



Appeal Decision

Site visit made on 8 August 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/L3625/W/22/3305085

The Manor Stables, Norwood Hill Road, Charlwood, Surrey RH6 0HP

- 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 Kate Brooks against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/00672/F, dated 21 March 2022, was refused by notice dated 15 June 2022.
 - The development proposed is the erection of equestrian facilities excluding stabling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal 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 the effect on openness; and
 - 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

3. Policies NHE5 and NHE8 of the Reigate and Banstead Local Plan Development Management Plan (DMP), adopted September 2019, sets out amongst other things, that replacement buildings and small-scale equestrian facilities will be permitted where they preserve the character of the area and would not harm the openness of the Green Belt.
4. These policies are broadly consistent with the Framework in that it 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. Both parties agree, that for the purposes of this appeal the relevant exception of paragraph 149 is criterion b) which relates to '*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; 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. With regard to the first limb of criterion b) although it has been put to me that the appellant has not established the building would be used solely for the keeping of horses for outdoor sport or recreation, I am content that in order to maintain both the existing riding facilities, and to enable the welfare and upkeep of horses on the existing site, a secure form of storage, tack room, foaling box, washbox etc would be required for the keeping of horses. Given that horse riding is an outdoor sporting or recreational pursuit, it follows that the proposed building is capable of falling within the exception set out in paragraph 149 b) of the Framework. However, the effect on the openness and purposes of the Green Belt has to be considered.
6. Openness can have both spatial and visual aspects and the proposal would introduce new equestrian facilities into an area of the site which is generally free from any significant permanent development. It is acknowledged that the proposal would result in the removal of 9 sheds and 1 caravan at the existing site that are dilapidated and are currently not fit for purpose. From the information before me, the combined overall footprint of development to be removed equates to approximately 60.1m². The proposal would provide an L-shaped building with a footprint of approximately 84.7m² resulting in an overall increase in the footprint of development.
7. Furthermore, the proposal would be provided in a single building, consolidating the mass and bulk of development into one location rather than being dispersed throughout the appeal site, as is currently the case. Therefore, when taken together the increased footprint and consolidated form of development would have an adverse impact on the openness of the Green Belt in spatial terms.
8. In regard to the visual aspect of openness, the proposed development would be located amongst the existing equestrian buildings, stables and sand school. In terms of the layout, the appeal site would relate more closely to the existing built-up element of the site rather than the more open countryside to the east. Although the proportion of the site occupied by the built development would increase it would be limited by the appeal building's close proximity to the existing buildings. Furthermore, the proposal would be screened from the road by the existing buildings, gates and established vegetation boundaries, which also provide screening in longer distance views. Thus, any views would be oblique and against the background of the existing built development. As such, the appeal building has a negligible effect on the openness of the Green Belt in visual terms.
9. While the proposal would be development within the countryside it would be contained within the existing hardstanding and buildings. There would therefore be no unacceptable encroachment on the countryside. Furthermore, I am satisfied that the proposal would not conflict with the other purposes of including land within the Green Belt. Nevertheless, I find there would be impact on the spatial dimension of the openness of the Green Belt, and as such there would be a harm. I therefore find that the proposal would be inappropriate development.
10. There is dispute between the parties in respect to whether the appeal site would be considered small-scale stabling and/or small-scale equestrian facilities in respect to DMP Policy NHE8 and the Reigate and Banstead Horsekeeping Supplementary Planning Guidance (SPG) adopted February 1998. Even if I

were to consider the appeal site was a small-scale equestrian facility, given the harm that I have identified to the spatial aspect of the openness of the Green Belt it would not affect my findings on whether the proposal was inappropriate development.

Other considerations

11. The appellant highlights that the Council's SPG promotes the use of field shelters as an alternative to buildings, like those subject to this appeal, in the Green Belt. The appellant considers that a proliferation of these structures could provide increased harm to the openness of the Green Belt which both the DMP and the Framework seek to prevent. As a fallback option to the appeal scheme, I give this matter limited weight, as the structures would not provide secure accommodation, as accepted by the appellant within their statement. As such they would not provide a reasonable alternative to the development proposed and there would not be a greater than theoretical possibility that such a development might take place.
12. I recognise that the proposed building may be more secure and provide improved facilities than the existing timber sheds and caravan at the appeal site. However, I am not persuaded that the proposal is the only means of providing storage, feed, bedding, tack, washing or foaling facilities at the site. Therefore, this benefit would attract only moderate weight in favour of the scheme.
13. My attention has been drawn to other appeal decisions¹ on other sites in relation to stables, tack rooms and appropriate facilities as well as an approved planning application for equestrian facilities at a nearby authority. I am not aware of the full circumstances of those cases, but it is evident from the details presented that they turned on their own particular merits. I cannot therefore be certain that these are directly comparable, and they do not alter my view. I can confirm that I have dealt with this appeal based on the evidence before me.

Green Belt balance

14. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
15. Whilst I have attached moderate weight to the provision of a building that provides for the needs of the appellant's horses, and I have given limited weight to the fallback position, these do not clearly outweigh the harm the scheme would cause to the Green Belt by reason of its inappropriateness. As such the very special circumstances necessary to justify the development do not exist. Consequently, the proposal would conflict with the relevant sections of Policies NHE5 and NHE8 of the DMP and paragraph 149 of the Framework.

¹ PINS Refs: APP/R3650/C/18/3214413, APP/L3625/C/09/2096915 and 2096916, APP/L3625/A/09/2093768/NWF and APP/T0355/C/18/3205490 and APP/T0355/C/19/3235815

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR