



Appeal Decision

Site visit made on 18 October 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2022

Appeal Ref: APP/X0415/W/22/3295740

Lodge Farm, Lodge Lane, Little Chalfont HP8 4AH

- 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 Steve Murphy against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/3246/FA, dated 12 August 2021, was refused by notice dated 18 November 2021.
 - The development proposed is the erection of stable building and construction of hard surface and access track with associated change of use to equestrian.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies, including the effect upon the openness of the Green Belt and the purposes of including land within it;
 - the effect of the development upon the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty (AONB);
 - the effect of the development upon biodiversity and whether a net gain in biodiversity can be achieved; and
 - 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 circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

3. The NPPF identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the NPPF explains that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.

4. One such exception is (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.
5. Policy GB2 of the Chiltern District Local Plan, adopted 1997¹ (LP) refers to development that would not be inappropriate in the Green Belt, including (b)(ii) new buildings to provide essential facilities for outdoor sport and outdoor recreation, which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. LP Policy GB2 requires the facilities to be “essential” rather than “appropriate” and therefore it is not consistent with the NPPF. Annex 1 of the NPPF states that the weight afforded to policies in plans should accord with their degree of consistency with the NPPF. For this reason, I attribute limited weight to LP Policy GB2.
6. It is proposed to construct an “American-style” stable building. The stables would function as a livery, with the appellant confirming that their own horses would not be stabled within the building. The appeal site has been tightly drawn around the proposed stable building and the associated access, with the surrounding land within the appellant’s ownership excluded. The appellant states that this land would be retained as agricultural land, and that the horses would solely graze on the land. Instead, riders would use the local bridleway network to ride their horses.
7. The stable building would be located within an existing agricultural field that is devoid of development. It would comprise a sizeable building and would include 9 stables, a feed room, a tack room, and wash area, arranged around a central covered corridor. The proposed building would have a ridge height of 4.34m. In spatial terms, the footprint and massing of the proposed building would reduce the Green Belt’s openness.
8. The proposed stables would be sited close to, but not immediately adjacent to, a tree belt, that separates the agricultural field from a recently constructed agricultural building. However, the field boundaries to the southern part of the field are more sparsely planted and open views can be gained from the appeal site of the houses fronting Lodge Road. Furthermore, Bridleway 43 Chalfont St Giles Parish would navigate close to the proposed stables, affording users with a clear view of the proposed building. Therefore, the scale and siting of the proposed building would be visually prominent.
9. For these reasons, the proposed building would not preserve the openness of the Green Belt in both visual and spatial terms. It would therefore comprise inappropriate development in the Green Belt. The proposed development would not comply with the exception detailed at paragraph 149(b) of the NPPF, or Policy GB2 of the LP. The proposed access and area around the proposed building are not disputed matters.
10. I have been directed to a planning approval² for the change of use of two existing agricultural barns to a commercial equestrian use that the appellant considers supports the view that the associated land can be used for grazing

¹ The Chiltern District Local Plan, adopted 1997 (including alterations adopted 2001) and consolidated 2007 and 2011

² Planning Ref 20/06053/FUL

purposes and a change of use is not required. However, limited information has been provided in respect of the approval and therefore I am unable to ascertain whether it is of direct relevance to the appeal proposal. Furthermore, each proposal must be determined on its own merits.

11. The appellant has provided information in respect of an existing equestrian facility previously operating under the name Chenies Riding Stables at Lodge Farm, within the vicinity of the appeal site. However, this use operated without planning permission and ceased a number of years ago.

Character and Appearance

12. The appeal site is located within the designated Chilterns AONB. Such areas 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. Policy CS22 of the Core Strategy for Chiltern District, adopted 2011 (CS) and Policy LSQ1 of the LP together seek to ensure that proposals conserve and enhance the special landscape character and distinctiveness of the Chiltern AONB. Similarly, paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
13. The landscape in which the appeal site sits is gently undulating. The field boundaries are predominantly hedgerows and woodland tree belts, with the woodland forming a backdrop to views across the farmland, which is an integral part of the Little Chalfont Rolling Farmland Landscape Character Area (LCA). Lodge Road is characterised by a mature linear belt of hedgerow and trees that define the carriageway on the appeal side of the road. The opposite side of the road contains a row of dwellings set behind a deep highway grass verge and pavement, with the front gardens predominantly bounded by hedgerows or relatively low walls and fences. This creates a verdant rural character along the road.
14. The Council's Senior Highways Development Management Officer considers the proposed development would result in an intensification of the existing access and requires the existing access onto Lodge Road to be altered to provide visibility splays of 2.4m x 43m in both directions. I noted during my site visit that visibility on exiting onto Lodge Road was restricted by a sign and vegetation and therefore I accept that such amendments are necessary for highway safety reasons. The visibility splays are required to be free from obstructions greater than 0.6m in height.
15. The appellant submitted a Tree Survey (TS) to support the appeal. The groups of trees either side of the existing access (labelled G5 and G6 within the TS) comprise groups of trees categorised as Category B: Trees of moderate quality with an estimated remaining life expectancy of between 20 - 40 years. The TS does not indicate how many of these trees would need to be felled to achieve the required visibility splays as their trunk positions have not been plotted, or the visibility splays. It is therefore unclear precisely how much vegetation would be lost. However, from the information before me and from what I saw on site, the creation of the visibility splays would result in the removal of a substantial amount of vegetation along either side of the access, to the detriment of the character and appearance of the area.

16. Replacement planting could be incorporated behind the required visibility splays however, this would result in a discordant feature that would detract from the linear appearance of the existing vegetation planted directly alongside the carriageway on this side of the road. Furthermore, such planting would take time to become established and provide a similar level of visual amenity.
17. The appellant has questioned the need to provide such visibility splays as it is considered the proposed use would result in a small increase in traffic movements. However, limited information has been provided to support this assertion. There was no requirement to alter the existing access when the former Lodge Farm buildings were converted into dwellings³, as vehicle movements associated with the change of use were considered comparable. Furthermore, the previous equestrian use operated without the benefit of planning permission, and therefore the existing access may have been used by similar vehicles, but it is not known whether this was undertaken safely. I also have limited information regarding how the previous equestrian use operated and therefore I am unable to determine whether it is comparable to the appeal proposal.
18. I accept that the proposal would affect a small proportion of the AONB. Nonetheless, the alterations to the proposed access to create the required visibility splays would not conserve and enhance the landscape and scenic beauty of the AONB. The proposed development would therefore be contrary to Policy CS22 of the CS and Policies LSQ1 and R13 of the LP, which together, seek to ensure that new equestrian facilities have no detrimental impact on the visual amenity of the locality, the character and appearance of the area, and must conserve and enhance the special landscape character and distinctiveness of the Chilterns AONB. The proposal would also be contrary to the NPPF.

Biodiversity

19. The appellant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA) to support the appeal. The PEA concluded that the proposed stables and access track would not harm any species or habitats, however, it excludes the areas of vegetation either side of the existing access onto Lodge Road. Therefore, limited weight can be attached to the findings of the PEA. Furthermore, the PEA suggests a number of biodiversity enhancements that could be incorporated into the proposed development should I allow the appeal. However, it is unclear whether these measures would result in a net gain in biodiversity, particularly as the loss of the roadside vegetation has been disregarded.
20. As such, insufficient information has been provided to determine the effect of the proposed development upon biodiversity and whether a net gain in biodiversity can be achieved. This is contrary to Policy CS24 of the CS that, amongst other things, seeks to conserve and enhance biodiversity. The proposal would also be contrary to the NPPF.

Other Considerations

21. I recognise that there would be some benefits arising from the proposed development, in that it could support directly and indirectly, other rural businesses including equine therapists, trainers, equine dentists, local

³ Planning Ref CH/2013/0068/FA

landscape/agricultural contractors, farriers, vets and feed suppliers. I also recognise that the proposal could help the appellant's existing agricultural business through diversification and to support a prosperous rural economy, as required by paragraph 84 of the NPPF. Furthermore, the improvements to the access onto Lodge Lane would be of benefit to all those that use the access, given the existing restrictions to visibility. I therefore attach these matters moderate weight.

22. The appellant's assertions that there is huge demand for stables within the area; there is a shortage of commercial stable yards and grazing land within the area; there is a strong demand for commercial livery stables; that the proposal would benefit the local community and provide a social benefit, have not been supported with evidence. Therefore, I afford them limited weight.
23. The appellant has suggested that a pre-commencement condition could be applied in respect of the visibility splays. Therefore, if the splays could not be achieved, then the development could not commence (a Grampian-style condition). However, there is no dispute that the visibility splays cannot be provided, it is the loss of vegetation either side of the access to facilitate the visibility splays that is contested. The imposition of such a condition would therefore not overcome the harm I have previously identified.
24. I recognise that additional vegetation could be conditioned to be planted around the proposed building to help screen it and to increase the environmental value and visual amenity of the area. However, this would not overcome the harm I have identified in respect of the spatial impact on the openness of the Green Belt. Furthermore, vegetation would take a number of years to reach a height that would be sufficient to screen the proposed building, and screening should not be used to conceal what is an otherwise unacceptable form of development.
25. The lack of harm to the living conditions of the occupiers of existing residential properties is a neutral matter. As too is the extent of agricultural land that would be retained.
26. My attention has been drawn to a property called Cross Lanes Farm as an example of a commercial livery not comprising inappropriate development in the Green Belt. Other than the name of the property, I have not been provided with any further information to determine whether it is directly comparable to the appeal proposal. In any event, each proposal must be determined on its own merits.

Conclusion

27. The proposed development would be inappropriate development in the Green Belt and would harm openness. As such, the NPPF establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area, and it would not preserve and enhance the Chilterns AONB. Insufficient information has been submitted to determine whether the proposed development would cause harm to ecological interests, or whether the proposal would achieve a net gain in biodiversity. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

28. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the modest benefits of the proposed scheme, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.

29. For the reasons set out above, I conclude that the appeal is dismissed.

A Berry

INSPECTOR