



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/21/3281189

Land at West Hyde Lane, Chalfont St Peter, Buckinghamshire SL9 0QP

- 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 J Mason against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/0471/FA, dated 15 February 2021, was refused by notice dated 9 May 2021.
 - The development proposed is construction of outdoor manege and horse walker.
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Decision

1. The appeal is dismissed.

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), 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; 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. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, 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 horse walker, as it would be a building.
8. The proposed manege is not a building but requires engineering operations to be implemented. The exceptions to such other forms of development that are not inappropriate in the Green Belt are expressed in the Framework at paragraph 150, but they too must also preserve its openness and not conflict with the purposes of including land within it.
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 appeal scheme is for development which is intrinsically linked to the countryside, it would neither constitute features of an urban appearance, nor comprise 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, 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 concerns a parcel of land within a wider area of land used by the appellant for outdoor recreation purposes. It is situated to the north of West Hyde Lane, east of Chalfont St Peter, and four stables approved by the Council are under construction. The land is enclosed at its southern perimeter by tall fencing and some planting and the site access is gated.
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

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

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 horse walker would be a large structure of some height, constructed with an aluminium and timber frame, outer timber panels and a roof of Perspex sheeting. It would be positioned in close proximity of the existing stable block. Given its height and proximity to the road, which slopes down to the east, it is likely that the horse walker would be visible above the enclosing fences. It would therefore be a conspicuous feature within its immediate surroundings and introduce development within part of the appellant's landholding where there currently in none.
14. The proposed manege would be an all-weather exercise area constructed with a stone base, sand, and rubber, and enclosed by low fencing and a gravel footpath to its perimeter. Due to the height of fencing at the perimeter of the site, it is unlikely that it would be apparent from within its immediate surroundings. However, the change in the surfacing of the land for the manege, and its enclosing footpath, would establish development within another part of the appellant's landholding which is currently grassland.
15. The proposed horse walker would result in a harmful loss of openness of the Green Belt in both visual and spatial terms and the proposed manege would also have a harmful spatial effect. The extent of the proposals means that these harms would not be significant, but openness cannot be preserved if there is a finding that there would be an adverse impact on it, of any kind. The appeal scheme 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.

Other Considerations

16. The two aspects of the proposal would aid in the exercise of horses with visibility and health issues, which could be undertaken in a safe and controlled manner. It would also further the recreational use of the site. While the appellant only suggests that this would benefit two horses, together, I afford considerable weight to these benefits to the health of those horses and recreational activities within the site.
17. I accept that it is likely that the appeal scheme would be for development of a similar size and scale to that found in other locations within the District, but I have not been referred to any specific examples. I am not therefore able to determine whether other similar developments would be comparable with the appeal scheme. In any event, each application and appeal scheme must be determined on its own individual merits.
18. The main parties agree that the proposal would comply with relevant planning policies in respect of the effect of the proposal on the living conditions of neighbouring occupiers, 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.

Planning Balance and Conclusion

19. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness

which gives rise to additional harm. These harms render the appeal scheme 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.

20. 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.'
21. While I have afforded considerable weight to the main 'other considerations' advanced in support of the appeal scheme, these 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 the development do not exist.
22. The proposal would be contrary to the aspect of the development plan that refers to development in the Green Belt. While I have found the Framework to be a material consideration that indicates that the proposed development should be determined other than in accordance with the development plan, it would also conflict with its aims in respect of the Green Belt. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR