



Appeal Decisions

Inquiry held on 19/20 January 2023 & 9/10 March 2023

Site visit made on 10 March 2023

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal A and B Ref: APP/D1265/C/20/3263127 and 3263128 Misty Meadows, 147 Ringwood Road, Longham, FERNDOWN, BH22 9AB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. The appeals are made by Mrs Victoria Phillips and Mr Tony Phillips against an enforcement notice issued by Dorset Council.
 - The notice, numbered 1 was issued on 13 October 2020.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a residential building and material change of use of land to form a residential garden.
 - The requirements of the notice are in respect of the curtilage/land demarked by close board fencing; 1. Cease the use of the building for any purpose; 2. Permanently cease to use the land as a garden; 3. Disconnect all utilities provided to the building; 4. Dismantle the building and its foundations; 5. Remove all waste and sewage connections from the land; 6. Remove all building materials occurring from the works to dismantle the building from the land; 7. Remove the pathway to the building with the land edged red; 8. Remove any hardstanding surrounding the building; 9. Remove all fencing enclosing the land; 10. Make good the land; use topsoil as appropriate and reseed the surface of the ground and allow to recover; 11. Make good any surface of any building affected by the above requirements by repair or reconstruction, and paint to match existing.
 - The period for compliance with the requirement is three months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (c), (d), (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal C and D Ref: APP/D1265/C/20/3263622 and 3263624 Misty Meadows, 147 Ringwood Road, Longham, FERNDOWN, BH22 9AB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. The appeals are made by Mrs Victoria Phillips and Mr Tony Phillips against an enforcement notice issued by Dorset Council.
- The notice, numbered 2 was issued on 13 October 2020.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of open land for residential purposes.
- The requirements of the notice are: 1. Cease to use the land incidental to the enjoyment of the dwellinghouse or the annexe (former garage); 2. Cease to use the land as a place for keeping of domestic vehicles or caravans; 3. Cease to use the land as a private garden; 4. Remove all sub-ground level parking grids provided for vehicle parking; 5. Remove all the gravel hard surfacing within the land edged red; 6. Reinstall the land, grassed as land in proximity: use topsoil as appropriate and reseed the surface of ground and allow to recover.
- The period for compliance with the requirement is three months.

- The appeals are proceeding on the grounds set out in section 174(2)(a) and (d) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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**Appeals E and F Ref: APP/D1265/C/20/3263777 and 3263778
Misty Meadows, 147 Ringwood Road, Longham, FERNDOWN, BH22 9AB**

Planning permission has been granted for a fence and the enforcement notice 3 removed from the register, so there are no appeals.

**Appeal G Ref: APP/D1265/W/20/3254435
Misty Meadows, 147 Ringwood Road, FERNDOWN, BH22 9AB**

- 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 Tony Phillips against the decision of Dorset Council.
- The application Ref 3/19/1014/FUL, dated 23 April 2019, was refused by notice dated 16 January 2020.
- The development proposed is change of use of land and existing building to a recreational day centre for adults with physical and mental disabilities (partly retrospect). All facilities are DDA compliant and conform to the Equalities Act.

**Appeal H Ref: APP/D1265/W/20/3252608
Misty Meadows, 147 Ringwood Road, FERNDOWN, BH22 9AB**

- 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 Victoria Phillips against the decision of Dorset Council.
- The application Ref 03/19/1737/FUL, dated 14 August 2019, was refused by notice dated 20 April 2020.
- The development proposed is to enhance the existing use of the land for equestrian purposes, granted by 3/11/0805, and to overcome requirements of enforcement notice 2011, for a private equestrian use comprising of paddocks, 8no horses, tack building, stabling with ancillary WC and shower rooms, and works to the fabric of existing buildings, as amended by plans received 16 January and 19 February 2020.

Procedural Matters

1. An appeal under ground (a) against enforcement notice 2 has been added since the appeal was first lodged.
2. A costs application has been made by the Council, which is considered in a separate decision.

Public Sector Equality Duty

3. In forming this decision, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation,

and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. These characteristics include disability and I acknowledge that one of the proposals is for users that share these protected characteristics for the purposes of the PSED. It does not follow from the PSED that the appeal should automatically succeed, but these characteristics need to be considered when assessing matters.

4. There are three areas of land considered in this appeal relating to residential use. I have identified these in accordance with references made in the appeal documentation. In enforcement notice 1 the area by the 'shed' is identified as A. In enforcement notice 2 the large area adjacent to the drive is B and the small area by the annexe is C.

Decisions

Appeals A and B (Enforcement Notice 1)

5. The appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals C and D (Enforcement Notice 2)

6. The appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal G

7. The appeal is dismissed.

Appeal H

8. The appeal is dismissed.

Appeals A and B (Enforcement Notice 1)

Grounds (c) and (d)

9. For Lawful Development Certificates and Enforcement ground (d) appeals the applicant's/appellant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If there is no evidence to contradict it or otherwise make the applicant's/appellant's version of events less than probable, there is no good reason to refuse the application/ground (d), provided the applicant's/appellant's evidence is precise and unambiguous to justify the grant of a certificate/ground (d) on the balance of probability.

10. In this case the evidence of the appellants is very important in determining what has occurred in relation to the shed and other enforcement appeal. The Council has relevant evidence to support its case, including aerial photographs, photographs and Council records.
11. I have referred to the structure as the 'shed'. The appellants were cross-examined at the inquiry, and during this previous evidence was often changed or added to when the barrister pointed to other evidence that clearly contradicted the previous answers. Boundary positions were confused, old windows were said to have been replaced with new plastic ones of the same size, but clearly that was not the case, which the appellant accepted. Evidence given in relation to the field shelter on land to the south was that it was historically there, but there is little evidence of it on the aerial photographs, including 2017 and 2020. The appellant suggested it had no roof before, but without a roof it would not be a field shelter anyway.
12. The appellant also noted he was living in the annexe while using unit 2 (Appellant planning unit plan) as a base, doing washing there, going to the office etc. This was clearly in an ancillary relationship with unit 2. The Council pointed out that there is a condition restricting the use of the annexe; it should only be used ancillary to the adjacent unit. The appellant indicated that he did not know this. However, the Council pointed out that the appellant had appealed the condition on the permission (2020) and would be clearly aware of it. This has little effect in relation to this appeal, other than a minor change in current planning unit arrangement, but is indicative of the standard of evidence.
13. There was a shed on the land when the appellant purchased it. That had substantial alterations around 2011, including new walls and roof and in itself appears to have been a new building. Whether that was a new build or not is not important, as in any case it would have become lawful around 2015. However, the aerial photographs clearly show that the 'shed' changed size around 2017/18 and it now wraps a little around the annexe. The parts that can be seen had plastic windows, new cladding and a new roof. The appellant says the original shed was larger, but the plan form was not followed in the 2011 alterations, and that the original blocks were uncovered. However, the shed as it was built before 2011 is not relevant as it was effectively replaced/alterd in 2011. It was put to the appellant that the dates keep changing and the appellant acknowledged it was difficult to remember dates.
14. There was some confusion over when windows were put in. Photographs clearly do not show these at times when they should have been visible. The appellant said the plastic windows replacing the wooden windows were put on the inside so the cladding outside covered them. I question why you would replace timber windows with new windows inside cladding. The appellant indicated that the windows were set within the cladding to show that they were there. However, a window is not a window if it is covered over.

15. The appellant acknowledges that he stripped the original building, albeit using 6 original posts and other parts. It was also said that because of damage to the base of the walls, repairs were required replacing the base with 2 rows of concrete blocks around the building. Some of the blocks can be seen in elevations. Two whole walls are not there, having been extended outwards on each side. The layout internally is different, and it is clearly constructed as a residence, albeit not used as a residence. It has a kitchen, bathroom and living accommodation. I consider that the evidence clearly demonstrates that on the balance of probability the building that is in place is a new building which has been built as a residence. It may have some limited components from the original structure, but I consider the overall structure is clearly a different and new building.
16. I appreciate that much of this was a considerable time ago and it is understandable that recollections are not always clear, but my conclusion is that little weight can be given to the appellants' own evidence. Aerial photographs show that in June 2017 the shed constructed in 2011 was in place and that the new building would have been constructed some time after this. So the building was not in position 4 years before the date of the enforcement notice of Oct 2020. The appeal on ground (d) fails.
17. I consider the area of land A when considering the residential land in Enforcement Notice 2 below.
18. This is the construction of a new residence and is a material change in the character of the building, with windows and doors now prominent. There has also been a change of use of the adjacent land area A and impact on its character going from agriculture to residential. These are material changes of use that require planning permission and therefore the appeal must also fail on ground (c).

Ground (a)

Appropriate Development and openness

19. The appeal site is within the Green Belt and the Government attaches great importance to Green Belts. 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 their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
20. The development plan includes the Christchurch and East Dorset Local Plan-Part 1-Core Strategy [cs]. Policy KS3 aims to protect the separate

identity of individual settlements by maintaining wedges and corridors of open land between them and to retain an area of open land around the conurbation. Clearly the appeal site forms an important part of this open land and additional physical development would have some impact.

21. The appellant considers the building to be within the Longham village infill policy envelope. However, CS Policy KS2 identifies areas of village infill in Longham, and the plans shows the majority of the building is outside of this.
22. The national planning policy framework [NPPF] indicates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
23. This is not an extension or alteration. The original building has essentially been demolished and replaced with a new building. While a replacement building can be appropriate in the Green Belt, the replacement has to be the same (or similar) size and use. There is a large size increase. The Council estimates the volume increase from the previous building to be over 40%. I consider this alone would be a materially larger addition in relation to the previous building. In addition, the construction as a residence is materially different from an outbuilding, with a substantially different use pattern and character. The structure erected is not within the exceptions identified in the NPPF and therefore this is inappropriate development in the Green Belt.

Openness

24. I have come to the conclusion that this is a new structure. Therefore, the whole adds considerable bulk to the Green Belt. I accept that it is not visible from the main road at the front, but there is a public right of way at the back which provides clear views to the land and this building. I note that it is seen with other buildings adjacent or in the background, but it still has a visual impact and in any case a material impact, because of its bulk, on openness. It does not preserve the openness of the Green Belt, but has a detrimental impact on it.
25. The purposes of the Green Belt include preventing neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. I consider that this is an important part of the open

space that helps to separate conurbations in this area. I acknowledge that the wider area is relatively urban and there is some urbanisation here with the various buildings around, but that makes the open areas that are left more important to maintain free of inappropriate buildings. Structures in this area compromise this purpose and detract from the countryside. In my view the addition of a residential building here compromises the purpose of the Green Belt, and I attach substantial weight to the harm caused.

Other Considerations and Very Special Circumstances

26. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The appellant has not put forward any matters that might amount to very special circumstances. I conclude that there will be unacceptable harm to the Green Belt and the development does not comply with the LP Policies KS2 and KS3.

Ground (f)

27. The appellant acknowledges that the notice would only be excessive if it were found to be the renovations of a shed. As I have found that this is the unauthorised erection of a residential building, I do not consider that it is excessive to require its removal. The appeal on ground (f) fails.

Appeals C and D Residential Use of Land B and C and Appeals A and B residential use of Land A

Ground (d)

Planning Units

28. The planning history of the land is complicated and there have been changes that have affected the planning unit arrangement over time. The land was attached to an adjacent property, then sold to one of the appellants. At this time the landowner notes the land, including that defined as B, as being in residential use. There is little other evidence for this at the time, and fencing arrangements and use evident from the aerial photographs do not suggest on the balance of probability that there was an established use. I consider at this time that it is most probable there was a single planning unit, essentially in agricultural use.
29. When the land was sold initially it would have been a single planning unit. For residential use to occur at this time the land would have to be associated with a

residence. The appellant suggests that there was a caravan on the site where he lived at this time and used the land residentially. Unfortunately, this was located under a tree and is not visible in aerial photographs. However, there are photographs taken during the construction of Misty Meadows, including one that looks back towards the oak tree, and the caravan is also not visible in this.

30. Even if the caravan is somewhere on the site, it was there in conjunction with Mr Phillips, who was a builder and played a major role in the construction of Misty Meadows. There is permitted development for the land to be used as a caravan site in such circumstances and some use of the land in conjunction with this would be expected and the Council could not have enforced against it. The house was constructed at a considerable speed and in my view I do not consider it reasonable to think the land identified as A, B and C would have been used residentially by Mr Phillips at this time. A small area adjacent to the caravan may have been used, but the use of the large area of A, or B and C has not been demonstrated at this time. I accept there may have been some dog walking by Mrs Phillips while visiting the land, playing of some games etc, but the evidence is not sufficient to show continuous use. Some of this was by Mr Phillips' wife and family, who were not resident at the site/caravan at the time but elsewhere. I consider that on the balance of probability the land was in agricultural use and a single planning unit, now excluding the building site/planning permission of Misty Meadows, which would form its own planning unit.
31. The next main change to the planning unit would have been the establishment of the equestrian use that received planning permission around 2014. This although in the same ownership had physical boundaries to the use. The equestrian use is materially different from residential and agricultural use, so at that time this would have formed an additional planning unit.
32. The next major change was the subdivision of Misty Meadows into three separate and independent residences, which would now form three separate planning units and at this time would have accorded with the planning permission. Another change was the annexe formation that was linked to the end residence and would form part of its planning unit. However, at the appeal Mr Phillips noted he was using the annexe ancillary to Misty Meadows, so at this time it would come within the Misty Meadows unit.
33. For the ground (d) appeal to succeed the appellant has to show that the residential use has been occurring continuously for a period of 10 years prior to the issue of the enforcement notice (13 October 2020). Ownership of all the land since around 2010 has stayed the same the same.

34. A 2009 aerial photograph does not show any boundaries to the land A, B and C, although it is likely there is a boundary to area B to the south, hidden by tree canopy. Aerial photographs of 2014 show boundaries have been added on two sides of area B. There are no apparent boundaries between areas A, B or C. To the north of areas A and C is very indistinct and it cannot be discerned if there is a boundary or not. Aerial photographs from 2017 show a boundary has been constructed between area A and C and probably to the north of C, but area A has a caravan stationed on what had previously been identified as boundary.
35. I have considered the use of the land at the beginning of this period above in determining the planning units. The appellants moved into Misty Meadows on 30 October 2010. This is when the land adjacent is likely to have started to be used residentially. Even then it would be most likely to have been the land close to the property and identified by the planning permission. I accept that dog walking etc. may have occurred on the land identified by area B at an early stage, but there is little to show this, particularly as the weight I give to the appellants' evidence is limited. It has not been demonstrated on the balance of probability that residential use of the land occurred at an early stage in the 10 year period such that the local planning authority could have taken action against it.
36. I conclude that the appellants have not demonstrated residential use of the land areas A, B or C between 13 October 2010 and 30 October 2010 and therefore continuous use over a period of 10 years prior to the enforcement notice has not been demonstrated. The appeal on ground (d) fails.

Ground (a)

Appropriate Development

37. The National Policy Framework indicates what is likely to be acceptable in the Green Belt. It identifies certain types of building and then goes on to note that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes of use of land, and changes of use for outdoor sport or recreation. This is not for outdoor sport or recreation, but for a residential use. I consider that residential use of the land would not preserve its openness, as the change in character of the use and things like cars, caravans and other items could be stored on the land that would harm the openness of the land in actual and visual terms. I also consider that residential use would harm the purposes of the Green Belt in terms of not safeguarding the countryside from encroachment and preventing neighbouring towns merging into one another. Each small encroachment will cause harm to the purpose of this area of Green Belt. I consider that this is inappropriate development in the Green Belt.

38. I acknowledge that conditions are proposed that could alleviate the impact on openness, such as preventing parking, stationing of caravans etc. but the character of the land is still considerably altered by residential use and this would continue to harm the purpose of having Green Belt land. Substantial weight is attached to inappropriate development in the Green Belt.

Other Considerations and Very Special Circumstances

39. I have taken into consideration the existing garden size of the 3 residences and also the position of the land and its viability. I accept that the land may not be viable for some agricultural uses, but it would still be acceptable as grazing land which could be useful in this area. I also consider that the land available to the residences is acceptable and the need for a greater area adds little weight. I conclude that there are no other considerations, that either individually or cumulatively amount to the very special circumstances necessary to clearly outweigh the harm to the Green Belt by reason of inappropriateness. The appeals on ground (a) fail for land areas A, B and C.

Appeal G Day Centre

40. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy.
- The effect on the openness of the Green Belt.
- If the development is inappropriate in the Green Belt, 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.

Appropriate Development

41. I have already found that the 'shed' which was intended to be converted is not an authorised or lawful structure, so provision of the day centre building is not rebuilding, conversion or alteration, but a new building in the Green Belt.

42. The National Policy Framework notes that the construction of new buildings should be regarded as inappropriate development in the Green Belt. The NPPF indicates that change of use and provision of appropriate facilities for outdoor sport and outdoor recreation and allotments may be acceptable, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

43. The proposed day centre is for people with disabilities, enabling them, amongst other things, to ride horses and tend a garden/allotment. I consider that this is

the type of use that could come within this category. However, the NPPF notes that it is for 'appropriate' facilities. The appellant argues that this must mean 'appropriate' in Green Belt terms, but the Council says that its meaning in this part of the text is its ordinary meaning. The appellant then added that if it is 'appropriate' development in Green Belt terms, it would be absurd then to consider the effect on openness and greenbelt purposes. For this reason I consider it is clear that the 'appropriate facilities' is not being used in Green Belt terms, but would have its ordinary meaning, because if the appellant were correct this paragraph of the NPPF would not need to make reference to impact on the Green Belt and purposes of the Green Belt.

44. I therefore consider it reasonable to look at need, location and the facility itself. In this case the appellant seems to have made little attempt to provide facilities that would suit the needs of disabled people. The Council identified some failings in its evidence, including inadequate space standards, lack of storage, lack of parking, lack of ramped access etc. The appellants then came back with proposed changes to rectify these. Even then there were shortfalls. Parking and access had little consideration, although plans were later submitted to identify these. The kitchen would remain unusable by people with disabilities, which is not very inclusive.
45. There is very little information provided to justify the need for a facility of this size and type in this location. There is no consideration of other buildings on the site for conversion to the centre. There is a general assumption that this type of facility is needed and is a good thing. However, if it is in the wrong location and there is no base of people that need it locally, it would not serve a need and is not justified. I conclude that the appellant has not provided sufficient justification for the facility and in this respect I consider that it would not be an 'appropriate facility'.

Openness

46. The building would have significant bulk in the provision of the day centre and could cause considerable activity in terms of comings and goings. The additional bulk and visual impact, as discussed above in relation to enforcement notice 1, would cause harm to the openness of the Green Belt. The provision of polytunnels in the countryside and Green Belt are not unusual, but it is normally where they are needed for agriculture. In this case the need for them is not established and the additional bulk would add to the impact on openness, particularly as one of them would be visible from the main road, through the gate and hedge. The impact on openness would harm the aim to prevent neighbouring towns merging into one another and not assist in safeguarding the countryside from encroachment. I conclude that the day centre proposed would be inappropriate development in the Green Belt.
47. I have considered the case of Europa Oils, but do not consider it to be directly relevant. In that case it was clear that the application was needed to be located where the oil was expected to be found and in such cases some impact on the

Green Belt openness was likely. In this case there is no such justification for the location and impact.

Other Considerations and Very Special Circumstances

48. I acknowledge that needed facilities for people with disabilities should be attached significant weight and I have regard to the Public Sector Equality Duty to eliminate unlawful discrimination. However, the evidence has not been provided that this type and size of facility is needed in this location, or that the requirements of people with disabilities have been properly considered. I therefore attach little weight to this in relation to this appeal. I also accept that there could be some benefit in terms of biodiversity if the project went ahead, but this itself is not sufficient to justify the development. I conclude there are no other considerations, that either individually or cumulatively amount to the very special circumstances necessary to clearly outweigh the harm to the Green Belt by reason of inappropriateness, and other harm.

Appeal H Horses

Appropriate development and openness

49. The appellants request that the application be considered under Section 73 as an amendment to the original permission rather than a new application for planning permission. The reason would appear to be so that the principle of the development is not at issue, just the number of horses on the land limited by the condition. I think this is not a problem as the principle of the use of the land is not an issue for the Council, however the appeal is approached.
50. The National Policy Framework indicates that provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it can be appropriate development in the Green Belt.
51. Therefore, whether or not this is inappropriate development in the Green Belt depends on the effect on openness and the purposes of the Green Belt. The Council's concern is that the land is not of an adequate size to allow 8 horses on it and that if allowed it would lead to pressure for further structures in the Green Belt that would affect its openness. I consider that the Council's concern is not unfounded. Currently there are three horses on the land, although this varies, and a maximum of 4 are permitted. Even with this number, half of that proposed, there has been a need to build structures in the south field and on the back of the pole barn, whose bulk clearly affects the Green Belt. The pole barn and Nissan hut have clearly not been thought adequate/appropriate to cater for the needs of these fewer horses.
52. While the appellants point to some items in aerial photographs, it is clear on the balance of probability that the lean-to on the back of the pole barn and field shelter are not in the aerial photographs of 2020.

53. An equestrian specialist was appointed and a report provided in relation to this matter. Unfortunately, she was not at the inquiry, so the evidence could not be tested. There was in particular some question as to what land she had considered. The appellant says it was land cross hatched red on a plan that was presented to her. However, the expert referred to the land being topped as part of its maintenance, whereas only small strips around the equestrian land are topped to better facilitate walking around the field. Some other land in the appellants' control is topped, but is not part of the equestrian unit. Therefore it is unclear whether she was looking at the correct area of land.
54. The Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids indicates that the area required for pasture depends on the type of grass, ground conditions, time of year, type of horse and pasture management. As a general rule each horse requires 0.5 to 1.0 hectares if there is no supplementary feeding. In this case, for 8 horses there would only be about 0.2 hectare per horse, which, even taking into account the variables and supplementary feeding, is substantially lower than the 0.5 indicated. In addition, currently there is not good stabling for this number of horses.
55. The appellant suggests some existing buildings may be used for stabling. There is a layout provided for the pole barn but little to understand what the expert understood to happen to the buildings. In particular, stables in the pole barn are small and it is strange that this was not flagged up. It is also odd that two bathroom sized rooms are provided in the Nissan hut, particularly as these are separate and not adjoining as might be expected. I see no reason for these in a scheme for the provision of 8 horses. The expert also talks about the alternative for using field shelters.
56. Overall, I attach limited weight to the expert in relation to the area of land as the area viewed is not clearly identifiable and questions could not be asked that would help clarify her evidence. While I accept that some adaptation of the existing barns could take place, even with these existing barns available, and only 4 horses, there has been the need for significant additional structures. This leads me to the conclusion that, on the balance of probability, there will be a continuing strong pressure for more structures. Additional structures would add bulk of building into the Green Belt, harming its openness. Therefore, as openness is not likely to be preserved, I find that this is inappropriate development in the Green Belt. The impact on openness would harm the aim to prevent neighbouring towns merging into one another and not assist in safeguarding the countryside from encroachment.

Other considerations and very special circumstances

57. I have considered whether there would be benefit in identifying/approving stabling or field shelters. To my mind there would be little benefit and changes

internally to a lawful building would not need planning permission. Permission for mobile field shelters would not be appropriate.

58. I do not consider there are any material considerations that either individually or together would amount to the very special circumstances necessary to overcome the harm of the proposal to the Green Belt. The original condition imposed meets the six tests and is reasonable and necessary.
59. Overall, whether this is considered as a new planning application or an amendment to conditions, the appeal fails.

Graham Dudley
INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/D1265/C/20/3263777	Mrs Victoria Phillips
Appeal B	APP/D1265/C/20/3263127	Mrs Victoria Phillips
Appeal C	APP/D1265/C/20/3263128	Mr Tony Phillips
Appeal D	APP/D1265/C/20/3263622	Mrs Victoria Phillips
Appeal E	APP/D1265/C/20/3263624	Mr Tony Phillips
Appeal F	APP/D1265/C/20/3263778	Mr Tony Phillips
Appeal G	APP/D1265/W/20/3252608	Mrs Victoria Phillips
Appeal H	APP/D1265/W/20/3254435	Mr Tony Phillips