



Appeal Decision

Site visit made on 14 November 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2023

Appeal Ref: APP/G2245/W/23/3321824

Blackmoor House, Roodlands Lane, Four Elms, Kent TN8 6PG

- 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 Mrs V Barratt against the decision of Sevenoaks District Council.
- The application Ref 23/00101/FUL, dated 16 January 2023, was refused by notice dated 13 March 2023.
- The development proposed is the extension of existing riding ménage, erection of proposed stables, angle of existing access from Roodlands Lane to be widened and proposed associated muck heap and parking for horse lorry. (Resubmission of 22/01670/FUL).

Decision

1. The appeal is dismissed insofar as it relates to the erection of the proposed stables.
2. The appeal is allowed insofar as it relates to the extension of existing riding ménage, angle of existing access from Roodlands Lane to be widened and proposed associated muck heap and parking for horse lorry at Blackmoor House, Roodlands Lane, Four Elms, Kent TN8 6PG in accordance with the terms of the application, Ref 23/00101/FUL, dated 16 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3981-18B, 3981-16A, 3981-10A, 3981-17C, 3981-14, 3981-15.
 - 3) Prior to the first use of the proposed development details / samples of the materials to be used in the construction of the external surfaces of the ménage, access and lorry park hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) Prior to the first use of the proposed development, details of ecological enhancements, including their proposed location shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the first use of the proposed development and be retained on site thereafter.

Preliminary Matters

3. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement (WMS). The revised Framework is a material

consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would appear to be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

4. The address in the banner heading above has been taken from the application form, albeit that the reference to Kent has been made after Four Elms rather than preceding as shown on the application form.
5. The description of development cited in the planning application form differs to that contained within the decision notice. There is no evidence any change was formally agreed. For the purposes of the appeal and in the interest of clarity I rely upon the description on the application form for the purposes of the appeal as detailed in the banner heading above and paragraph 2 of my decision.
6. The proposal subject to this appeal has several main elements consisting of i) an extension to the existing ménage; ii) widening the existing access; iii) relocation of muck heap; iv) parking for horse lorry; and v) erection of proposed stables. For the purpose of brevity and clarity the elements of the proposal will be referred to in my decision as follows i) ménage; ii) access; iii) muck heap; iv) lorry park; and v) stables.
7. The equestrian use of the site is compatible with its rural location and the site already contains a modest stable building. With regard to the extension to the ménage, access, muck heap and lorry park the Council have found these elements would not result in a detrimental harm to openness. As a result, the Council consider that these elements would benefit as an exception to policy under paragraph 154 b) of the Framework and would not be inappropriate development in the Green Belt. However, the proposal also includes the provision of a larger stable. As this part of the development is both physically and functionally severable from the aforementioned ménage, access, muck heap and lorry park, I consider a split decision would be a logical outcome.

Main Issues

8. The main issues are:
 - Whether the proposed stables would be inappropriate development in the Green Belt having regard to 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

9. Policy LT2 of the Sevenoaks District Council Allocations and Development Management Plan (DMP), adopted February 2015, acknowledges the importance of equestrian facilities within the district. Proposals for equestrian development in the Green Belt will be permitted where the scale of

- development is appropriate in the Green Belt setting and does not harm its openness.
10. Section 9 of the Sevenoaks District Council Development in the Green Belt Supplementary Planning Document (SPD) adopted February 2015, further highlights the benefits of equestrian-related activities to the local community providing that they maintain environmental quality and countryside character. Both Policy LT2 of the DMP and the SPD are broadly consistent with the Framework in that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
 11. The Framework further establishes at paragraph 154 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 154 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.'*
 12. With regard to the first limb of criterion b) I am content that in order to upgrade the existing equestrian site to meet the needs of the owners, and to enable the welfare of horses, the provision of stables, hay storage, feed and tack room with a washing area and an open covered area for tacking up would be required for the keeping of horses. Given that horse riding is an outdoor sporting or recreational pursuit, it follows that the proposed stable building is capable of falling within the exception set out in paragraph 154 b) of the Framework. However, the effect on the openness and purposes of the Green Belt also has to be considered.
 13. There are spatial and visual aspects to the assessment of the openness of the Green Belt. From the information before me, the proposed stable block has a much greater footprint compared to the one to be replaced and this would equate to an increase of approximately 98%. In spatial terms, the stables element of the scheme would provide a significantly larger quantum of built development than currently exists on site, and thus adversely impacts on the openness of the Green Belt in spatial terms.
 14. In regard to the visual aspect of openness, the stables would be located in a similar position to the existing stable in close proximity to the existing ménage. 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 northwest. Although the proportion of the site occupied by built development would increase, the visual aspect would be limited due to the stables low level nature and its close proximity to the green boundary, which provide screening from outside the site. Thus, any views would be oblique and against the background of the existing equestrian development. As such, the appeal building has a negligible effect on the openness of the Green Belt in visual terms.
 15. Having regard to whether openness would be preserved, it is acknowledged that the exceptions set out within paragraphs 154 and 155 are generally considered to be acceptable in principle and any new development under these

exceptions would erode openness to some degree, but this in itself would not always fail to preserve openness.

16. Nevertheless, whilst I find there would be a negligible effect to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt. Consequently, the stables would be inappropriate development in the Green Belt and would result in encroachment into the countryside contrary to the Framework and DMP Policy LT2.

Other considerations

17. Paragraph 153 of the Framework instructs that substantial weight should be given to any harm to the Green Belt, and that '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.
18. In regard to the impact of the proposal on the character and appearance I find that the design, height and materials would reflect the existing stable development, maintaining a rural feel and would be appropriate in the wider area. As such, I consider the development has no adverse effect on the character and appearance of the area. Nonetheless, the absence of harm in this regard is neutral in my assessment, carrying neither positive weight in favour of the development nor negative weight against.

Conditions

19. In relation to the ménage, access, muck heap and lorry park I have imposed conditions requiring commencement of the development within three years and for the development to be carried out in accordance with the approved plans for certainty.
20. I have also imposed a condition in respect to material specification in order to ensure an acceptable visual effect. In order to mitigate any harm to ecological habitats I have imposed a condition ensuring that the details of any ecological enhancements undertaken are submitted to the Local Planning Authority.
21. However, I have not imposed conditions in respect to the retention of the equestrian use as it has not been explained by the Council that existing regulations and controls do not satisfactorily deal with these matters. Nor have I imposed a condition in respect to details of the soft landscaping, as the works required in respect to the ménage, access, muck heap and lorry park would have limited impacts on the existing landscape. As such, these suggested conditions are unnecessary.

Green Belt Balance and Conclusion

22. 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.

23. Whilst I have attached moderate weight to the provision of the new stables to meet the needs of the appellant and welfare of any additional horses, this does 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 DMP Policy LT2, Section 9 of the SPD and paragraph 154 of the Framework.
24. For the reasons given above I conclude that the appeal should succeed insofar as it relates to the extension of existing riding ménage, angle and widening of existing access from Roodlands Lane and proposed associated muck heap and parking for horse lorry.
25. However, in relation to the erection of the proposed stables this part of the scheme would conflict with the development plan and there are no other considerations, including the Framework, which outweigh this conflict and the appeal should be dismissed.

Robert Naylor

INSPECTOR