
Appeal Decision

Site visit made on 7 February 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/G2245/W/23/3317614

Grove Close, Hampkins Hill Road, Chiddingstone, Kent TN8 7BA

- 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 Ms Clifford-Baynes against the decision of Sevenoaks District Council.
 - The application Ref 22/02461/FUL, dated 6 September 2022, was refused by notice dated 6 December 2022.
 - The development is described as 'retention of stables with ancillary storage and maneges'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted retrospectively. I found the stables, storage and maneges had been carried out at the time of my site visit. I have dealt with the appeal accordingly, and on the merits of the appeal scheme.
3. Since the refusal of the application, the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

Main Issues

4. The main issues are:
 - Whether or not the appeal development constitutes inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the appeal development on the character and appearance of the area; and
 - If the development is inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

5. The appeal site lies within open countryside east of Edenbridge and within the Metropolitan Green Belt. It is bounded by the B2027 to the north, Hampkins Hill Road to the east and a mainline railway to the south. A public footpath runs adjacent to the western boundary.
6. The site is occupied by a dwelling which is sited in the northeast corner of the site. Vehicular access is from Hampkins Hill Road. The information before me is that the circa. 3ha site was formerly an agricultural field associated with this dwelling and that, apart from the residential property, it was free of built development.

Whether or not inappropriate development in the Green Belt

7. Policy LO1 of the *Sevenoaks District Council Local Development Framework Core Strategy* (2011) (the Core Strategy) relates to the distribution of development. It states that development will only take place where it is compatible with policies for protecting the Green Belt and the AONB, where relevant. Supporting paragraph 4.1.3 of this policy reinforces one of the Framework's stated purposes of the Green Belt of assisting in safeguarding the countryside from encroachment.
8. This approach is repeated in Core Strategy Policy LO8, which allows development which supports the maintenance and diversification of the rural economy and the vitality of rural communities, subject to compatibility with Green Belt protection policies. Policy LO8 also states that the extent of the Green Belt will be maintained.
9. Policy LT2 of the *Sevenoaks District Council Allocations and Development Management Plan* (2015) (the ADMP) recognises that the Green Belt has a positive role to play, including in providing access and providing opportunities for outdoor sport and recreation. It allows for the construction of new buildings which provide for outdoor sport and recreation, which preserve the openness of the Green Belt and do not conflict with its purposes, such as small stables. It also states that equestrian development proposals will be permitted in the Green Belt 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.
10. These policies are generally consistent with the Framework, and I afford them weight in my decision. They indicate that, in principle, the equestrian appeal scheme comprises a form of development that is compatible with a Green Belt location.
11. The Framework regards the construction of new buildings as inappropriate development in the Green Belt. One of several exceptions to this is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for, inter alia, 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 (Paragraph 154 b).
12. Certain other forms of development which are also not considered by the Framework to be inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it, include material changes in the use of land (such as, inter alia, changes of use

for outdoor sport or recreation) (Paragraph 155 e). Furthermore, the Framework encourages local planning authorities to plan positively to enhance the beneficial use of Green Belts, including, amongst other things, providing opportunities for outdoor sport and recreation.

13. Having regard to the above, since equestrian use is generally considered to be a use for outdoor sport or recreation, the appeal development may not be inappropriate in the Green Belt, depending upon whether it preserves openness and accords with Green Belt purposes.
14. Openness in terms of the Green Belt can have a spatial as well as a visual aspect, and a consideration of openness is essentially a matter for the decision maker on a case-by-case basis.
15. The appeal scheme seeks retrospective permission for a commercial equine development. The development shares the existing vehicular access, parking and turning area which serves the dwelling. Much of the scheme involves maintaining the existing grassed area through the provision of maneges and paddocks which are mainly enclosed by post-and-rail fencing.
16. The livery and riding school business also includes 4 single-storey timber structures providing 6 stables, 3 barns and a storage building, all sited around a hexagonal-shaped paddock/manege and surrounding walkway. Each of the 4 buildings has a footprint of approximately 60sqm, and the buildings would be sited close to each other.
17. The cumulative impact of the large size of the structures, their grouping together, and their location within a previously undeveloped and open part of the site, some distance away from the site boundaries and the existing dwelling, is that, spatially, they result in a loss of openness of the appeal site.
18. Visually, the buildings are of a single storey height with low pitched roofs. They are largely screened in wider views from the public realm around the site due to existing boundary trees and hedging. However, they are not completely screened. They are partially visible from the B2027, and more fully discernible in views from Hampkins Hill Road when approaching from the south over the railway bridge. As such, there is a visual impact on Green Belt openness arising from the three-dimensional aspect of the combined 4 buildings on land which was formerly open and undeveloped.
19. Moreover, impacts upon the openness of the appeal site also arise as a result of factors associated with the commercial use of the appeal scheme, including customer, staff and delivery vehicle parking, external lighting and outdoor paraphernalia, such as furniture to accommodate waiting customers or lesson observers.
20. I therefore conclude that in both spatial and visual terms the appeal scheme has a moderate impact on the openness of the Green Belt.
21. For the above reasons, therefore, the appeal scheme is contrary to Core Strategy Policies LO1 and LO8 and ADMP Policy LT2. It does not comprise an exception to inappropriate development when assessed against Paragraphs 154 b and 155 e of the Framework. It fails to safeguard the countryside from encroachment, one of the Framework's stated 5 purposes of the Green Belt, and does not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Character and appearance

22. The site is located within the Sevenoaks Low Weald character area according to the *Sevenoaks Landscape Character Area Assessment* (2017). This study describes the area as a low-lying gently undulating agricultural landscape, the majority of which comprises arable and pasture farmland, with predominantly small to medium sized irregularly shaped fields, which have largely retained their historic field pattern, and are connected and bounded by woodlands and a network of mature and hedgerow trees.
23. A low density of built development has meant a retention of a strongly rural character which comprises isolated farmsteads, buildings associated with hop-growing, large houses and small hamlets, which are scattered throughout the landscape. Narrow hedge-lined roads are common, and generous tree presence throughout the landscape provides a sense of enclosure.
24. The appeal site and surrounding area are typical of this landscape. The appeal site was originally an open and relatively level agricultural field, with mature trees and hedging along most of its perimeter boundaries, and a dwelling sited in the northeast corner. It lies within an area where agricultural land and fields prevail, including around the site, and where built development is sporadically located. This includes the appeal site dwelling, a short row of dwellings fronting the B2027, and small clusters of farm buildings. The prevailing patchwork of farmland and undeveloped fields and their surrounding boundary vegetation and interspersed tree groups have an organic unregimented arrangement.
25. Horse riding is an appropriate form of outdoor recreation within the countryside, and there is no objection to the principle of using the appeal site for equestrian purposes. I have noted the equine references within the names of nearby historic buildings, and I have no reason to doubt the appellant's view that horses made a significant contribution to historic industrial activities within the area. However, there is no cogent evidence before me of examples of existing equestrian developments within the vicinity of the appeal site. Neither was it apparent to me during my site visit that such development forms a part of the established character of the area around the appeal site. As such, I am not persuaded by the appellant's view that equestrian development forms part of the defining established character of the area.
26. The appeal scheme comprises a formal siting of buildings around a hexagonal central manege, with fence lines radiating outwards so that the paddock layout reinforces this regular polygon arrangement of development. Although this is an innovative layout in comparison to traditional equestrian schemes, given that the buildings are of a traditional functional design, I cannot accept the appellant's view that the scheme represents outstanding design, to the extent that this justifies its approval in this location.
27. Even accepting the appellant's view that hexagonal shapes can often be found in nature, such an arrangement of development does not respect prevailing natural field boundary alignments or the layout of nearby built development. Moreover, the open position of the buildings away from the existing natural vegetation boundaries and the existing dwelling, combined with the layout of the scheme, means the development appears stark and incongruous in relation to its surroundings.

28. The combined sizes and footprints of the buildings, the latter of which would notably exceed the footprint of the existing dwelling, together with their stand-alone position on the site, also contribute to the development appearing unduly visually dominant, and failing to assimilate well into the surrounding rural environment.
29. The uncharacteristically formal and regimented appearance of the development is compounded by the identical rectangular shape and similar outward design of the buildings, notwithstanding some minor fenestration differences in respect of the storage building.
30. Whilst the appeal site is largely screened by boundary trees and hedging and adjacent woodland, the development is nonetheless readily visible in some views from the public realm along the B2027 and Hampkins Hill Road. I observed during my site visit, that the scheme is particularly visually prominent when approaching the site from the south along Hampkins Hill Road, where the road crosses the railway line and is elevated in relation to the appeal site, and from the southernmost site access point. From these positions, the buildings appear as an overly large and linear stable development comprising a long expanse of built development which, visually, does not sit comfortably within the rural environment of the site.
31. I am not persuaded, on the basis of the information before me, which does not include a detailed landscape visual impact assessment or in-depth landscaping proposals, that additional landscaping, as proposed by the appellant, would satisfactorily address this issue. Furthermore, I cannot be certain that existing mature boundary planting would remain. As such, this is not a reason to allow development that is unacceptable.
32. For the above reasons, I conclude that the appeal scheme results in material harm to the intrinsic rural character and appearance of the countryside. As such, it is contrary to Core Strategy Policy SP1 and ADMP Policies EN1 and LT2. These policies, amongst other things, require new development to be designed to a high quality and respond to the distinctive local character of the area in which it is situated, taking account of adopted local Character Assessments, including in respect of scale, site coverage and layout, and for equestrian development buildings to be closely related to existing farm buildings or other groups of buildings that are well screened from public view.
33. For similar reasons, the development is also contrary to Chapter 12 of the Framework, which seeks to achieve well-designed and beautiful places.

Other considerations

34. The commercial livery business and riding school bring economic and community benefits to the rural economy, through the generation of income for local trades and businesses and the provision of outdoor educational/recreational facilities. I afford great weight to these benefits.
35. The appeal scheme exceeds minimum animal welfare standards, gaining support from a local equine vet, and providing very high standards of horse health and safety. I accept that there is no 'one size fits all' in respect of standard stable sizes. However, given the large difference between the appeal scheme building sizes and the guidance set out by the British Horse Society, I am not persuaded, on the basis of the information before me, that a smaller

- and less visually intrusive development, would also not be capable of providing very high level of horse health and safety. Accordingly, I afford moderate weight to the animal welfare and financial and economic advantages associated with exceeding the minimum standards.
36. The scheme has also been designed to ensure high standards of rider health and safety. This is a benefit to which I attach a small amount of weight, since it would be a requirement of a riding school development in any case.
37. The stables, store and fencing, due to their design, are all be capable of being easily removed from the site, thereby returning the land to its original state of openness. However, this does not diminish the extent to which the development, when present on the site, harms the spatial and visual openness of the Green Belt. As such, given the circumstances of the appeal scheme, I place limited weight on the remediable nature of the scheme.
38. The appellant has confirmed that, due to personal circumstances, it is unclear how long it will be able to run the existing business. However, a time-limited consent has not specifically been applied for. Moreover, there is no demonstrative evidence before me that the appeal scheme would not remain on site in the future, in the event that the appellant is no longer involved in the running of the enterprise. In this respect, I am mindful of the advice contained in Planning Practice Guidance¹ that, planning permission usually runs with the land, and it is rarely appropriate to provide otherwise. Accordingly, on the basis of the information before me, I afford limited weight to the potential temporary nature of the scheme.
39. The Council has not objected in respect of matters including highway safety, parking, neighbouring living conditions and biodiversity impacts. Regarding the latter, I acknowledge that the scheme involves a number of on-site biodiversity enhancements and that it retains significant trees and soft landscaping. The appellant has also incorporated elements of sustainable design into the scheme. I attribute a neutral weight to each of these matters in the planning balance below, since they are a requirement of the development plan and the Framework in any case.
40. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), I am, as the decision maker, required to consider the effects of the development on the designated heritage assets of two Grade II listed buildings which lie within the site vicinity.
41. In determining the application, the Council has not found any harm to the significance and setting of the buildings known as The Horseshoes and Horseshoe Cottage, which are located north of the appeal site on the north side of the B2027. Based on my site visit, which included consideration of the separation distances between the appeal proposal and these listed buildings, together with the intervening mature landscaping and the busy B2027, I have no reason to disagree with the Council in respect of this matter. The appeal scheme is sufficiently distant, and screened from, the settings of these two storey dwellings, so as not to harm their significance. Accordingly, I find that this is a matter of neutral consequence in the planning balance below.

² Paragraph 015 Reference ID 21a-015-20140306

Other Matter

42. The appellant has drawn my attention to 2 allowed appeals² in respect of equestrian development. On the basis of the information before me, I find that the circumstances of these developments are not directly comparable to those of the current appeal scheme, including in respect of the appeal development, appeal site details and site history. In any event, each case must be judged on its own merits, and I must determine the appeal on the merits of the case before me.

Planning Balance

43. The appeal scheme represents inappropriate development in the Green Belt as defined by the Framework. The Framework indicates that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development results in a loss of spatial and visual openness, thereby adversely impacting upon one of the essential characteristics of the Green Belt and one of its main purposes of safeguarding the countryside from encroachment. There is also significant harm to the character and appearance of the area.
44. Very special circumstances will not exist, unless harm by reason of any inappropriateness and any other harm, is clearly outweighed by other considerations. Government policy dictates that, in carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
45. I attach great weight to the economic and community benefits of the development and moderate weight to its high standards of horse health and safety. I also afford a small amount of weight to the customer health and safety benefits of the scheme and limited weight to the remediable and potentially temporary nature of the development.
46. I conclude that these, and all other considerations cited in support of the proposal do not clearly outweigh the substantial harm the development causes the Green Belt and the significant harm to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development conflicts with Core Strategy Policies LO1 and LO8, and ADMP Policy LT2, which aim to protect the Green Belt against inappropriate development, as well as Chapter 13 of the Framework.

Conclusion

47. For the reasons given, I therefore conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

² APP/A1910/W/18/3203796, APP/T0355/C/18/3205490 and APP/T0355/C/19/3235815