



Appeal Decision

Site visit made on 12 September 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17.10.2023

Appeal Ref: APP/D3640/W/23/3319804

Oakes Cottage, Pennypot Lane, Chobham, Woking GU24 8DL

- 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 Daniel Hill against the decision of Surrey Heath Borough Council.
 - The application Ref 22/0639/FFU, dated 29 June 2022, was refused by notice dated 10 October 2022.
 - The development proposed is described as "proposed stable block extension to provide 4 additional stables and re-location of previously approved muck heap."
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Decision

1. The appeal is allowed and planning permission is granted for a stable block extension to provide 4 additional stables, fence and gates and re locate muck heap at Oakes Cottage, Pennypot Lane, Chobham, Woking GU24 8DL in accordance with the terms of the application, Ref 22/0639/FFU, dated 29 June 2022, subject to the attached schedule of conditions.

Preliminary Matters

2. Amended plans have been submitted with the appeal that were not before the Council when it made its decision. The Council has however commented on these plans which would reduce the height of the development to match that of the existing stable. Furthermore, the depth of the development would be reduced from 4m to 3.6m. In applying the *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin) principles I am satisfied that the reduced scale of the development shown on the amended plans would not lead to a substantially different application and would not be so changed that prejudice to main or any interested parties would arise. As such, I have made my decision on the basis of the amended plans.
3. I have used a different description in the formal decision from that on the application form to remove words which are not acts of development. Furthermore, the description in the formal decision is more accurate and reflects that used by the Council in its decision notice and the appeal form.

Main Issues

4. The main issues are:

(i) whether or not 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

(ii) whether any harm by reason of inappropriateness, and any other harm,

would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in Green Belt

5. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, an exception to this includes sub paragraph b) *"the provision of appropriate facilities for outdoor sport, 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;"*.
6. There is no dispute that the development would provide an appropriate outdoor sport/recreation facility. The Council's reason for refusal is therefore based on the development having a harmful effect on the openness of the Green Belt. Openness is the absence of development and can have spatial and visual effects.
7. The development would be sited on despoiled and gravelled ground within an area immediately adjoining the existing stables. In this area, I observed there to be various associated paraphernalia, including a tall horse trailer and tractor. Whilst my observations only represent a snapshot in time, recognising the transient nature of the aforementioned features, the proposal includes an additional concrete yard adjoining the proposed stables. It is likely that this yard would be most suited to store this associated equestrian paraphernalia, particularly for ease of access, which would mean that further encroachment into grassed areas beyond the site for storage purposes would be unlikely. Additionally, there are existing features nearby including a sand school and turnout pen linked to the wider and notably active equestrian use of the land. The proposal would be closely contained within these developments and would be assimilated into developments and an existing use of land typical of this rural setting. For these reasons the spatial openness of the Green Belt would be preserved.
8. Even in the absence of any buildings on land to the north, the development would form a small scale extension to a closely grouped area of built form. Additionally, the low ridge height would be well screened by the established field boundary behind. The timber clad stable extension would appear typical of this rural setting. Consequently, the eye would not be drawn to it. Due to this locational context, including the aforementioned sand school and turnout pen, the visual effects on the openness of the Green Belt would be preserved.
9. Notwithstanding the Council's position that identifies disproportionate additions to the appeal building, I conclude that the proposed development would not be inappropriate development in the Green Belt as it would preserve its openness. Furthermore, it would not conflict with the purposes of including land in the Green Belt, including preventing unrestricted sprawl and safeguarding the countryside from encroachment. It would therefore comply with paragraphs 137, 138 and 149 of the Framework.
10. Given that I have concluded that the proposed development would not be inappropriate development in the Green Belt, there is no requirement to consider whether there are very special circumstances to justify the

development. As such, there would be no conflict with Policy DM3 of the Surrey Heath Core Strategy & Development Management Policies 2011-2028, adopted February 2012, which in this respect supports equestrian development provided its size, siting and scale does not harm the character and openness of the Green Belt.

Conditions

11. I have made some amendments to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework.
12. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty.
13. No trees would be felled or pruned by the development. Furthermore, the Council's suggested tree protection condition duplicates required works and places unreasonable requirements on the appellant. As such, I have amended this condition to require compliance with tree protection measures set out in the submitted arboricultural impact assessment. This, together with a condition securing submission of details of external facing materials is necessary in the interest of the character and appearance of the area. Furthermore, given the layout and small scale of the site, I do not find it reasonable or necessary to impose a landscaping scheme condition.
14. There is no evidence that the development would be unacceptable if it were not restricted to the residents of Oaks Cottage or their dependants only. I have therefore not imposed the Council's suggested condition in this respect.
15. It is however necessary to restrict the use of the stables for private purposes in the interests of safeguarding living conditions. However, it is not necessary to impose an upper limit on the number of horses that use the site as the development specifically permits 4 stables. Additionally, the facilities referred to in the Council's suggested condition are not all within the appeal site and therefore the restriction of other horses being brought onto the site is not fairly or reasonably relevant to the development permitted. Furthermore, the monitoring of other horses would be impractical.

Conclusion

16. For the above reasons the development would not conflict with policies of the development plan or the Framework. Having regard to all matters raised, the appeal is allowed subject to conditions.

J Hills

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans: 01295/PL20B and 01295/PL21.
3. No external facing materials shall be used on or in the development hereby approved until samples and details of them have been submitted to and approved in writing by the local planning authority. Once approved, the development shall be carried out using only the agreed materials and maintained as such thereafter.
4. Development shall be carried out in strict accordance with the recommendations set out in the submitted arboricultural impact assessment and its tree protection plan. Any protection measures specified shall be undertaken in complete accordance with BS:5837:2012.
5. The development hereby permitted shall only be used as private stabling and shall not be used for any livery or other commercial purposes.