon in rural areas. I also acknowledge that its wooden construction would allow the external appearance to soften and weather over time. Therefore, whilst I do not find the appearance of the building in and of itself harmful, given my findings with regard to the size of the building and its effect on the wider landscape, it would nevertheless cause harm to the character and appearance of the area.
19. Accordingly, the proposal would be contrary to Policies 37 and 61 of the Local Plan which, amongst other things, seek to resist development generally, and horse and stabling related development specifically, where it would cause harm to the open character and landscape of the area.

Other Considerations

20. I acknowledge the appellants' desire to provide the best possible facilities for their horses, which would allow them to show and compete at events both locally and nationally. However, the building would be a permanent structure which I have judged to cause harm to the Green Belt and would be likely to last for a very long time. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission but there are not sufficient grounds in this case to justify such an approach.
21. It is suggested that the appellants intend to make improvements to the land. These are unspecified and therefore it is not clear how these would be related to the proposal or the extent to which they would be reliant on it. Accordingly, this is not a matter to which I can give much weight.
22. It is pointed out that other neighbouring sites have more intrusive buildings. I saw a large building to the east of the site and there were other buildings visible from the site. However, their existence does not alter the adverse effects this development would have on the Green Belt.
23. The appellants also point to the local support for the proposed development. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case.
24. Paragraph 145 of the Framework does encourage the provision of outdoor sport and recreation once Green Belts have been defined. However, such proposals must still be judged in the light of Paragraph 149(b). In addition, as I have previously noted, the Local Plan does have a policy specifically addressing horses and stabling and sets out criteria for such proposals. Accordingly, the proposal has been fully considered in accordance with the Framework and local development plan policy.

Other Matters

25. I have not had further regard in this decision to concerns over how the Council handled the planning application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Conclusion

26. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

27. The weight I give to the considerations cited in support of the proposal is limited, for the reasons I have given. Accordingly, they do not clearly outweigh the harm the development would cause. The very special circumstances necessary to justify the proposal do not therefore exist.

28. The proposed development would be contrary to the Framework and to the Local Plan which seek to protect the Green Belt. The fact that I have found in the appellant's favour with regard to the individual appearance of the building does not outweigh the totality of the harm I have identified to the Green Belt and character and appearance of the area generally. Therefore, it does not alter my conclusions, having considered all other relevant material considerations, including the approach of the Framework.

29. The appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR