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## Appeal Decision

Hearing Held on 13 June 2023

Site visit made on 13 June 2023

**by J E Jolly BA (Hons) MA MSc MCIH MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> June 2023**

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**Appeal Ref: APP/G2245/W/22/3298185**

**Hever Stud Farm, Hever Road, Hever, Kent TN8 7NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Paul Duthie against the decision of Sevenoaks District Council.
  - The application Ref 21/03201/OUT, dated 28 September 2021, was refused by notice dated 8 December 2021.
  - The development proposed is for the provision of two new equine isolation units.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as indicative and show what may, not necessarily what will, be constructed.

### Main Issues

3. The main issues in this appeal are:
  - whether the proposal would represent inappropriate development in the Metropolitan Green Belt (the Green Belt), and if inappropriate development, the effect of the proposal on the openness of the Green Belt, and whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development,
  - whether there is an essential need for rural worker's accommodation on the site; and,
  - biodiversity.

### Reasons

#### *Inappropriate development in the Green Belt*

4. The appeal site is located in the Green Belt to the west of Hever Road adjacent to the stable-type buildings and paddocks associated with Hever Stud Farm. The other side of the highway is typified by loose knit development, including the Hever Hotel, Golf and Country Club.

5. The Government attaches great importance to Green Belts, and the National Planning Policy Framework (the Framework) sets out clearly in Paragraphs 147-151 that unless an exception can be demonstrated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist.
6. At the hearing I heard that the main parties agree that the proposal to construct two equine isolation units at Hever Stud Farm would be inappropriate development in the Green Belt. I see no reason to disagree.

### *Openness*

7. The appellant accepts that the proposal would impact on the openness of the Green Belt but nonetheless drew my attention to Policy LT2 of the Sevenoaks Allocations and Development Management Plan 2015 (SADMP) which says, amongst other things, that proposals for equestrian development will be permitted where the scale of the development is appropriate to a Green Belt setting. Moreover, as intermittent development can be found along Hever Road, the extent of the harm to the openness of the Green Belt by the equine units would be limited. Furthermore, in the appellants view, the harm could be 'veiled' by additional landscaping, the detail of which would be agreed at reserved matters stage.
8. However, I find to the contrary. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt. I noticed at my site visit that as a consequence of the topography of the land the bulky proposal would be seen from the adjacent footpath to the west, particularly when approaching from the north. Therefore, while I acknowledge that the proposal is an outline scheme with all matters reserved, the scale and mass of the development would be in stark contrast to the open countryside on the western side of Hever Road, which is typified by fields, hedging and trees and a limited number of modest rural-type structures. Indeed, other than the simple, single-storey stable-type structure adjacent to the appeal site, the proposal would introduce built form in this specific location where currently there is none. There would also be glimpses of the proposal from the highway through the hedges and trees surrounding the site, particularly at times of the year when leaf-cover is less dense. Supplementary landscaping would not be adequate mitigation.
9. Accordingly, the proposal would be contrary to Policy L08 of the Sevenoaks Local Development Framework Core Strategy 2011 (SCS), and Policies EN1 and LT2 of the SADMP, as supported by the Sevenoaks Development in the Green Belt Supplementary Planning Document, which is clear that the extent of the Green Belt will be maintained.
10. For similar reasons, the proposal would not meet the aims of Paragraph 147 of the Framework, which says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances to which I will return for consideration below.

### *Essential need for rural workers accommodation*

11. The main parties agree the complexities of equine welfare and disease management, particularly when mares are in foal, results in a need for two separate isolation units on the appeal site. The parties also agree that there would be a need for 24hr supervision of the horses on the site. I heard from a range of professional equine consultants, a veterinary surgeon and the assistant manager of the stud farm in support of this position.
12. In addition, the appellant contended that the previous private/public model and wider economic conditions affecting the stud farm led to planning permissions in 2003<sup>1</sup> for two residential dwellings in place of two former isolation units. These units were found to the east of Hever Road. However, it was argued by the appellant that isolation units are once again needed in order to make an ongoing success of the now independent private stud farm and also to meet industry codes of practice.
13. As such, I acknowledge that the proposal would meet the practicalities of equine care, be more conveniently located to the west of Hever Road and form part of an established private stud farm of over 30 years standing. Indeed, while the Council has expressed concerns related to the specific business model for the proposal, overall and in the planning judgement, I am persuaded that the justification for the essential need for the creation of new residential accommodation for a rural worker has been proven.
14. Therefore, I conclude that in respect of an essential need for rural workers accommodation on the site, the proposal would meet the aims of the Framework when read as a whole.

### *Biodiversity*

15. The appeal site is located in the countryside surrounded by mature hedges and trees and is near to two ponds which the Council contends are likely to have a range of biodiverse habitats.
16. The appellant suggests that he was misled by the Council as to the validity of the proposal in terms of a Preliminary Ecological Appraisal. While I noted at the Hearing that a similar scheme for the site<sup>2</sup> has previously been refused amongst other things on similar biodiversity grounds, this is a matter for the parties. Nevertheless, the Council's decision notice included a reason for refusal related to the absence of an ecological survey. At the time of the hearing a survey had not been carried out and would be necessary prior to any permission being granted as it may affect the scheme design. The suggestion by the appellant that the survey could be secured by condition as part of a reserved matters application therefore fails to address the issue.
17. In the absence of an assessment the proposal is likely to adversely affect the ecology of the site in conflict with Policy SP11 of the SCS, which says that the biodiversity of the district will be conserved, and opportunities sought for enhancement to ensure no net loss of biodiversity, as supported by Paragraphs 174, 179 and 180(a) which impose similar requirements.

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<sup>1</sup> 03/02634 and 03/02635

<sup>2</sup> SE/21/01504/OUT

*Green Belt and planning balance*

18. I have found above that the proposal would be inappropriate development and harmful to the openness of the Green Belt. Therefore, this and any other harm, including biodiversity, resulting from the proposal, must be clearly outweighed by other considerations to justify the development.
19. At the Hearing the appellant forwarded that the proposal would offer a range of economic and social benefits. There would be new employment opportunities for a rural worker and the retention of the existing 5 staff. The business and its employees would also continue to patronise local services. For example, but not limited to, the purchase of hay, straw and feed, food produce, saddles and equine collars. Other economic benefits of the proposal would include local employment opportunities connected to the construction of the buildings. I afford these economic benefits moderate weight even though the employment opportunities related to construction are likely to be short-term.
20. Hever Stud Farm would contribute to the social opportunities within the local community because of its potential for teaching and leisure activities. As these social benefits would be relatively small-scale, I attribute these benefits minimal weight.
21. The presence of a rural worker on site would increase the welfare and care of horses on site, including the control of equine disease. This is likely to be normal practice for a professional stud farm. I attribute this limited weight.
22. I conclude therefore, even when considered in combination, that the benefits do not outweigh the substantial harm to the Green Belt sufficient to demonstrate that very special circumstances exist.

**Conclusions**

23. For the reasons given above I conclude that the appeal should be dismissed.

*J E JOLLY*

INSPECTOR