



Appeal Decision

Site visit made on 14 July 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal Ref: APP/P1940/W/22/3291286

1 Micklefield Green Cottages, Sarratt Road, Croxley Green WD3 6AH

- 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 and Mrs Hern against the decision of Three Rivers District Council.
 - The application Ref 21/2404/FUL, dated 13 October 2021, was refused by notice dated 20 December 2021.
 - The development proposed is erection of stable building.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. At present, the broad location for the proposal is occupied by a mobile horse shelter which includes two stables, a stable building on skids which includes three stables and two containers used for storing equestrian paraphernalia. Whilst these are not shown on the submitted drawings, the appellants advise that these are temporary structures. For the purposes of determining of this appeal, I have proceeded on that basis.

Main Issues

3. The main issues are:
 1. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 2. The effect on the openness and purposes of the Green Belt.
 3. Whether any 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

4. The appeal site comprises part of a wider area which incorporates a dwelling and land, located on the eastern side of Sarratt Road which falls within the Metropolitan Green Belt.
5. Policy CP11 of the Core Strategy, adopted October 2011 ('CS') sets out that there is a presumption against inappropriate development, that fails to

preserve openness of the Green Belt. Policy DM2 of the Development Management Policies Local Development Document, adopted July 2013 ('LDD') relates to development in the Green Belt and relies on national policy in terms of determining if a development is inappropriate or not. These policies are broadly consistent with the Green Belt aims of the Framework.

6. The proposal is for a stable building comprising four stables, a tack room and hay/feed store with an area of associated hardstanding to the front of this. This building is to be sited on the south-western boundary of the site, bordering Sarratt Road.
7. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, Paragraph 149 does set out a number of exceptions to this, including: b) 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.
8. Based on its scale, form, construction and appearance, the proposed building is designed for stabling ponies with ancillary facilities. Therefore, this is appropriate for its intended purpose.
9. However, as no change of use is proposed, I also need to be satisfied that the proposed facility in the context of the proposal is in connection with an existing use of land for outdoor sport or outdoor recreation.
10. The appellants advise that the building is to be used for housing ponies in connection with land that has been used for keeping horses well in excess of 10 years, therefore the land has a lawful equestrian use. Adding that, the land has been used for equestrian grazing purposes whereby horses have been supplementary fed and rugged, and that riding on the land has taken place for more than 10 years. The appellants advise that they have photos of horses grazing, with rugs on the subject land in 2005. However, these are not in the evidence before me.
11. I have also noted that appellants and their family are involved with the Pony Club and that their children compete across all disciplines all year round. The appellants' family also own the neighbouring property, where planning permission has been granted for the creation of a manege, which the appellants and their children will use. Nevertheless, the neighbouring property is not part of the proposal before me.
12. On the other hand, the Council argue that the land has only been used for agricultural purposes (the grazing of horses) until June 2021, when the first evidence of horse jumps are noted within the land adjacent to 1 Micklefield Cottage.
13. I acknowledge that an equestrian use could be a form of outdoor sport or outdoor recreation and that there were ponies on land near the appeal site and some horse and pony related paraphernalia at the appeal site and on surrounding land. Nevertheless, based on a single visit and the evidence before me, I cannot be certain that the land associated with the proposal has an

existing use for outdoor sport or outdoor recreation. Consequently, the proposal is not supported under part b) of Paragraph 149 of the Framework.

14. Paragraph 150 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations. The proposed area of hardstanding would fall within this category. Based on my findings in respect of the purposes of the Green Belt, as set out below, this constitutes inappropriate development.
15. Also, because the proposed stable building does not meet any of the exceptions under Paragraph 149 of the Framework, it also constitutes inappropriate development within the Green Belt.

Openness and purposes of Green Belt

16. Paragraph 137 of the Framework, states that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a proposal may cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
17. The proposed stable block would be a sizeable permanent building, which would be placed in a prominent position, adjacent to the road. As such, its footprint, bulk and massing would reduce the openness of the Green Belt in both visual and spatial terms. This impact would not be adequately offset by the removal of the existing structures which do not have the permanency and scale associated with the proposed building.
18. Nevertheless, because of the existing boundary treatments and proximity of the location for the proposed stable building to the host dwelling, the impact on the openness of the Green Belt would be limited and localised. The hardstanding because of its modest extent and form would not harm openness.
19. However, the hardstanding along with the proposed stable block would entail the permanent encroachment of built form into the countryside and would conflict with paragraph 138 c) of the Framework, which relates to one of the purposes of including land within the Green Belt.
20. To support their case that the proposal would not have an unacceptable effect on the openness of the Green Belt or its purposes, the appellants have referred me to examples of other developments approved in the Green Belt. The full details of those schemes are not before me. However, planning application 17/1687/RSP was granted consent for the change of use of agricultural land to mixed agricultural and equestrian use and erection of stable block and field shelter. Appeal ref: APP/P1940/A/13/2198557 relates to the erection of replacement stables building with ancillary facilities for the care of horses in the applicants' ownership and the erection of an all-weather surface manege to replace existing manege. Therefore, the former included a change of use and the latter was for replacement development. The other manege approved at the neighbouring site, is not a building. Therefore, these examples are not directly comparable to the proposal before me.
21. Planning application 14/1560/FUL was granted for the erection of a single storey stable block with associated works including the erection of fencing and

hardstanding. However, on the information available to me, I am unable to draw any meaningful conclusions. In particular, because matters relating to openness and the purposes of the Green Belt are generally site specific and require a degree of planning judgement, which is a matter for the decision maker. Therefore, the other examples of approved developments in the Green Belt do not alter my findings on this main issue.

22. For the above reasons, the proposal would result in some harm to openness and conflicts with one of the purposes of the Green Belt.

Other considerations

23. Although the proposed building is intended to replace the temporary stables, there is no certainty that the Council's suggested condition would secure and ensure the permanent removal of these from land in the appellants' ownership in perpetuity. Furthermore, there is no certainty that allowing the proposal would ensure that all of the adjoining 4.4 acres of land would remain as open pastureland. Therefore, this and the assertion that the provision of a single building within a consolidated area would assist in safeguarding the countryside from encroachment, attract limited weight.
24. The appellants assert that they could have a number of temporary stables or field shelters on site, under Permitted Development, which could result in a further spread of development across the site and these would be of a lesser design quality. Also, that a stable building could be moved to within the curtilage of the dwellinghouse as it would fall under Class E, Part 2, of Schedule 2 of the GPDO 2015, as amended, provided it complies with all of the criteria. However, having regard to relevant case law, whilst such fallbacks may exist, I cannot be certain that these would cause greater harm to the Green Belt, than the proposal and therefore these attract limited weight.
25. Having considered alternative locations for the proposal, I do not dispute that the proposed location is the most practical for the appellants' requirements and is likely to provide improved facilities for the appellants' ponies. However, it is likely that the development is permanent and would remain long after the current circumstances cease to exist. Therefore, I only attach limited weight to these matters.
26. With regard to paragraph 145 of the Framework, the proposal would provide opportunities for outdoor sport and recreation. Even so, such opportunities can to some extent already be provided through the temporary stables and therefore this attracts limited weight.
27. Whilst the proposal is of an acceptable design and would not adversely impact the streetscene or residential amenity, these matters are neutral factors in the overall balance.
28. The appeal scheme is a resubmission of a refused planning application 21/1835/FUL, which was for a larger stable building. Nonetheless, I have determined the proposal before me on its merits and found it to harm the Green Belt, for the reasons already given.

Green Belt Conclusion

29. The proposal would harm the Green Belt by way of inappropriateness and loss of openness. Also, it conflicts with one of the purposes of the Green Belt. The

Framework requires substantial weight to be given to any harm to the Green Belt.

30. Having taken account of all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with Policy DM2 of the LDD, Policy CP11 of the CS and the Green Belt provisions of the Framework.

31. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR