



Appeal Decision

Site visit made on 24 July 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/P0240/W/23/3316421

Chiltern Hill Field, Clements End Road, Studham, Dunstable LU6 2NG

- 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 Ryan Plowright against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/01957/FULL, dated 13 May 2022, was refused by notice dated 15 November 2022.
 - The development proposed is Change of use of land to a paddock and erection of stables for 6 horses with associated hardstanding for access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to a paddock and erection of stables for 6 horses with associated hardstanding for access and parking at Chiltern Hill Field, Studham LU6 2NG in accordance with the terms of the application, Ref CB/22/01957/FULL, dated 13 May 2022, and the plans submitted with it, subject to the conditions within the attached schedule.

Preliminary Matters

2. The Appellant has stated that the field is now named as Chiltern Hill Field. I have adjusted the address accordingly.

Main Issues

3. The main issues are:
 - Whether the proposed extension would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies and its effect on the openness of the Green Belt.

Reasons

Inappropriate development

4. The appeal site is within the South Bedfordshire Green Belt. Policy SP4 of the Central Bedfordshire Local Plan [2021] (LP) states that within the Green Belt there is a general presumption against inappropriate development. It states that development will be assessed in accordance with government guidance. Paragraphs 149 of the Framework, establish forms of development that would not be inappropriate. Paragraph 149(b) relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation, provided this would preserve the

openness of the Green Belt and not conflict with the purposes of including land within it.

5. The proposal relates to the provision of stables, with 6 stalls and associated hardstanding, with the adjacent field subdivided with post and rail fencing into separate paddocks. The stables would be within the open countryside, close to existing development and a short distance from the village of Studham. The stables would attract owners to provide daily care to their horses and undertake horse riding. This is considered to fall under the category of outdoor sport and outdoor recreation. It therefore falls to consider whether the proposal would preserve the openness of the Green Belt and/or conflict with the purposes of including land within it.

Green Belt Purposes and Openness

6. Paragraph 134 of the Framework outlines the five purposes of including land within the Green Belt. These seek to check unrestricted sprawl of built-up areas, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic towns, and encourage the reuse of urban land. Being single storey, of wood construction and having a hipped roof, the building would be low-key and in a discreet location on site. It would therefore integrate well with the local area. The proposed stable would not represent material encroachment into the countryside being for a suitable development within a countryside location. Consequently, the proposal would not conflict with any purposes of including land in the Green Belt.
7. Whether any change would cause harm to the openness can depend on factors such as locational context, its spatial or visual implications, as well as scale. In considering the scale of the proposal in its locational context it would be viewed within the same visual context as the adjacent two-storey dwellings. The northern boundary of the appeal site is lined with a woodland area along its length, with the other boundaries largely consisting of mature hedgerows.
8. The scale of the proposal, and the changes as a result of it, would impact upon the openness of the Green Belt in spatial terms due to the introduction of a relatively wide and long building, forming a significant volume, where no building is currently in place. However, despite this consideration of scale, this alone is not sufficient to support that the development would cause harm to Green Belt openness.
9. Despite there being an impact upon the site's openness, in spatial terms, it is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt. Other considerations include those relevant to how built up the Green Belt currently is as well as factors relevant to the visual impact of the development. The visual dimension of the Green Belt is an important part of designating land as Green Belt. The perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site.
10. The countryside adjacent to the appeal site gradually slopes down from Byslips Road. The appeal site also slopes downhill towards the north and western boundaries. The site is alongside Clements End Road and Byslips Road, and

adjacent to Studham Common which includes public footpaths. The proposed stables would be adjacent to Byslips Road but would be relatively well screened from the highway, it would also be well screened from the Common. At the time of my site visit I found that views of the appeal site, were limited and views of the proposed building would also be limited. The largest visual impact of the changes would be from the access gate on Byslips Road itself. Whilst this impact is noted, I consider the visual effect would be limited and views would mostly be drawn to the post and rail fencing within the field. However, this impact would be glimpsed only over a short time by users of the highway and would be further reduced by the established trees and vegetation present.

11. I am cognisant that views of the building could potentially be heightened when the planting is not in leaf. Nonetheless, the limited visual impacts could be mitigated through landscaping improvements secured by a planning condition. This would serve to further restrict views of the proposed stables when considering the impact of the proposal by passing observers.
12. Overall visibility beyond the immediate site is very limited, but the proposed stabling would be visible from Byliss Road, causing some limited implications for the openness of the Green Belt in visual terms. Despite this, given the location of the proposal, I do not find that this would erode or cause harm to the openness of the site or the wider Green Belt.
13. Consequently, the introduction of a building would have a limited effect upon people's perception of openness from beyond the boundary of the site. Accordingly, the appeal scheme would be an appropriate facility for outdoor sport and outdoor recreation and would preserve the openness of the Green Belt. Therefore, it would not conflict with the purpose of including land within the Green Belt as required by paragraph 149(b) of the Framework and LP policy SP4. As a result of this the proposal would not be inappropriate development within the Green Belt.

Other Matters

14. An equestrian facility, with 23 stalls, was approved in 2021 and I understand is currently under construction. Interested parties have suggested that this absorbs all local demand and there is no need for further stables. However, a test of need is not a requirement for Green Belt policy and this matter weights neither for nor against the scheme. Furthermore, whether the proposed stables would be for the Appellant's own use or for commercial stabling, the facility would generate a similar level of attendant activity due to the needs of the horses for regular care.
15. The site is within the Chilterns Area of Outstanding Natural Beauty. The Council's Landscape Character Assessment identifies the site as being within the Whipsnade Chalk Dipslope – landscape character area. This area consists of a flat elevated plateaux interspersed with sweeping valleys. The Appellant's Landscape and Visual Impact Assessment¹ identifies that the areas landscape would not be unduly affected and have a medium visual effect at the site access and a low impact on surrounding localised views. These effects would be further reduced with the introduction of additional landscape planting as described in its mitigation plan. Accordingly, the proposal would not result in demonstrable landscape harm and would be compatible with its countryside

¹ Landscape and Visual Assessment, Anna French Associates, October 2022

location. Consequently, it would not harm the character or appearance of the surrounding area.

16. The site consists of short cut grass land having little ecological value or habitat diversity. As such, the proposal would have a negligible effect on local wildlife. Moreover, existing biodiversity could be enhanced through the provision of new planting, secured by an appropriate planting condition.
17. The proposal would result in the loss of agricultural land for stabling, with the majority retained for the grazing of horses. As such, the proposed stabling and associated hardstanding, would represent a small reduction of agricultural use that would be required in support of the equestrian activity. This loss would be limited and outweighed by encouraging the beneficial use of the Green Belt in providing new opportunities for outdoor sport and recreation, as envisaged by paragraph 145 of the Framework.
18. The Parish Council suggested several conditions that seek to prevent the site being considered as previously developed land (PDL), for a personal consent and seeking access from Clements End Road only. However, the status of land as PDL or otherwise cannot be affected by a planning condition and any future proposal for redevelopment would be determined on its own merits. Moreover, a personal consent would not be justified in this case as it is not dependent on being operated for the sole use of an individual or company.
19. In terms of the suitability of the proposed access, Byslips Road is subject to the national speed limit. It is a relatively straight and flat section of the highway around the access. A visibility splay of 2.4 metres by 120 metres has been plotted at the access. This has been deemed to be acceptable to the Council based on the submitted speed survey data. Accordingly, the access would achieve good visibility enabling vehicles to enter and exit the site in a safe manner, a conclusion shared by the Highway Authority.

Conditions

20. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
21. It is necessary to apply conditions in connection with a commencement period and list the approved plans to accord with the PPG [1 and 2]. Details of sample materials are not required to be submitted. However, it is necessary for the proposal to be constructed in accordance with the materials shown on the elevation plans. It is also necessary for new landscape planting to be installed to help soften the visual effect of the building and offset the loss of hedgerow following the provision of the access onto Byslips Road. It would also be necessary to prevent lighting being installed within the site due to its rural location. These conditions would be required to preserve the character and appearance of the area [3, 4 and 5].
22. Details of the access, including a full specification (including bonding materials and drainage) and for the gate to be set back into the site, would be required by conditions in the interests of the safe use of the access [6 and 7].
23. The Council requested a condition that would prevent the facility from being used for commercial purposes. The Council's stated reason for the condition is

to prevent detriment to the locality. However, this reason is vague, and in any event, it has not been demonstrated within the submitted evidence, that allowing the stables to be commercially available would be harmful to the character of the area.

Conclusion

24. The proposed development would accord with the development plan and national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is allowed and planning permission granted subject to the attached conditions.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PR-001 rev B and PR-002 rev C.
- 3) The approved stable building shall be constructed in accordance with the materials annotated on plan PR-002 rev C.
- 4) No external lighting shall be installed on the stables or within the appeal site.
- 5) Prior to the first use and occupation of the stables, a detailed planting schedule, planting specification and landscape maintenance schedule shall be submitted to, and approved in writing by, the Local Planning Authority. The approved planting scheme shall then be implemented during the first planting season (November to March) following completion of the development and shall then be maintained for a period of 5 years until satisfactorily established, with any losses replaced in accordance with the planting scheme requirements.
- 6) Prior to the first use and occupation of the stables, details of the access to the highway shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of an access gates, that shall open away from the highway and be set back a distance of at least 5 metres from the nearside edge of the carriageway of the adjoining highway. The approved stables shall not be first used until the access and gate have been installed in accordance with the approved details.
- 7) Prior to the commencement of use, the proposed vehicular access shall be constructed and surfaced in accordance with the approved details for a minimum of 5 metres into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

End of conditions