



Appeal Decision

Site visit made on 7 November 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2023

Appeal Ref: APP/G2245/W/23/3317539

Plot 1 Grazing Land, Horton Road, Horton Kirby DA4 9AZ

- 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 W Hilton against the decision of Sevenoaks District Council.
 - The application Ref 22/01446/FUL, dated 20 May 2022, was refused by notice dated 3 November 2022.
 - The development proposed is erection of detached stable building and retention of existing hardstanding and provision of new hardstanding area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt and the effect of the proposed development on the openness of the Green Belt and the purposes it serves, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development, openness and the purposes of the Green Belt

3. The appeal site lies within the Green Belt and consists of an existing stable building, with paddocks to the rear. The area is rural in character and comprises of sporadic development, including other stable buildings, caravans and residential development.
4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development 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, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5. The construction of new buildings is deemed to be inappropriate development within the Green Belt, unless it falls within one of the exceptions set out in paragraphs 149 and 150 of the Framework. The appellant argues that the proposal would fall within exception 149 b), which refers to the provision of appropriate facilities for outdoor sport and 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. There is limited evidence before me to suggest that the proposal would fall within any of the other exceptions set out within paragraphs 149 and 150 of the Framework.
6. Policy LT2 of the Sevenoaks District Council Allocations and Development Management Plan February 2015 (ADMP) states that proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting and where the cumulative impact of other buildings, does not harm the openness of the Green Belt.
7. The proposal seeks to provide a two bay stable building, with a small store, which would be for private use. The new stable building would be traditional in design and similar in appearance to the existing stable building on site, albeit it would be smaller. The proposed design and materials would appear in keeping in this rural area. The provision of a new stable building would provide appropriate facilities for outdoor sport and recreation. However, paragraph 149 b) of the Framework also require an assessment to be made in respect to the openness of the Green Belt and the purposes it serves.
8. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. While the proposed stable building would be modest in size, it would result in an increase in built form and massing on part of the site which is currently free from built development. While I appreciate that the proposal in combination with the existing stable would cover less than 2% of the appellant's landholding, the proposal would result in a small loss of spatial openness to the Green Belt, which I am required to give substantial weight.
9. The proposed development by reason of its siting and design would be closely related to the existing stable building. In combination with the existing stable, the proposal would span development across a considerable portion of the width of the site. While a gap would remain between the proposed stable and the adjacent equestrian development, which is on land outside the appellant's ownership, the proposal would create a small cluster of buildings adjacent to the road, which cumulatively would cause harm to the openness of the Green Belt.
10. The proposal would be set back from the front and side boundaries. There would be some views of the proposal from the segregated footway on the opposite side of the road, but these would be limited due to the existing hedgerow that separates the footway from the highway. The proposed planting would help to screen the new stable from the public realm; however, this would take some time to mature. Nevertheless, the proposed planting would not fully mitigate the visual impact of the development. In any event, views would be available from the vehicular access to the site and from neighbouring land. As a result, there would be some minor harm to the visual openness of the Green Belt.
11. The proposed development would spread built form further across the site, which would encroach on land which is currently open. As a result, the

proposed development conflicts with one of the purposes of the Green Belt set out at paragraph 138 c) of the Framework, which seeks to safeguard the countryside from encroachment.

12. For the reasons given above, I conclude that the proposal would be inappropriate development in the Green Belt and would harm the openness of the Green Belt and the purposes it serves. The proposal would conflict with Policy LT2 of the ADMP, which requires that the cumulative impact of the development with other buildings does not harm the openness of the Green Belt. As I have found that the proposal would not preserve the openness of the Green Belt and would conflict with one of the purposes it serves, it would not accord with exception 149 b) of the Framework.

Other considerations

13. As the building that previously stood on site has been removed, I give this argument little weight in my decision.
14. I acknowledge that the Council's Development in the Green Belt Supplementary Planning Document (SPD) February 2015 supports equestrian enterprise that maintains environmental quality and countryside character. However, the SPD also requires an assessment to be made against Policy LT2 of the ADMP, in which I have found conflict.
15. Additional planting is proposed to reinforce and repair the existing hedgerow, which would improve habitat connectivity and enhance biodiversity on site, which I give limited positive weight.
16. While I understand the frustration of the appellant in respect to the correspondence with the Council, this does not alter my findings on the case and in any event, I have considered the appeal on its own merits.

Green Belt Balance and Conclusion

17. The proposal would be inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt and the purposes it serves. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. Overall, I afford the other considerations advanced in this case limited weight in favour of the development. Accordingly, very special circumstances do not exist that clearly outweigh the harm to the Green Belt, by reason of inappropriateness and harm to the openness of the Green Belt.
18. The appeal scheme conflicts with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR