



Appeal Decision

Site visit made on 28 February 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2023

Appeal Ref: APP/P0240/W/22/3300607

Hounsfeld House, Lower Rads End, Eversholt MK17 9EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Joe Burns against Central Bedfordshire Council.
 - The application Ref CB/21/05024/FULL, is dated 9 November 2021.
 - The development proposed is erection of indoor equine arena for dressage 25x45m with associated parking and landscaping.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Background and Main Issues

2. The appellant sought planning permission for the above proposal. The appeal results from the Council's failure to determine the planning application within the statutory period. The Council has provided evidence in this appeal which sets out if the Council had been in a position to determine the application, it would have refused the proposal on three grounds; it would be inappropriate development in the Green Belt, would harm the openness of the Green Belt and would also have a harmful effect on the character and appearance of the area.
3. Consequently, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - 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

4. The Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It requires, when considering any planning application, that substantial weight is given to any harm to the Green Belt. Policy SP4 of the Central Bedfordshire Local Plan (Local Plan) reflects the Framework in respect of controlling inappropriate development in the Green Belt.

Whether Inappropriate Development

5. The construction of new buildings should be regarded as inappropriate in the Green Belt. However, the Framework identifies exceptions to this, which are considered below.
6. The appeal property is a field with a modestly sized dwelling at the far boundary. The property also benefits from planning permission for a modestly sized stable block to be constructed near the property's access.
7. The proposal is for an indoor arena that would be used for indoor dressage or indoor polo activities. This building would therefore not provide facilities for either outdoor sport or recreation. While noting that there is a stable block permitted on the wider appeal property, it is not uncommon for properties to have on-site stables, but the provision of a sizeable indoor arena would not be an appropriate facility in all those cases.
8. In this case, the existing development at the appeal property appears of a modest scale, and this includes the approved stables. Also, although there is space at the property for grazing, this is relatively limited. Taking account of these factors, the evidence presented does not demonstrate that a large indoor sports arena would be an appropriate facility in connection with this existing land use. For these reasons I find that the proposal would not be an appropriate facility for outdoor sport or recreation, and it would not satisfy the requirements set out in Paragraph 149 b) of the Framework in this regard.
9. The appellant also contends that the proposal would comprise the redevelopment of a previously developed site. However, the location for the proposed building appears to be an undeveloped paddock. There is development in the wider appeal plot, but I saw that existing structures are largely confined to the edge of the plot and well-spaced from the location of the proposed building. The site plan shows footings of another structure in the appeal plot; however, this is separated from the proposed location of the building by a driveway. Given these factors, the proposal would therefore not result in the redevelopment of previously developed land and would not satisfy the requirements of Paragraph 149 g) of the Framework in respect of this matter.
10. In light of the above, the proposal would fail to qualify as an exception under Paragraph 149 b) or g) for the Framework. As a result, the proposal would be inappropriate development which by definition would be harmful to the Green Belt.

Openness

11. Paragraph 137 of the Framework establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
12. The appeal property comprises a field with limited development that is generally confined to the edges of the plot. Although bound by mature hedges it is a part of the undulating rural landscape which rises towards the small rural settlement. In this regard it positively contributes to the largely open and undeveloped character of this part of the Green Belt.

13. The site plan shows the appeal property roughly divided into four sections, and the proposed building would be located in one of the quarter sections of the property, which is currently a grassed paddock. Consequently, given its height and footprint, the building would fill a substantial section of the field and this existing open space at the appeal property.
14. The building would be partially screened by hedgerows and would be set to the back of the plot and on the lower slope of the hill. However, given the scale of the structure, this screening would be generally limited to the lower sections of the building. The development would as such result in a material visual and spatial change at the appeal property which would be observed, particularly at the site access, from properties at the edge of the settlement to the south of the appeal property, and in glimpsed views when approaching the hamlet. The large building would have a greater impact on the openness of Green Belt than the existing development at the appeal property, in that openness would be significantly reduced.
15. Consequently, I find that the proposal would result in a significant loss of openness to the Green Belt. Whilst the effect would be localised, given the scale of the proposal, harm to the openness of the Green Belt would occur.
16. Also, the appeal site forms part of the countryside, and the development would result in the physical encroachment into this countryside. This significant encroachment into the existing open Greenbelt would therefore fail to assist in the safeguarding of the countryside from encroachment. In this respect the development would conflict with this purpose of the Green Belt.

Character and Appearance

17. The appeal property is located at the edge of a hamlet, which is identified in the Local Plan as a washed-over Green Belt settlement. The site is situated within the Greensand Ridge, a prominent ridge which stretches southwest to northeast across Central Bedfordshire. This extensive valued landscape area includes tree cover and heathland. In the vicinity of the appeal property, the landscape is characterised by an undulating landform, with hedge bounded grasslands and pockets of woodland. The character of the area is therefore distinctly rural with development generally limited to small settlements and farmsteads.
18. The dwelling at the appeal property is set well back from the access and is confined to the southwest corner of the site. The permitted stable block is also close to a field boundary but is near to the access. However, the footprint of the stable block is considerably smaller than the proposed arena. As previously stated, the existing and permitted structures at the property are of a modest scale. With only limited structures, a substantial part of the appeal property comprises grassland surrounded by hedges and trees, and this positively contributes to the verdant undeveloped rural landscape in this area.
19. The structure would be barn like and would be constructed in materials with an agricultural aesthetic. However, the appeal property is not a farm setting, and this building, which would be considerably larger than the existing permitted built forms at the appeal property, would appear a sizeable standalone structure that relates poorly to its immediate land use context.

20. The narrower side width of the building would face essentially undeveloped countryside to the north. Set at the lower part of a slope, the lower part of the building would be partially screened by the hedge and trees. I also note that lighting on the building would be kept to a minimum. However, even with improved landscaping, the upper section of this substantial mass would be visible in glimpsed views when approaching the settlement, at the appeal property's access and from the properties on the higher land at the edge of the settlement. As a sizeable building it would significantly encroach into the wider landscape which currently provides the largely undeveloped setting of the rural settlement. As a consequence, this discordant building would harmfully erode the largely undeveloped appearance of the appeal property and would fail to respect the prevailing verdant landscape character of this area.
21. The appellant has drawn my attention to a number of large buildings in the wider area. I have been provided with limited information and this limits the consideration of these examples. However, those structures have been identified as agricultural buildings and they are not directly comparable to the proposal for an equine facility for this reason. Therefore, those examples have not altered my findings in this case.
22. I note that the proposed development would have a smaller footprint and be of a lower height than a previous proposal at the appeal property. Be this as it may, the proposal before me is for a large building and this would be harmful to the character of the area for the reasons outlined. The previous proposal has not had a bearing on this appeal for this reason.
23. I therefore find that the proposal would have a harmful impact on the character and appearance of the area. In this regard it would be contrary to Policies HQ1, DC4, EE5 and EE8 of the Local Plan. These collectively require, all developments are of the highest possible quality, and amongst other matters, respond positively to their context, and respect, retain and enhance the character and distinctiveness of the local landscape. The proposal would also conflict with the Framework which seeks well-designed places and to protect valued landscapes.

Other Considerations

24. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
25. The appellant is proposing a landscaping scheme, and this could be secured by condition. This could also result in biodiversity gains which would be a benefit to the local environment. However, as outlined above, a landscape scheme would not address the harm to the openness of the Green Belt or the character of the area that has been identified in this case. Any benefit to the environment would be limited for this reason.
26. The appellant suggests that this proposal would be beneficial, would support the current use of the land and ensure the land is used effectively. The appellant also asserts that the principle of equine activities at the site has been accepted. Even if the principle was accepted, the proposal would result in a private facility and any benefit would be limited to private users. Also, I see nothing substantive before me that demonstrates that this development is the only means of supporting an equine use at the appeal property. Moreover,

Policy DC4 of the Local Plan requires, in respect to equestrian development, that new buildings, amongst other matters, should be provided with suitable screening. For reasons already outlined this would not be the case with this development. Consequently, the development would not be an effective use of land, and these matters do not weigh in favour of the proposal.

27. The Council has not raised concerns about parking, highways impacts, flood risk, living conditions or biodiversity, subject to conditions. However, development should not result in harm in respect of these issues. These are therefore neutral factors which also do not weigh in favour of the proposal.
28. The appellant states that travelling to off-site arenas would be unfeasible. Although travelling to other arenas would be less convenient than if the arena was on site, the limited information before me does not demonstrate that this would be an unreasonable option for the appellant. Moreover, travelling to off-site facilities would require some travelling, but the number of vehicle movements generated by one family are unlikely to have a significant impact on the local road network. I attach limited weight to this matter for this reason.
29. The appellant asserts that the welfare of horses at the appeal property is of the upmost importance. This should be expected, furthermore I find nothing to suggest that this would not be the case if I dismiss the appeal and this matter does not weigh in favour.
30. My attention has been drawn to Policies 15.8.6 and DM18 of the Local Plan, which appears to be an error. Therefore, this has not been determinative in this appeal. Reference has also been made to Local Plan Policies that are not in dispute. However, I have identified harms in this case and conflict with the development plan when read as a whole. My findings are therefore not altered by this matter.

Conclusion

31. Even when considered together, the other considerations in this case do not clearly outweigh the totality of harm to the Green Belt by reason of inappropriateness, harm to openness, encroachment into the countryside and the harm to the character and appearance of the area. Consequently, the very special circumstances that are necessary to justify the proposal do not exist. In respect of this matter, the proposal is therefore contrary to Policy SP4 of the Local Plan and the Framework. There are no other considerations which outweigh this finding.
32. Having regard to the development plan and other material considerations, including the Framework, the appeal is dismissed, and planning permission is refused.

A J Sutton

INSPECTOR