



Appeal Decision

Site visit made on 10 April 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/P1940/W/22/3292138

Land north of Toms Lane, Kings Langley WD4 8PB

- 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 Jimmy Smith against the decision of Three Rivers District Council.
 - The application Ref 21/2689/FUL, dated 23 November 2021, was refused by notice dated 18 January 2022.
 - The development proposed is a change of use of land to equestrian and construction of a stable building, access and altered vehicle access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. The latter descriptions refer to a 'hardstanding', however neither the plans nor the planning application form make reference to a hardstanding, and there is no evidence that this change was formally agreed. The planning application form more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that description in the planning application form for the purposes of the heading above.
3. The appellant has made reference to a second reason for refusal in respect to access. However, from the information before me, the Council only had a single reason for refusal relating to the effect of the proposed development on the Green Belt. The second reason for refusal referred to by the appellant, appears to relate to a previously refused scheme¹ which is not the subject of this appeal. As such, I have confined my assessment to the single reason for refusal only.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and

¹ Three Rivers District Council Planning Ref: 21/1772/FUL

- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify it.

Reasons

Whether inappropriate development

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. Paragraph 150 of the Framework also highlights that some changes of use are not inappropriate in the Green Belt, which include changes of use for outdoor sport or recreation. I deal with these in turn below.
6. Policy CP11 of the Three Rivers District Council Core Strategy (TRCS) adopted October 2011 has a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 of the Three Rivers District Development Management Policies Local Development Document (TRDMP) adopted July 2013 also sets out that new buildings are inappropriate subject to certain exemptions. These policies are broadly consistent with the approach of the Framework, in that there is a presumption against inappropriate development subject to very special circumstances.
7. The exceptions relating to paragraph 149 of the Framework include at 149 b) the provision of appropriate facilities in connection with the use of land or a change of use, which includes for outdoor sport or outdoor recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The Council and Appellant do not dispute that for the purposes of this appeal, this is the relevant paragraph 149 exception for consideration, and I have no basis to disagree.
8. It is common ground that the proposal would constitute the provision of outdoor recreational use, in accordance with the first limb of paragraph 149 b). With respect to the second limb of paragraph 149 b), the Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
9. The appeal site is a long narrow piece of land accessed via the north side of Toms Lane. The immediate surroundings are open fields, with Bedmond Village to the east of the site, and a ribbon of residential development located along Toms Lane to the west. The appeal scheme would provide the construction of an L-shaped stable block approximately 13.7m x 10.5m with a ridge height of approximately 4.6m and a yard area. The proposal would introduce a noticeable quantum of development on to a site which is generally open and free from any significant permanent development. Therefore, the introduction of built form, as proposed, would have an adverse impact on the openness of the Green Belt in spatial terms.

10. The proposal would be sited close to Toms Lane and despite its L-shaped design, would be larger and of a greater bulk and site coverage, than any built development that currently exists on the appeal site. This would be particularly evident in views experienced from the approach along the adjacent public highway. The appellant contends that the development would sit low within the landscape, relatively close to existing neighbouring properties and as such would be viewed collectively within the existing built form of the area. Whilst I would acknowledge that the Bedmond Sports and Social clubhouse is near the proposal, it is separated by Toms Lane itself. However, from my site observations, the appeal site is well separated from the residential area to the east, and the more isolated dwellinghouses to the west, by a green, open and undeveloped space. For the above reasons, added to which would be that degree of separation between the existing neighbouring properties and proposed development, I conclude in visual terms that the scheme would have a harmful effect on the openness of the Green Belt.
11. I now turn to paragraph 150 of the Framework which sets out certain other forms of development which are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. The Council reference paragraph 150 b) engineering operations to an area adjoining the stable building, which they refer to as a 'hardstanding'. However, whilst the plans highlight that this area would be used as a yard, there is no reference in regard to any hard surfacing of this area, and I have no evidence before me to confirm that this is the case. As such, I do not find paragraph 150 b) of relevance to this particular case.
12. Nevertheless, both parties agree that criterion e) of paragraph 150 is the most relevant, as it relates to material changes in the use of land such as changes of use for outdoor sport or recreation. Whilst the change of use to an equestrian use would be deemed outdoor recreation, the use of the yard area is likely to lead to the introduction of equipment, vehicles, trailers, horse boxes and other equestrian paraphernalia associated with its use, resulting in a further loss of openness.
13. The appellant highlights that the site would be used for private equestrian use only, suggesting a condition could be attached to any permission restricting the use. However, this does not affect my findings above in relation to consideration of the effect of the proposal on the Green Belt.
14. Consequently, I find that there would be harm to the visual and spatial dimensions of the openness of the Green Belt. Furthermore, the proposal would not safeguard the countryside from encroachment and as such would conflict with paragraph 138 c) of the Framework, failing to preserve the openness of the Green Belt. Overall, the proposal would be inappropriate development in the Green Belt and as such would conflict with TRCS Policy CP11 and TRDMP Policy DM2 and the relevant sections of paragraphs 149 and 150 of the Framework.

Other considerations

15. As set out above, the development would be harmful to the openness of the Green Belt and constitutes inappropriate development, harm which carries substantial weight. The Framework is clear that 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.

16. The appellant highlights that no objections have been received from neighbouring residents or the Parish Council on the proposal, to which I attach modest weight.
17. I have been referred to a previous appeal decision². From the information I have been provided, it appears to relate to a certificate of lawfulness application for an existing equestrian use. Other than clarifying that the keeping, schooling, riding, jumping etc. of horses for private leisure would constitute a 'recreational' purpose, which is not in dispute, this appears to have little relevance to the scheme subject to this appeal. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, what constitutes an exception under Green Belt policy needs to be determined in the light of the specific circumstances and context of each case. I therefore afford this example limited weight.

Green Belt Balance and Conclusion

18. The proposal would constitute inappropriate development in the terms set out by the Framework and would result in harm to the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. The development is therefore contrary to the above cited policies of both the development plan and the Framework.
19. For the reasons set out above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, I conclude that the appeal is dismissed.

Robert Naylor

INSPECTOR

² PINS Ref: APP/X0415/X/17/3184571