



Appeal Decision

Site visit made on 27 July 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/G2245/D/21/3286260

Cockerhurst House, Redmans Lane, Shoreham TN14 7UB

- 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 Lucy McKean against the decision of Sevenoaks District Council.
 - The application Ref 21/01444/HOUSE, dated 7 May 2021, was refused by notice dated 10 September 2021.
 - The development proposed is a stable block comprising 3 No loose boxes, hay store and tack/feed store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant is concerned that the Council did not appreciate the location of the proposed building and had conflated the planning history of the appeal site with that of the adjacent site, Cockerhurst Farm. On visiting the site, I was able to view the location and am satisfied that the plans accurately represent this. The main parties also reflect on possible alterations or amendments. However, my findings relate to the proposed development before me.

Main Issue

3. The main issues are a) whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; b) the effect it has upon the openness of the Green Belt; and c) if the development is inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstance necessary to justify the development.

Reasons

Whether the proposal constitutes inappropriate development and its effect on openness

4. The appeal site is a detached dwelling, Cockerhurst House. It faces onto Redmans Lane and is surrounded by ample gardens. On two sides it is wrapped by paddocks, owned by the appellant. On the third side Cockerhurst Farm and Flint Barn are located, understood to be an equestrian or farming business and residential dwelling.

5. The location of the appeal site is within a very loose rural settlement of farms and residential dwellings interspersed with fields. Notably there are several residential dwellings on the opposite side of Redmans Lane to the appeal site and paddocks.
6. Paragraphs 149 and 150 of the Framework set out what is not considered inappropriate development in the Green Belt. The proposed development would constitute a new building which does not fall under paragraph 150. Paragraph 149 of the Framework defines 7 exceptions to inappropriate new buildings in the Green Belt.
7. Paragraph 149 exception c) of the Framework makes provision for the extension or alteration of a building, and Policy GB3 of the Sevenoaks District Council Local Plan: Allocations and Development Management Plan (ADMP) sets out what is considered an extension or alterations. As the proposed stable block would be more than 5m away from the existing dwelling it would be considered a residential outbuilding and not an extension. It therefore is precluded from consideration under paragraph 149 exception c).
8. Nevertheless, ADMP Policy GB3 requires that harm to the openness of the Green Belt must be considered for a residential outbuilding. This is supported by the Development in Green Belt Supplementary Planning Document (SPD), which states at paragraph 5.30, to minimise the impact on openness the Council will seek to restrict outbuildings to a limit of 40sqm when measured externally.
9. The proposal would be larger than 40sqm and the appellant has put forward 2 other approvals which the appellant states were also for larger outbuildings (21/02293/HOUSE and 21/01807/HOUSE). From the details submitted both are in different physical locations to the appeal site, although it is appreciated, they are in areas with similar designations. As openness is very location specific, I cannot draw direct comparison between these and the appeal scheme before me.
10. Notwithstanding this, paragraph 149 exception b) of the Framework, sets out when the provision of appropriate facilities for, amongst other things, outdoor sport and outdoor recreation would not be inappropriate, as long as the openness of the Green Belt is preserved, and the proposal does not conflict with the purposes of land being included within the Green Belt. The proposal would provide stabling for horses which would support outdoor sport and outdoor recreations albeit it for private use. It is therefore necessary to consider whether the proposal would preserve the openness of the Green Belt. ADMP policy LT2, amongst other things, also requires consideration of openness when assessing equestrian development within a Green Belt setting.
11. The proposed stable block would be significant in length when viewed from across the paddocks, creating a physical break detracting from the otherwise verdant and soft informal landscaping which is a key visual characteristic of the appeal site and its location within the Green Belt. It is proposed the visual impact of the stable block would be screened by new native hedging. The effectiveness of the hedging to potentially reduce visual intrusion would be reliant on the maintenance and health of the plants used, notwithstanding any new landscaping would likely take some time to mature. I find, therefore that the proposed hedging would be unlikely to fully mitigate the visual impact of

the building and so the proposal would have a detrimental impact to the openness of the Green Belt, in this aspect.

12. Furthermore, openness has a spatial as well as visual aspect, which cannot be mitigated against by screening. This part of the site is relatively open and is well related to the paddocks beyond the post and rail fence boundary creating an area of open space. The existing informal copse and boundary hedging around the paddocks' outer boundaries creates a defined edge to the open space. The proposed location of the stable block would infill part of this space reducing the open area and harming the openness, spatially.
13. On a wider scale Cockerhurst House and the adjacent Cockerhurst Farm and Flint Barn form a clearly defined envelope of development, understood to be a historical group of farming buildings (along with modern additions). The location of the proposal would be on the opposite side of the site away from this core of buildings and would physically encroach into the open space separating them from the properties on the other side of Redmans Lane. This would reduce the spatial separation between pockets of development and harm the scattered and spaced out character of development within the area.
14. The removal of the 2 field shelters in the paddocks (appreciating one had blown down when I visited the site) could have an impact on the openness of Green Belt. However, this would not mitigate the visual or spatial impact of the proposal as their locations are not directly comparable.
15. For the above reasons the proposal would therefore constitute inappropriate development and have a harmful effect on the openness of the Green Belt as described within paragraph 149 of the Framework.

Other considerations

16. The appellant states the current flint barn used for stabling is not fit for purpose due to location, poor ventilation, and outlook and is not suitable for major re-modelling. Notwithstanding the location, which I could appreciate on my site visit is not convenient for the paddocks, there is nothing before me setting out why other solutions to improve ventilation in the current barn have not been considered, nor the harm a lack of outlook has in relation to stabled horses. I therefore only apply limited weight to these matters.
17. My attention has been drawn to the potential of erecting moveable stables without planning permission by the appellant. Although it is not the place of this decision to confirm whether such would constitute permitted development, the evidence before me does not show how such structures would be more harmful to the openness of the Green Belt than that proposed. I again can therefore only apply limited weight to this.
18. The main parties agree the appeal site is within an Area of Outstanding Natural Beauty (AONB). The criteria and purpose of designation and protection for Green Belt and AONBs are different. AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard. Through observation on site, I agree that the scale of the appeal site, proportional relationship with the proposal, and the design and materials

proposed, would not harm the special qualities of the AONB. However, a lack of harm is a neutral factor, so cannot weigh for or against the proposal.

19. The main parties also agree that the proposal would not have a detrimental impact in relation to living conditions, quality of design, impact on trees and the Biodiversity Opportunity Area. There is nothing substantive before me to draw a conclusion otherwise, nevertheless these matters would also constitute a lack of harm rather than a benefit of the scheme.

Conclusion

20. According to paragraphs 147 and 148 of the Framework inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (VSC). VSC need to clearly outweigh the substantial weight given to any harm to the Green Belt, and any other harm resulting from the proposal.
21. The proposal would be inappropriate development in the Green Belt and would harm openness. Taken in totality, the other considerations discussed above do not clearly outweigh the substantial weight given to the harm caused to the Green Belt and as such do not constitute the VSC necessary to justify the development. The proposed development would be contrary to ADMP Policies GB3 and LT2 and would conflict with the development plan as a whole. Consequently, the appeal should be dismissed.

RJ Redford

INSPECTOR