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# Appeal Decision

Site visit made on 24 October 2022

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> November 2022**

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**Appeal Ref: APP/G2245/W/21/3289140**

**Land west of Ashcombe, Hilders Lane, Edenbridge, TN8 6LD**

- 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 & Mrs D Forbes against the decision of Sevenoaks District Council.
  - The application Ref 21/01383/FUL, dated 4 May 2021, was refused by notice dated 29 June 2021.
  - The development proposed is erection of stable building comprising 2 stables, tractor/hay store, hard feed store and tack room.
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## Decision

1. The appeal is allowed, and planning permission is granted for erection of stable building comprising 2 stables, tractor/hay store, hard feed store and tack room at Land west of Ashcombe, Hilders Lane, Edenbridge, TN8 6LD in accordance with the terms of the application, Ref 21/01383/FUL, dated 4 May 2021, subject to the conditions set out in the attached schedule.

## Main Issue

2. The site is in the Green Belt, and the main issue is therefore whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

## Reasons

3. The National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It further states that the essential characteristics of the Green Belt are its openness and permanence, and that inappropriate development is, by definition, harmful to the Green Belt.
4. The Framework states that certain types of development involving the construction of new buildings are not regarded as inappropriate in the Green Belt. This includes the provision of appropriate facilities for outdoor sport and outdoor recreation, 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. Policy LT2 of the Allocations and Development Management Plan (the ADMP) states, amongst other criteria, that proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting, and where the cumulative impact of other

buildings does not harm the openness of the Green Belt. Policy LO8 of the Core Strategy (the CS) requires that the extent of the Green Belt be maintained.

6. Neither the Framework nor the ADMP provide a definition for what amounts to appropriate facilities, or appropriate scale. This is therefore a matter of planning judgment. In this instance, the proposal is for stables for two horses, and therefore the size of the building must be adequate to meet their needs. There are no other suitable outbuildings within the appellants' ownership, as the existing outbuilding on site has permission for redevelopment.
7. The building would include a tack room, feed store and a hay and tractor store, as well as an undercroft separating the two berths. It would be a permanent building located in an otherwise open field beyond the edge of the settlement.
8. The minimum scale of the building is necessitated by the need to provide stables for two horses. The inclusion of a tack room, feed store and a hay store are, in my experience, not unusual provisions for stables as they provide storage for the necessary equipment and food for the animals. Inclusion of space within the building for a tractor store would not result in such a significant enlargement of its footprint that it materially affects the scale of the proposed building.
9. The undercroft area does result in a larger building than would otherwise be the case, as one of the appellants' horses has medical needs that require a covered area off the grass. Given this single additional space requirement, overall the scale of the building is not so great that it would be inappropriate for the housing of two horses.
10. The building would be sited close to the boundary hedgerow. It would be set well away from the street and would be relatively shallow in height. Given these considerations, the building would not be harmful to the openness of the Green Belt.
11. The development would also include the formation of a track along part of the field boundary. This would be reached from the existing access to the outbuilding, so would be relatively short given the size of the field. While Green Belt openness has both a spatial as well as visual element, the creation of a track of the length proposed would have a negligible impact on openness in this location, and its visual impact could be controlled through an appropriately worded condition.
12. The Council has expressed concern about the potential for future conversion of the stables building. However, any such development would require the Council's permission, and would fall to be considered at that time.
13. Overall, therefore, the development would be of a scale appropriate to the Green Belt and would not result in harm to its openness. It would therefore not be inappropriate development in the Green Belt, so would not conflict with Policy LT2 of the ADMP, Policy LO8 of the CS or the requirements of the Framework set out above.

## **Conditions**

14. I have had regard to the conditions suggested by the Council, as well as national Planning Practice Guidance.

15. I have imposed conditions relating to the commencement of development (1) and confirming the approved plans (2) for the sake of certainty. As details of the materials of construction for the proposed stables and track have not been submitted, I have imposed a condition requiring their approval (3).
16. Given the appeal site's position within an open field close to a pond, conditions relating to the protection and enhancement of biodiversity (4, 5 and 6) are reasonable and necessary.
17. A condition requiring that the stables not be used for commercial purposes (7) was suggested by the Council. Given the proximity to neighbouring dwellings, I am satisfied that this condition is reasonable and necessary in this instance to protect the living conditions of residents.

### **Conclusion**

18. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 101 P1, 547\_S\_202 P1, 547\_S\_203 P1 and 547\_S\_204 P1.
- 3) No development shall commence until details of the materials to be used in the construction of the stables and the track hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.
- 4) No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - a) Details of the secure covered manure storage
  - b) Risk assessment of potentially damaging construction activities, especially in relation to the adjacent hedgerow, trees and pond and the animal species these features could support;
  - c) Identification of 'biodiversity protection zones' and in particular to ensure that there is no excavation within the root protection zones of trees or the hedgerow;
  - d) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction and especially measures to protect trees and the hedgerow;
  - e) Responsible persons and lines of communication;
  - f) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
  - g) Use of protective fences, exclusion barriers and warning signs.The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.
- 5) Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The approved details will be implemented and thereafter retained.
- 6) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. The lighting will have regard to biodiversity on the site. The installation of external lighting shall only be carried out in accordance with the approved details.
- 7) The stables hereby permitted shall not be used for any commercial purposes.

### **End of schedule**