



Appeal Decision

Site visit made on 21 September 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2023

Appeal Ref: APP/W1525/W/23/3315745

Awes Farm, Ingatestone Road, Highwood, Chelmsford, Essex CM1 3QS

- 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 T Horsnell against the decision of Chelmsford City Council.
 - The application Ref 22/01555/FUL, dated 16 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is a planning application for a full livery yard including the construction of a stable block and ménage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Submitted with the appeal is an amended drawing omitting the proposed car parking area close to the proposed stable block and providing car parking spaces within the farm's yard area. The Council has commented that reducing the amount of hardstanding through omission of the car parking would not reduce the extent and amount of proposed built form.
3. To my mind, relocating the car parking provision to beyond the application site boundary, the ownership of which has not been certified by the appellant, and potentially closer to nearby properties, would constitute a fundamental change to the proposal that could unfairly prejudice the interests of third parties. As such, I have assessed the appeal proposal against the drawings used by the Council to determine the proposal.

Main Issues

4. 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, including the effects of the proposal on the openness of the Green Belt and the purposes of including land within it.
 - If the proposal is inappropriate development, whether the 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 inappropriate development

5. Paragraph 137 of the Framework, states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, and one of the five purposes of the Green Belt, as set out in Paragraph 138.c) of the Framework, is to safeguard the countryside from encroachment.
6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Part A of Policy S11 of the Chelmsford Local Plan (Adopted May 2020) (the CLP), is consistent with this and seeks to protect the openness and permanence of the Green Belt, and sets out that inappropriate development will not be approved except in very special circumstances.
7. Paragraph 149 of the Framework, states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to the exceptions listed. The exception in Paragraph 149.b) of the Framework is *"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"*. Part A)ii. of CLP Policy DM6 is consistent with this exception.
8. Paragraphs 150.b) and 150.e) of the Framework, state that engineering operations and material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of land within it. Part A of CLP Policy DM10 is consistent with these exceptions.
9. The development proposed would be in connection with a proposed change of use to a livery yard. Consequently, the proposed stable block building would be connected to a proposed outdoor sport and recreation use. As such, it satisfies the first limb of the exception in Paragraph 149.b) of the Framework. It is the second limb stating *'...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*, which is a disputed matter. Although new development within this exception, and the other exceptions referred to above would be likely, to some degree, to erode the openness of the Green Belt, the effect on openness depends on factors such as the scale of a development and whether it harms openness, which can be perceived spatially and visually.
10. The appeal site is located to the east of Ingatestone Road. It would be accessed through the existing group of mostly agricultural buildings, including several large buildings, that are generally surrounded by open fields, with dense woodland visible in the distance.
11. The form and materials of the proposed stable building would give it an agricultural character and appearance. However, it would nonetheless be a substantially sized building occupying land where previously no building existed. Consequently, it would result in a significant increase in built form

within the site and would therefore cause a moderate degree of harm spatially to the openness of the Green Belt.

12. The proposed stable block building would be located relatively close to existing buildings. In views from the road, it would generally be well screened by existing planting along the roadside and within the site. Additional soft landscaping is also proposed. Nonetheless, it would have an adverse visual effect on the openness of the Green Belt from within and outside the site, albeit to a relatively localised and moderate extent. I have had regard to the appellant's Landscape and Visual Impact Assessment, which identifies a very minor reduction in openness of the Green Belt at a local level. However, in this respect even a moderate adverse effect on openness, as I have identified, would not preserve the openness of the Green Belt as required by paragraph 149.b) of the Framework, and would cause harm to the Green Belt.
13. The surface of the ménage itself would generally be at the existing ground level. The post and rail fencing around the ménage, although comparable in height and appearance to other fencing in the locality, would nonetheless be an above ground structure where such a structure did not exist previously. As such it would affect the openness of the Green Belt in both spatial and visual terms, but only to a very limited degree given its height and permeable construction, which would allow views through it. It would therefore cause a commensurately low level of harm to openness within its immediate surroundings. Be that as it may, openness would be eroded and harm to the Green Belt would result.
14. The proposed car park and vehicles parked upon it, would generally be well screened in views from Ingatestone Road, albeit they would be visible from within the site. As such, this element of the proposal would cause a modest level of harm to the openness of the Green Belt in both spatial and visual terms. Consequently, it would not preserve the openness of the Green Belt as required by paragraph 150.b) of the Framework, resulting in the development being inappropriate development in the Green Belt. The parties do not dispute that the parking could be revised in accordance with the amended drawing submitted with the appeal. However, for the reasons given, I have dealt with the appeal on the drawings used by the Council to determine the proposal.
15. Given the scale of the development as a whole and its siting on open land to the south of the existing group of buildings, the appeal proposal would also represent an encroachment of development into the countryside.
16. The appeal proposal would not result in the sprawl of a large built-up area or towns merging into one another. Nonetheless, for the reasons given above the proposed development would, in totality, harm the openness of the Green Belt in spatial and visual terms. The failure to preserve openness results in the proposed development being inappropriate under the above exceptions. Furthermore, the proposal would conflict with one of the Green Belt's purposes, namely that of assisting in safeguarding the countryside from encroachment by development, thus resulting in harm.

Other considerations

17. My attention is drawn to the several livery yards that have recently closed in the locality, including the sale particulars of the nearby Ravenscraig livery yard used by the appellant and others. I note that persons who kept horses at the

Ravenscraig yard have submitted letters of support stating their interest in stabling horses at the proposed development, which would provide sufficient capacity to accommodate them and operate as a replacement facility, as well as attesting to a shortage of suitable and affordable facilities in the area. However, I have no substantive evidence that the Ravenscraig livery will necessarily cease trading long-term because of the change in ownership. The sale particulars state that the property is a highly regarded livery ideally suited for equestrian enthusiasts. Furthermore, the Council refers to CLP Policy DM21, which seeks to protect community facilities, including livery yards as valued facilities from alternative development, and therefore offers some protection against the loss of such facilities.

18. Even if the Ravenscraig livery ceased to operate, the Council's evidence indicates there are some 25 or so equestrian facilities in the locality of the appeal site, which could accommodate horses. The appellant has not disputed this list or provided compelling evidence to substantiate the claim that many of those livery facilities are full and unable to accept additional horses. There is no substantive evidence before me of the capacity that does or does not exist at livery facilities in the area. Taking account of all the above, the evidence available to me is not sufficiently robust to demonstrate that a need exists for the scale of development proposed. Therefore, I give modest weight to the appellant's case for its need.
19. The proposal would benefit the rural economy through potential employment opportunities and requiring the services of businesses associated with equine activities. However, given the scale of the enterprise, this carries moderate weight in its favour, particularly as there is relatively limited information on the number of potential jobs to be created. Furthermore, as the enterprise is intended to replace a nearby facility, it is unclear whether these jobs already exist and whether it would result in additional business for related equine services. Taking account of my conclusions on the need for the facility, I give modest weight to the economic benefits of the proposal.
20. The biodiversity gain attributed to the proposed soft landscaping would arise partly through mitigation of the proposed development's effects and has not been quantified. It therefore represents a small potential environmental benefit that has limited weight in its favour.
21. No harm would be caused to the living conditions of nearby occupiers of residential properties or to the safety of road users. However, an absence of harm in these respects does not weigh positively in favour of the proposal.

Other Matters

22. My attention has been drawn by the appellant to an equestrian facility granted planning permission, ref. 22/01084/FUL, by the Council in the Green Belt at Radley Green Farm (RGF) a short distance away from the appeal site. It was described by the Council as a much-needed regional level facility that would make use of an existing indoor arena and would be located near to a former agricultural yard now in mixed uses. It included the conversion of existing buildings, the enlargement of an existing outdoor manege (sic), an outdoor cross-country arena, water jumps, all-weather gallop space, WC/shower building and a stable building situated in the same position as a silage storage structure to be demolished.

23. Whilst some general similarities can be drawn between the approved development at RGF, and the proposal in this appeal, each case must be determined on its own merits based on site-specific considerations. The evidence before me indicates that the scale, nature, and locational context of the approved equestrian facility at RGF is materially different to the appeal proposal before me and included an extensive range of equestrian facilities. As such, the development at RGF has limited relevance to my considerations in this appeal and does not alter my conclusions on the main issues. In any case, I am not bound by the decisions of the Council.
24. The large new agricultural building shown in appendix 2 of the appellant's statement was present at the time of my site visit. Whilst this building is likely to have resulted in a loss of openness of the Green Belt, it is described by the appellant as a permitted development and therefore would have involved materially different planning considerations to those in this appeal. As such, its effect on the Green Belt has limited relevance to my considerations in this appeal and it does not reduce the harm that would be caused by the appeal proposal.

Green Belt Balance and conclusion

25. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. I therefore give substantial weight to the proposal's harm to openness and resultant inappropriateness, and its conflict with one of the purposes of the Green Belt.
26. The other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of its harm to openness and resultant inappropriateness, and conflict with the purpose of the Green Belt through encroachment into the countryside. Consequently, the very special circumstances necessary to justify the development do not exist.
27. The proposal would therefore conflict with CLP Policies DM6, DM10 and S11, the relevant objectives of which are set out above, and the Framework. This results in conflict with the development plan, when read as a whole. Having considered all matters raised, the material considerations do not indicate that a decision should be taken other than in accordance with that plan. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR