
Appeal Decision

Site visit made on 1 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/X0415/W/21/3273901

Kimba Farm Stud, Moat Lane, Prestwood HP16 9BT

- 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 Kim Barzilay against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/20/4379/FA, dated 18 December 2020, was refused by notice dated 11 March 2021.
 - The development proposed is Application for the retrospective siting of a 37.5m x 20m covered manège.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal represents inappropriate development within the Green Belt;
 - ii) the effect on the character and appearance of the area; and
 - iii) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

3. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception set out within the Framework relates to the provision of appropriate facilities (in the connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

5. The proposal would provide a covered environment in which to train and ride horses. It would be associated with an established equestrian use whereby much of the training activity takes place outdoors. I note the observation from the Council that the proposal would provide an indoor facility and that therefore it would fail to comply with the exception identified above. However, it is clear to me that the proposal would supplement the existing outdoor training facilities in a manner that would enable sessions to carry on regardless of the weather. In this regard, I am satisfied that the proposal would provide a facility that would be intrinsically linked to outdoor sport and recreation.
6. However, the exception identified within the Framework requires that such development preserves openness. The manège is already in situ and there can be no escaping the fact that it is a large and imposing structure. Due to the size and sheer presence of the building, it does have a substantially detrimental impact on the visual and spatial openness of the Green Belt.
7. Consequently, although the proposal would be for outdoor sport and recreation, due to the effect on openness, I conclude that it would represent inappropriate development within the Green Belt. It would therefore fail to comply with the Green Belt protection aims of the Framework as well as Saved Policy GB2 of the Chiltern District Local Plan (1997) (Consolidated 2007 and 2011) (LP) which establishes the local Green Belt requirements.

Character and Appearance

8. The appeal site forms part of a wider equestrian use that includes a number of large buildings of an agricultural appearance. The existing buildings are broadly clustered around a central area of hardstanding and beyond the cluster of buildings are outdoor training spaces set within low level enclosures. The wider surroundings consist of open countryside which forms part of the Chilterns Area of Outstanding Natural Beauty (AONB). Due to the agricultural cluster of buildings and the rural surroundings, the appeal site is complementary to the landscape and scenic beauty of the AONB.
9. The manège is already in situ and represents a large single storey structure of a functional appearance with a sloping roof, finished in a white canvas and white cladding material. The location of the structure is beyond the cluster of buildings and this distance ensures that the building is experienced as being both visually and physically removed from the existing structures. Due to the size of the structure and the external material used, it has a stark appearance that is in sharp contrast with the established agricultural buildings. This contrasting appearance is exacerbated by the level of visual separation from existing buildings, as this has the effect of the structure being viewed against the surrounding countryside, more than the existing development.
10. The appeal site is flanked by a public footpath and despite the presence of well-established trees, this affords clear and obvious views of the structure. Moreover, due to the size and appearance of the building, it would be visible in longer views into the site. As a consequence, the structure represents an unsympathetic addition to the rural surroundings.
11. Paragraph 176 of the Framework confirms that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs. However, for the reasons identified above, the proposal would fail to meet this requirement. This is a matter which weighs very heavily against the appeal.

12. My attention has been brought to the potential for alterations to the external appearance of the building. However, I have to assess the proposal on the basis of the evidence before me, and the alterations would fundamentally alter the proposal. Accordingly, it would be inappropriate to consider such a change through the appeal process.
13. On this basis therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. It would therefore fail to comply with Saved Policies LSQ1 and R13 of the LP, and Policy CS22 of the Core Strategy for Chiltern District (2011). Taken together, these require equestrian facilities to conserve, and where appropriate, enhance the special landscape character and high scenic quality of the AONB.

Other Considerations

14. The core business of the appellant is training and producing competition standard horses. To help facilitate this, the covered manège is deemed to be essential for the day-to-day operations and training regime of competition horses at an elite level. The proposal would eliminate the risk of adverse weather conditions to enable training to continue in all circumstances. The evidence also confirms that this would be beneficial to the health of the horses. The business also generates employment and brings with it demonstrable economic benefits to the local economy.
15. Due to the benefits that the proposal would enable in terms of health and well-being for riders, trainers and the horses themselves, as well as from an economic perspective, I find that they do attract substantial weight in favour of the proposal.
16. However, I have also found that the proposal would harm the openness of the Green Belt and harm the character and appearance of the surrounding area, including the AONB. The Framework confirms that substantial weight should be given to any harm to the Green Belt. It also confirms that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB. Accordingly, the weight attributed to the totality of the harm caused is very substantial.
17. Paragraph 148 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. For the reasons identified above therefore, I conclude that the other considerations would not clearly outweigh the harm. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

18. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR