



Appeal Decision

Site visit made on 31 January 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2024

Appeal Ref: APP/M1595/W/23/3322143

Medina Farm, Dennises Lane, Upminster, Essex RM14 2XB

- 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 C Wadhams against the decision of Thurrock Borough Council.
 - The application Ref is 22/00452/FUL.
 - The development proposed is retention of mobile home (temporary consent only) and stable block / store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed extraneous wording from the description of development in the banner heading above.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers in this decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework;
 - the effect of the proposal on the openness and purpose of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether any 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

Green Belt

5. Policy CSSP4 of the Thurrock Local Development Framework, Core Strategy and Policies for Management of Development (2015) (CS) confirms that the

purpose, function and open character of the Green Belt will be maintained. CS Policy PMD6 confirms that the open character of the Green Belt will be maintained, protected and enhanced in accordance with the provisions of the Framework and that the beneficial use of the Green Belt will be enhanced subject to detailed considerations.

6. Paragraph 155 of the Framework sets out certain forms of development that are not inappropriate in the Green Belt. While the appellant has suggested that the stabling and breeding of horses is an accepted use in the Green Belt, they have not sought to argue that the proposal represents a material change in the use of the land. I have no reason to consider that the proposal would meet this exception.
7. Paragraph 154 confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed. One such exception is buildings for agriculture. The appellant's case is clear that the stables would largely be in connection with breeding rare horses. However, there is no substantive evidence before me that systemic breeding takes place on the site. Accordingly, I cannot be certain that the stables would be an agricultural use.
8. The provision of appropriate facilities for outdoor sport and recreation is a further exception. The appellant advises that the additional stables are required to segregate the stallions from the other horses on the site, and that a livery would be offered at one stable. There is no evidence as to any existing leisure and recreation use at the site with respect to equestrian activities, or how the four stables contribute to this. The proposal would therefore not benefit from either of these exceptions.
9. CS Policy PMD6 includes specific policy provisos with respect to equestrian facilities. There is no evidence before me to suggest that either party has directly considered these. There is no assessment as to whether there were any existing buildings within Medina Farm which could have been used, or that they would be requisite to the use of land for grazing. It is also clear that permission will not be given for additional housing in association with stables.
10. The policy does make provision for temporary dwellings however this is in relation to agricultural dwellings. The evidence before me and the use of the fishing lake does not demonstrate there is a need for an agricultural dwelling in this location. However, even if I were satisfied that the stables were in agricultural use, there is no substantive evidence before me of there being an essential or functional need for a rural worker to live permanently at the site.
11. For these reasons the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in paragraph 154 of the Framework and would therefore be contrary to CS Policies CSSP4 and PMD6. Paragraph 152 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and Purpose

12. 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. Openness is the absence of development. One of the five purposes of the Green Belt identified by

paragraph 143 of the Framework includes to assist in safeguarding the countryside from encroachment.

13. There is no evidence before me to suggest the site was anything but open prior to the siting of the mobile home and construction of the stables. The stables and mobile home have introduced development immediately adjacent to the public right of way that passes along Pea Lane. It is clearly separate from the existing dwelling thereby extending the built form over a wider area and encroaching on to the countryside. There is also the accompanying domestic paraphernalia including the hardstanding, play equipment, a shed and the siting of a further caravan which further impacts on the openness of the site.
14. Consequently, there has been harm to the purpose of the Green Belt and a loss of openness which is not mitigated by the buildings being single storey. In accordance with paragraph 153 of the Framework, I attach substantial weight to this harm.

Character and Appearance

15. While the site does lie within the countryside, its immediate surrounds include a functional, working part of that countryside. The M25 is clearly visible as there are sections with no screening. There are also the structures associated with the fishing lake and the wider farm use of the site.
16. The buildings are single storey. The stables have a dark colour treatment and a typical appearance for such a use. The mobile home, while not of a traditional construction, has interest provided through the windows and roof form. Such buildings are not intrinsically uncharacteristic of rural areas. While the proposal does introduce domestic paraphernalia, this is also not necessarily uncharacteristic of associated residential development in working rural areas.
17. The buildings and the associated works have undoubtedly had an urbanising effect on the site. However, the functional nature of the surrounding area is such that the development has a neutral effect on the visual and rural amenity of the area. As the landscaping around the site matured, this would further integrate the development into the surrounding area and further planting to assist in this could be secured by condition.
18. The proposed development would therefore have a neutral effect on the character and appearance of the area. It would not conflict with CS Policy PMD2 which requires development to respond to the sensitivity of the site.
19. The Council's reason for refusal referred to CS Policy CSTP22. This relates to design and no specific concern with the design of the buildings was identified in the reason for refusal. It is therefore not directly relevant to this reason for refusal.

Other Considerations

20. The appellant's evidence indicates that the site has been involved in the breeding of the Hackney Horse and Suffolk Punch, with a statement from the Rare Breeds Survival Trust confirming that the Hackney Horse and Pony is categorised as a priority breed on their Watchlist and that the effective population size has fallen to extremely concerning levels. The appellant asserts the Suffolk Punch is equally at risk and I have no reason to disagree with this.

21. As previously noted, the additional stables are required to segregate the stallions from the other horses on the site, and that a livery would be offered at one stable. This would provide funds to support the breeding programme. However, there is no substantive evidence before me as to the role of the site in this programme. The appellant's evidence refers to three breeding stallions, however there is no detail regarding any dams, births or why it would be necessary for someone to be on site to support the breeding programme.
22. Reference has also been made to the need to maintain the farm and fishing lake, however this would not necessitate someone living on the site. There is no substantive evidence before me of the need for there to be security on the site. It is not uncommon for people to have to commute for some time to their place of work.
23. There is no substantive evidence before me of the economic benefits that would arise specifically from the stables. Only one livery would be offered. Nor is there substantive evidence before me of the site offering any recreation opportunities and any benefits that would arise from that.
24. It has not been demonstrated that the present location is the only one where a dwelling could be sited to provide additional support to the existing occupiers. There may well be scope to either extend the existing dwelling or site the mobile home in closer proximity to that dwelling.
25. I recognise that there are children living in the mobile home, some of whom attend a local school. The children would clearly benefit from continuing to have a stable home. Allowing the mobile home would enable them to continue with their education without any disruption associated with having to cease residential use of the site, and a requirement to find alternative accommodation. The best interests of the children weigh in favour of allowing the appeal. Nonetheless, this consideration is tempered somewhat as the appellants are seeking a temporary permission only, so the disruption would occur in any event.
26. Section 149(1) of the Equality Act 2010 is that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
27. There is the potential for my decision to affect persons with a protected characteristic. The negative impacts of dismissing this appeal could arise from the difficulties in staffing their existing business and in providing support to the existing occupiers of Medina Farm. However, having due regard to this, and to the principles set out in s149, in my view the adverse effects of dismissing the scheme on those with protected characteristics would be proportionate, having regard to the potential adverse effects of allowing the development.
28. There is no suggestion the site is prime agricultural land. I have been directed to another permission for 27 dwellings in the surrounding area. However I do not have full details of that application and the circumstances in which it was granted. No harm to the safe operation of the highway has been identified, nor any adverse effects arising from the noise inevitably associated with the keeping of horses.

29. The public support for the proposed development shows the regard in which the appellants are held and I am mindful of the advice in the Framework which places value on creating communities.

Balance and Conclusion

30. I have found that the proposal would constitute inappropriate development in the Green Belt and would result in a loss of openness. The Framework confirms that inappropriate development should only be permitted in very special circumstances. Such 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. For the reasons given above, I find that the other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
31. This finding also means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, under Paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.
32. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

J Downs

INSPECTOR