



Appeal Decision

Site visit made on 10 February 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/H1515/W/22/3300005

Barans, Horseman Side, Navestock CM14 5SU

- 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 Barry Atkins against the decision of Brentwood Borough Council.
 - The application Ref 22/00479/FUL, dated 2 February 2021, was refused by notice dated 9 May 2022.
 - The development is 3 No. horse stables.
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Decision

1. The appeal is allowed and planning permission is granted for 3 No. horse stables at Barans, Horseman Side, Navestock CM14 5SU in accordance with the terms of the application, Ref 22/00479/FUL, dated 2 February 2021, and the plans numbered GA2000, GA2001 and GA2002, subject to the following condition:
 - 1) The building hereby permitted shall only be used for the stabling of horses for domestic purposes and shall not be used in connection with commercial livery or use as a riding school. Nor shall the building be used or adapted for use for any other purpose.

Preliminary Matters

2. The stables have been erected and therefore I am considering the appeal retrospectively.

Main Issues

3. The main issues are:
 - whether the development is inappropriate development in the Green Belt, taking into account its effect on openness, and
 - the effect on the character and appearance of the area.

Reasons

Inappropriate development in the Green Belt

4. Paragraph 149 of the National Planning Policy Framework July 2021 (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It goes on to set out a number of exceptions, which include *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for*

outdoor sport, 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'. (Framework paragraph 149b)

5. The appeal site is a rectangular parcel of land with a narrow frontage to Horseman Side. It contains a group of single storey timber framed buildings, tightly grouped in the northern half of the site. These include a barn and stables, which were in equestrian use at the time of my site visit. The appeal building has been erected immediately to the south of the pre-existing group of buildings. There are also several parked vehicles and areas used for outdoor storage throughout the site.
6. There is additional equestrian development to the west, including a series of horse paddocks adjacent to the appeal site and stable buildings beyond that. There are also a variety of commercial sites in the vicinity, which appear to include industrial and outdoor storage uses, although little detail has been provided about these sites or their planning history.
7. To the east of the appeal site is a larger expanse of land including a substantial pond adjacent to the appeal site. A public right of way crosses this land.
8. Since horse riding is an outdoor sporting or recreational pursuit, it follows that stable buildings are capable of falling within the exception set out in Framework paragraph 149b. However, their effect on the openness and purposes of the Green Belt has to be considered.
9. The appeal building is a single storey structure with a flat roof, which the plans indicate is intended to provide three loose boxes and I saw that to be the case on site. It is adjacent and parallel to one of the pre-existing buildings on the site, which is of a similar scale and appearance. The site as a whole is enclosed by hedgerows and close boarded fencing.
10. The Council's evidence alludes to ongoing enforcement investigations, but little evidence has been provided as to their scope. There is no suggestion in the evidence before me that the existing buildings on the site – which are clearly identified on the submitted plans – are unlawful. Neither has any doubt been raised in the evidence as to the lawfulness of the existing equestrian use. On that basis, I have had regard to the existing buildings and equestrian use when considering the effect on openness.
11. In terms of its function and the layout of existing buildings, the appeal site relates more closely to the equestrian land and buildings to the west than to the open countryside and pond to the east. It already contains built development and does not have a particularly open character. Although the proportion of the site occupied by built development has increased slightly, this is limited by the appeal building's close proximity to the pre-existing buildings. As a result, this modest additional building does not materially harm the openness of the Green Belt in spatial terms.
12. The appeal building is screened from the road by the existing buildings and by solid gates and front boundary hedges. Additional hedgerows along the roadside provide screening in longer distance views. From the public right of way, the site is seen against a background of built development, making the appeal building difficult to discern. Given the existing screening and its

relationship with nearby development, the appeal building has negligible effect on the openness of the Green Belt in visual terms.

13. Provision of a stable building does not amount to urban sprawl, being a typically rural form of development. There has been no material encroachment into open countryside, given the existing use of the appeal site and its relationship with surrounding development. No issues arise in terms of merging of settlements, the setting of historic towns or promoting urban regeneration. Therefore, there is no conflict with the purposes of the Green Belt as defined in the Framework.
14. I conclude that the appeal building provides appropriate facilities for outdoor sport or recreation. It preserves openness and there is no conflict with the purposes of the Green Belt. Therefore, the development is not inappropriate development in the Green Belt as defined in the Framework.
15. For similar reasons, the development accords with Policy MG02 of the Brentwood Local Plan 2016-2033, adopted March 2022 (BLP), which amongst other things preserves the Green Belt from inappropriate development so that it continues to maintain its openness and serve its key functions.

Character and appearance

16. As described above, although the appeal building extends beyond the footprint of pre-existing buildings, it does so to a limited extent. The additional built form has little visual impact, being seen within the context of existing development. It is well screened from Horseman Side and is stained a dark colour, which further reduces its visibility. It is not intrusive in views from the public right of way.
17. Equestrian uses are already part of the landscape around the appeal site. Therefore, introduction of a modest additional stable building is not inherently harmful to the site's countryside setting.
18. I conclude that the development is not harmful to the character and appearance of the area. It does not conflict with Policy BE14 of the BLP which, amongst other things, requires that development responds positively and sympathetically to its context and builds on existing characteristics which contribute to the character or appearance of the area.

Other Matters

19. I have noted that at least some of the nearby uses of land may be unlawful and as such should not be regarded as justifying further built development in the countryside. However, my conclusions above would remain applicable, even if only the older and most clearly well-established surrounding development is taken into account.

Conditions

20. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance.
21. I have imposed a condition limiting the permitted use of the building to domestic stabling. There is no indication in the evidence that commercial use is intended. Introduction of commercial use such as a livery yard or riding school would be more likely to harm the openness of the Green Belt through increased

activity, parking of vehicles etc. However, I have omitted the Council's proposed restriction to stabling of horses for agricultural purposes, since keeping of horses for personal recreational or sporting activities is not an agricultural use.

22. This condition also restricts any other use of the building, since the justification for making an exception to the restriction on built development in the Green Belt derives from its proposed use for outdoor sport and recreation. Its use in connection with other activities I observed on the site, such as storage of building materials, would not clearly fall within any exception to the definition of inappropriate development set out in the Framework.
23. I have not included conditions regarding details of drainage measures or disposal of manure, bedding and other equestrian waste. Equestrian use of the site already exists and the building has been erected. No evidence has been prevented of any harm to neighbouring properties or the environment as a result of established drainage or waste disposal arrangements. Furthermore, safe disposal of waste is covered by other regulatory regimes. Therefore, this condition is not necessary and as such does not meet the tests in the Framework.
24. The site is already enclosed by a mixture of hedgerows and fences. I have not identified any visual harm arising from the development and therefore a condition requiring additional landscaping is not necessary.

Conclusion

25. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the condition set out above.

Jane Smith

INSPECTOR