



Appeal Decision

Site visit made on 11 May 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022

Appeal Ref: APP/X0415/W/21/3281495

**Land north of West Hyde Lane, Chalfont St Peter, Buckinghamshire
SL9 0EW**

- 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 K Woolf against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/0017/FA, dated 2 January 2021, was refused by notice dated 30 June 2021.
 - The development proposed is change of use of land to equestrian and construction of a block of four stables, tack room and store together with a separate hay barn.
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Decision

1. The appeal is dismissed insofar as it related to construction of a block of four stables, tack room and store together with a separate hay barn. The appeal is allowed insofar as it related to change of use of land to equestrian and planning permission is granted for change of use of land to equestrian at Land north of West Hyde Lane, Chalfont St Peter, Buckinghamshire SL9 0EW in accordance with the terms of the application, Ref PL/21/0017/FA, dated 2 January 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan – Land North of West Hyde Lane, Chalfont St Peter – KW-TW-1.0.

Procedural Matters

2. I have not found in relation to Policy R13 of the Local Development Framework Core Strategy for Chiltern District (Adopted November 2011) (CS), as this relates to the impact of proposals for new equestrian facilities on visual amenity, living conditions, highway safety and character or appearance, and the Council has not identified harm in respect of any of these matters.
3. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.

Main Issues

4. The main issues are: -

- whether the development would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposed development on the risk of flooding within the site and elsewhere; and
- if the development is inappropriate within the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Whilst referring to the now replaced Planning Policy Guidance 2, the Chiltern District Local Plan¹ (LP) reiterates this stance in LP Policy GB2. It includes exceptions to the presumption against development in the Green Belt, but these are not as extensive as those within the Framework. The policy is therefore neither as positive as the Framework nor fully consistent with it, so I only afford limited weight to it regarding matters relevant to this main issue.
7. The wording of the Framework is the most up to date expression of the national policy position on development in the Green Belt and Paragraph 149 sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. That is, unless it meets one or more of a list of exceptions, which includes 'the provision of appropriate facilities (in 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' [my emphasis]. This aspect of the Framework therefore relates to the proposed stables, tack room and store, and separate hay barn, which are buildings.
8. The proposed use of the remaining land within the appeal site for equestrian purposes is considered under paragraph 150(e) of the Framework, which applies to material changes of use of land. These must meet the same criteria set out above.
9. Paragraph 138 of the Framework clarifies that the Green Belt serves five purposes, including to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. Given that the use of the appeal site for equestrian purposes and the associated buildings

¹ Adopted 1 September 1997 (Including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

would be for purposes intrinsically linked to the countryside, they would neither constitute features of an urban appearance, nor be a form of development that would encroach into the countryside. Therefore, the proposal would not conflict with the purposes of including land within the Green Belt, so would not be inappropriate development in the Green Belt in this specific respect.

10. Nevertheless, the conclusion on whether the proposal would accord with the aforementioned exceptions, and not be inappropriate development overall, would hinge on if the appeal scheme would harm the openness of the Green Belt, which I address in the next main issue.

Openness

11. The appeal site is to the east of Chalfont St Peter and is split into two parts. The first parcel of land is situated to the north of West Hyde Lane and extends further north alongside the boundary to the Robertswood Primary School and residential gardens north of it, which is marked by mature hedges and trees. The second parcel of land is beyond this, further north, and is separated from the former by gardens of dwellings owned by the appellant, access to which is taken from Denham Lane.
12. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof being their openness and permanence. The physical presence of built forms may affect openness, which can also have a visual element.
13. The proposed buildings would be relatively large structures of some height and, although they would be positioned away from nearby roads, it is likely that they would be visible through planting from neighbouring land to the west, particularly during winter months. As such, they would be conspicuous features within their surroundings and introduce permanent development within part of the appellant's landholding where there currently in none. Conversely, from the evidence before me, the use of the appeal site for equestrian purposes would not, of itself, result in any harmful changes to its openness.
14. The proposed buildings would result in a harmful loss of openness of the Green Belt in both visual and spatial terms. While this harm would not be significant, given the extent of the proposals, openness cannot be preserved if there is a finding that there would be an adverse impact on it, of any kind. The proposed buildings would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above, including inappropriate development. However, the aspect of the proposal concerning use of the land for equestrian purposes would not amount to inappropriate development.

Flood Risk

15. The application was supported by a Flood Risk Assessment (FRA), a SuDS Assessment Report and calculations for soakaways for the proposed buildings. These would be connected to an overflow from water butts at each building and permeable paving would be utilised for the development. Given the extent of the site, the geology of its location and the relationship of the proposed buildings to neighbouring land and uses, I find these documents and the method of mitigation proposed to be reasonable and proportionate to the scale and extent of the development. The documents are based on a storm event of

1 in 100 years and allowances are made for climate change, but they do not address different storm events, including 1 in 30-year events. However, as drainage in line with the former is proven to work, it is not beyond the realms of possibility that a scheme could be designed to mitigate against other events. I am satisfied that agreement of such a scheme could be resolved by way of a planning condition.

16. In light of this, I conclude that the proposed development would be unlikely to increase the risk of flooding within the site and elsewhere. Hence, the proposal would not conflict with the aims in respect of flood risk expressed in CS Policy CS4 and the Framework.

Other Considerations

17. The proposed buildings would further the proposed private recreational use of the site, but this could operate without the proposed buildings. I therefore give limited weight to this as a benefit of the scheme.
18. The appeal scheme would be for development of a similar size and scale to that granted in South Buckinghamshire in March 2019². However, it is unclear how comparable the two sites are, not least in land designation, such as Green Belt. The proposed buildings may also be no larger than the recommendations of the British Horse Society (BHS). Nevertheless, each application and appeal scheme must be determined on its own individual merits in relation to the relevant policies and evidence before me. The presence of another similar development in Buckinghamshire would not therefore justify a development I consider would be harmful for the reasons set out above.
19. The main parties agree that the proposal would comply with relevant planning policies in respect of the effect of the proposal on the character and appearance of the area, living conditions of neighbours, and parking and highway implications. However, policy compliance is an absence of harm, which equates to a neutral impact, that would neither weigh in favour nor against the appeal scheme.

Other Matters

20. The main parties have referred to the stocking densities of land for each horse set out by the BHS, but these are recommendations. I also note that the use of land for equestrian purposes would not, of itself, mean that a definitive number of horses would be grazing within the appeal site. The provision of food for horses is also not uncommon and would appear to be implicit given the nature of the proposed use.

Conditions

21. I note that some of the conditions suggested by the Council relate to the proposed buildings and the proposed use of land would be served by existing accesses. I have therefore only specified the standard time limit and, in the interests of clarity, the plan referring to the areas of land affected by the change of use.

² Planning Reference: PL/18/4136/FA.

Planning Balance and Conclusion

22. The buildings within the appeal scheme are inappropriate development in the Green Belt. This is harmful by definition. These aspects of the proposal would reduce the Green Belt's openness which gives rise to additional harm. These harms render the proposed buildings contrary to the aims of LP Policy GB2, and the relevant sections of the Framework. However, I have already outlined above that I give limited weight to LP Policy GB2 due to its consistency with the Framework, so it follows that I also afford limited weight to the conflict of the proposal with that policy.
23. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and 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.'
24. The 'other considerations' advanced in support of the aspect of the proposal concerning buildings are not sufficient, either individually or cumulatively, to clearly outweigh the substantial weight to be given to the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify these buildings do not exist.
25. Despite my findings in respect of flood risk, the aspect of the proposal concerning the block of four stables, tack room and store, together with a separate hay barn, would be contrary to the development plan in respect of Green Belt harms. While I have found the Framework to be a material consideration that indicates that the proposal should be determined other than in accordance with the development plan, the proposed buildings would also conflict with its aims in respect of the Green Belt. Conversely, the proposed use of land would accord with the Green Belt policies of the development plan and Framework.
26. Accordingly, for the reasons given, I conclude that the appeal should be allowed insofar as it relates to the proposed change of use of land to equestrian. However, as I have found Green Belt harms and there are no other considerations which would outweigh this finding, the appeal should not succeed insofar as it relates to the proposed block of four stables, tack room and store, together with a separate hay barn.

Paul Thompson

INSPECTOR