



Appeal Decision

Site visit made on 6 March 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 MAY 2023

Appeal Ref: APP/M3645/W/22/3291909

Land North of Croydon Barn Lane, South Godstone RH6 9JY

- 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 K Exall against the decision of Tandridge District Council.
 - The application Ref TA/2021/1068, dated 18 August 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as 'change of use of land to private equestrian purposes, along with the erection of a building to accommodate three stables, a hay barn and tack room together with a manège'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr & Mrs K Exall against Tandridge District Council. This application is the subject of a separate Decision.

Main Issues

3. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy, including the effect of the proposal on the openness and purpose of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

4. Paragraph 147 of the Framework states 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 Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. As set out by the Inspector's decisions

- identified by the appellant¹, this includes 149 b), the provision of appropriate facilities for outdoor sport or 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 DP13 of the Tandridge Local Plan : Part 2 Detailed Policies (2014) (LP) states that planning permission will be refused for new buildings within the Metropolitan Green Belt, except where the development falls within one of a number of identified exceptions, including purposes directly related to agriculture and the provision of appropriate facilities for outdoor sport and, amongst other things, outdoor recreation.
 6. I acknowledge that there are some inconsistencies between this policy and the Framework, however, the general thrust of the LP's Green Belt policy, to prevent urban sprawl by keeping the land permanently open, is in line with the Framework and I therefore afford it due weight. I acknowledge that there is no specific mention of material changes of use of land nor engineering operations as set out in paragraph 150 of the Framework, however the Framework makes it clear, that this development is also subject to the requirement to preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
 7. LP Policy DP17 relates specifically to equestrian facilities, and sets out that the development of equestrian facilities, whether domestic or commercial, will be permitted where the proposal complies with a number of considerations. Consideration 5 is '*Preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*'.
 8. The existing site is an area of open grassland sited within the open countryside, enclosed by field boundaries defined by hedgerows and trees, with Croydon Barn Lane running along its southern border. Public footpaths run along the field to the north and west. Opposite the field lies Home Park Golf Course, and whilst some work is evidently underway to the field to the west², the surroundings mostly comprise of open fields and there is limited built form in the vicinity of the site.
 9. I acknowledge that the word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it. The proposed L shaped stable building would have a footprint of some 16.2m x 9.1m. Additional development would include a manège measuring approximately 37m x 20m and a pea shingle or gravel surface area directly next to the stables. Given the scale of the development, there would be a marked impact upon spatial openness.
 10. New landscaping around the menage would be consistent with the landscape character of the area. Nevertheless, I observed on my site visit, that the development, particularly the stable building, would be glimpsed from the public footpath to the west and, despite a slight change in land levels, given its proximity to the southern edge of the site, through the roadside hedgerow. As such, there would be an associated visual impact on openness. Moreover, the proposed development would not be functionally connected to any other

¹ Appeal references APP/P4225/W/20/3256387, APP/E2734/W/20/3252650, APP/H2265/W/21/3272325 & APP/E3715/W/21/3276383

² Referenced by the appellant as planning application reference TA/2017/1576.

buildings, and it would be visually and spatially isolated from any existing built development, the nearest being the clubhouse and car park of the golf club some distance away. This compounds the loss of openness.

11. In accordance with the court judgements referenced by the appellant³, the provision of sport or outdoor recreation would invariably involve some built form or change in character. However, the scale of the building and development and its siting would not preserve the openness of the Green Belt and, by introducing built form in such an undeveloped and isolated position, the appeal proposal as a whole would conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
12. Consequently, I conclude that the appeal proposal represents inappropriate development within the Green Belt and is contrary to Paragraphs 149 and 150 of the Framework. It would also conflict with LP Policies DP10 and DP13 and DP17 which, amongst other matters, collectively seek to protect the Green Belt from inappropriate development and preserve its openness. Accordingly, the proposed development should not be approved except where very special circumstances exist.

Other Considerations

13. I acknowledge that the development would enhance the beneficial use of the site. However, given the private nature of the development, this benefit would be restricted and as such, I give this limited weight.
14. I also acknowledge that given the extent of the Green Belt within the area, such facilities are highly likely to be sited within the Green Belt. However, it does not follow that this particular site, with isolated siting and visibility, is suitable or appropriate for the scale of development proposed.
15. I note that LP Policy DP19 sets out that there is a presumption in favour of development proposals which seek to, amongst other matters, promote nature conservation and management. This broadly corresponds with Framework paragraph 174. However, given the limited amount of landscaping and lack of evidence regarding the level of existing and proposed biodiversity, the improvement to biodiversity on site⁴, through additional hedgerow planting and measures such as bird boxes and bat roosting opportunities, would attract modest weight in favour of the scheme.
16. The appellant points to compliance with other LP and Tandridge District Core Strategy DPD (2008) (CS) policies and the lack of any harm with regards matters such as character and appearance, highways matters and living conditions. However, compliance with the development plan and lack of harm are neutral matters.
17. The appellant also points to the lack of harm identified with regards to Policy DP17 and lack of consideration of its other criteria. As set out above, the proposal does not comply with criteria 5 and therefore consideration of the other criteria is not necessary. Even if the other criteria were met, again, this would be a neutral matter.

³ Samuel Smith Old Brewery (Tadcaster); Oxtou Farm v North Yorkshire County Council and Darrington Quarries Ltd (2018) EWCA Civ 489, Euro Garages Ltd v Secretary of State for Communities and Local Government and Cheshire West and Chester Council (2018) EWHC 1753 (Admin) and Europa Oil and Gas Limited v SSCLG [2013] EWHC 2643 (Admin)

⁴ As identified in the submitted Biodiversity Impact Calculation report by The Ecology Co-op, 1st Oct 2021

18. Reference is also made to previous applications⁵ on the site for similar schemes. The Case Officers comments regarding character and appearance or impact upon neighbouring properties are separate issues to Green Belt considerations. As such, these comments do not have any weight in favour of the proposal before me. The history of the golf club and its development is not before me, and I am unable to make any useful comparison with the appeal. I therefore cannot give this any weight.
19. I note the appellant's reference to a similar development approved by the Council and allowed at appeal, and the approach taken to Green Belt policy. These cases set out that the provision of appropriate facilities for outdoor sport and recreation would not be 'inappropriate' as long as the proposals preserved the openness of the Green Belt and would not conflict with the purposes of including land within it. In these cases, it was concluded that for various reasons, including nearby buildings, there was no harm to openness or conflict with Green Belt purposes. As such, there is consistency in approach, and these decisions are not other considerations that support the appeal. Overall, then, the other considerations identified in this case weigh moderately in favour of the proposal.
20. The appellant questions whether the policies which are most important for determining the application are out-of-date. Reference is made to LP Policies DP1, DP19 and CS Policies CSP17 and CSP21 however, these are not referenced in the Council's refusal reason and as such have little relevance to the main issue. As set out above, I acknowledge that there are some inconsistencies between the LP Policy DP13 and the Framework, however, the general thrust of the policy is consistent with the Framework. Further, the appellant accepts that Policies DP10 and DP17 are most important policies and are not out of date so that I am satisfied that taken together the most important policies are not out of date and paragraph 11 of the Framework is not engaged.

Green Belt Balance and Conclusion

21. The proposal reduces openness in this location and conflicts with one of the purposes of Green Belt, therefore it is inappropriate development in the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, I conclude that the other considerations set out do not clearly outweigh the harm to the Green Belt and any other harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist.
22. Paragraph 11 of the Framework is not engaged. However, even if I were to accept the appellant's contention that Policy DP13, is out of date and paragraph 11 of the Framework were engaged, the policies in the Framework provide a clear reason for refusing the development in accordance with paragraph 11 d(i).
23. The proposal is contrary to the development plan as a whole and there are no material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

⁵ Application references TA/2017/1968 & TA/20202/1589

B Phillips

INSPECTOR