



Appeal Decision

Site visit made on 6 November 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/N0410/W/23/3321741

Bellswood Farm, Bellswood Lane, Iver, Buckinghamshire SL0 0LU

- 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 Paul Kelly against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/23/0202/FA, dated 19 January 2023, was refused by notice dated 20 April 2023.
 - The development proposed is reduction and retention of existing stable building.
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Decision

1. The appeal is allowed and planning permission is granted for reduction and retention of existing stable building at Bellswood Farm, Bellswood Lane, Iver, Buckinghamshire SL0 0LU in accordance with the terms of the application, Ref PL/23/0202/FA, dated 19 January 2023, subject to the conditions listed at the end of this Decision.

Background

2. The existing stable building's erection followed a grant of planning permission¹ in January 2019. However, construction did not occur in accordance with the approved plans. This led to the Council serving an enforcement notice, the terms of which, except for a timing element, were upheld at appeal² in October 2021. The unsuccessful application that then followed, which is now the subject of this appeal, sought reductions and design amendments to the existing stable building.
3. I note here that, whilst concrete hardstanding featured under the terms of the enforcement notice, the proposal now before me is focussed solely upon the reduction and retention of the existing stable building and I shall consider the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt; and
 - The effect upon the character and appearance of the area.

¹ Ref PL/18/3272/FA

² Ref APP/N0410/C/21/3270965

Reasons

Whether or not inappropriate development

5. The site falls within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, various exceptions to development being considered inappropriate are listed within the Framework. One such exception is where appropriate facilities for outdoor recreation are proposed, so long as these facilities would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
6. The proposed alterations to the existing stable building would result in a much-downsized facility when compared to existing. Indeed, the proposed building's height and footprint coverage would be broadly comparable to previously approved stable development at the site. The facility would incorporate two separate but adjoining internal spaces. One of these would accommodate stabling, whilst the other would comprise a combined tack room, hay store and equipment store.
7. Whilst the stabling part of the building would be served by a set of large double doors as opposed to more traditional stable doors openable in two sections, it has not been clearly demonstrated that this intended setup would result in unventilated conditions for horses nor an unacceptable absence of natural light. I note that, upon internal inspection of a part of the existing building served by large double doors, the individually partitioned stables that were observable offered a clear indication that welfare-friendly and functional arrangements would be achieved. Further, although it may be unusual to combine a tack room with hay/equipment storage, it has not been clearly demonstrated why such arrangements should be resisted or thought of as unacceptable. To my mind, the stable building taken as a whole, as proposed to be reduced and amended, would appear proportionate to its intended function at the site in question and represent appropriate facilities for outdoor recreation.
8. From a Green Belt openness perspective, the intended reduction in height of the existing building is an important factor that, I note, distinguishes the scheme from a possible alternative considered by the previous October 2021 Inspector that involved the formation of a rectangular building. Indeed, the proposed height reduction is meaningful and, when considered in conjunction with the planned curtailment of the building's footprint, would lead to a marked reduction in built scale and associated potential visibility. Moreover, the proposed building would have a discreet presence setback from Bellswood Lane, alongside a belt of established planting, and in proximity to existing bungalow development. All related matters considered, the openness of the Green Belt would be preserved, and the countryside would be safeguarded from unacceptable encroachment so as to avoid conflict with the purposes of including land within the Green Belt.
9. For the above reasons, the proposal would not be inappropriate development in the Green Belt such that very special circumstances are not required to be demonstrated. The scheme thus accords with saved Policy GB1 of the South Bucks District Local Plan (March 1999) (the LP) and the Framework in so far as these policies indicate that the essential characteristics of Green Belts are their openness and their permanence.

Character and appearance

10. The proposal involves the introduction of a sizeable expanse of flat roof, which would sit above retained eaves detailing and associated low-level pitched roof elements. Whilst the resultant roof form would not reflect the typically expected composition of an equestrian building in a rural location, its discreet positioning and limited visibility would promote the avoidance of any material harm to the character or appearance of the locality. Moreover, a subservient timber-clad building of uncomplicated and low-key design satisfactorily befitting of its rural setting would be brought forward.
11. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The scheme thus accords with saved Policy EP3 of the LP, Policy CP8 of the South Bucks Core Strategy Development Plan Document (February 2011), and the Framework in so far as these policies set out that all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area. As such, the proposal accords with the development plan when read as whole and material considerations do not lead me to a decision otherwise.

Conditions

12. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments for consistency and clarity purposes. Also, in the interests of protecting the character and appearance of the area, I have added a further condition requiring the materials to be used to match the external finishes of the existing stable building.
13. Planning Practice Guidance advises that a condition requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem it is designed to solve and would likely be difficult to enforce. Thus, I have instead set a time-limit for commencement and used a six-month period in recognition that non-commencement would have negative implications for the protection of the Green Belt. In the interests of certainty, a condition listing the approved plans is also required.
14. In the interests of guarding against the introduction of a commercial use to this Green Belt site and any unacceptable intensification in the use of the site's existing access, a condition is reasonable and necessary to confirm that the stable building hereby permitted shall only be used to accommodate the appellant's horses and associated items. In the interests of promoting a net-gain in biodiversity and the survival of protected species, a scheme of ecological enhancement is also reasonable and necessary to secure.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of six months from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BF S 02 C; BF S 01 E.
- 3) The development hereby permitted shall be used only to accommodate the horses (and associated items) owned by the occupants of Bellswood Farm and shall not be used in any commercial capacity whatsoever.
- 4) The development hereby permitted shall be finished with external-facing materials to match those of the existing stable building.
- 5) Prior to the first occupation of the development hereby permitted, a scheme of ecological enhancements, to include details of native landscape planting and the provision of artificial roost features (including bird and bat boxes), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.