



Appeal Decision

Site visit made on 4 March 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/X0415/W/23/3325823

Kimba Farm Stud, Moat Lane, Prestwood, HP16 9BT

- 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 Kim Barzilay against the decision of Buckinghamshire Council.
 - The application Ref PL/22/4160/FA, dated 19 December 2022, was refused by notice dated 13 February 2023.
 - The development proposed is the covering of existing manège (approved under CH/2006/2088/FA) and retention of temporary surface outdoor manège.
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Decision

1. The appeal is dismissed, and planning permission is refused insofar as it relates to the covering of existing manège (approved under CH/2006/2088/FA).
2. The appeal is allowed, and planning permission is granted insofar as it relates to the retention of temporary surface outdoor manège at Kimba Farm Stud, Moat Lane, Prestwood, HP16 9BT in accordance with the terms of the application, Ref PL/22/4160/FA, and subject to the following condition.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: RAC/9037/4 and RAC/9037/5

Preliminary Matters

3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes to reflect *"their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do"*. However, the legal designation and policy status of these areas are unchanged, so I have proceeded on this basis.
4. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023 and accompanied by a written ministerial statement (WMS). I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would 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. Any references to the Framework hereafter in this decision are to the latest version.
5. The proposal subject to this appeal has two elements consisting of i) the covering of an existing manège (approved under CH/2006/2088/FA) and ii)

retention of temporary surface outdoor manège. For the purpose of brevity and clarity the elements of the proposal will be referred to in my decision as follows i) proposed covered manège and ii) outdoor manège.

6. The equestrian use of the site is compatible with its rural location and the site already contains a number of established stable buildings and uses. With regard to the outdoor manège the Council have found that despite the post and rail fencing this element of the proposal 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 scheme also includes the proposed covered manège. As this part of the development is both physically and functionally severable from the aforementioned outdoor manège, I consider a split decision would be a logical outcome.

Main Issues

7. The main issues are as follows:

- Whether the proposed covered manège would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and the effect on openness;
- The effect of the proposed covered manège on the character and appearance of the Chilterns AONB 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

8. Policy GB2 of the Chiltern District Local Plan (CDLP), adopted September 1997 (Consolidated 2007 and 2011), sets out amongst other things, that new buildings to provide essential facilities for outdoor sport and recreation are not inappropriate development providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.
9. This policy is broadly consistent with the Framework in that it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.'*
10. With regard to the first limb of criterion b) I am content that a proposed covered manège is an essential requirement to ensure the welfare, safety and training regime of competition horses at Kimba Farm Stud, particularly during

periods of inclement weather. Given that horse riding is an outdoor sporting or recreational pursuit, it follows that the proposed building is capable of falling within the exception set out in paragraph 154 b) of the Framework. This would also be consistent with the findings in the decision of the previous Inspector¹. However, the effect on the openness and purposes of the Green Belt must be considered.

11. Openness can have both spatial and visual aspects and the proposal would introduce a new covered equestrian facility into an area of the site which is currently free from any significant built development. From the information before me, the overall footprint of the proposed covered manège would result in an overall covered area of approximately 1,800m² with a ridge height of approximately 7.4m. As such the proposal would have a significant impact on the openness of the Green Belt in spatial terms.
12. In regard to the visual aspect of openness, the proposed covered manège would be located closer to the existing equestrian buildings and stables than the previous covered manège subject to the aforementioned appeal decision, which has now been removed from the site. In terms of the layout, the proposed covered manège would relate more closely to the existing built-up element of the site rather than the more open countryside to the north. Although the proportion of the site occupied by the built development would increase it would be limited by the appeal building's close proximity to the existing buildings. Furthermore, the proposal would be screened from the road by the existing buildings, gates and established vegetation boundaries, which also provide screening in longer distance views. Thus, any views would be oblique and against the background of the existing built development. As such, the appeal building has a modest effect on the openness of the Green Belt in visual terms.
13. While the proposed covered manège would be development within the countryside it would be contained on the footprint of the approved and existing uncovered manège and amongst other equestrian buildings. There would therefore be no unacceptable encroachment on the countryside. Furthermore, I am satisfied that the proposal would not conflict with the other purposes of including land within the Green Belt. Nevertheless, I find there would be impact on the spatial dimension and a modest effect on the visual aspect of the openness of the Green Belt, and as such there would be a harm. I therefore find that the proposal would be inappropriate development.

Character and appearance

14. The appeal site is located within the Chilterns AONB, and paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs. Policies LSQ1 and RES13 of the CDLP are consistent with the Framework insofar as they seek new development including equestrian facilities to conserve and enhance the natural beauty of the landscape and have no detrimental impact on the character or appearance of the Chilterns AONB.
15. Given its existing cluster of equestrian buildings and facilities and the rural surroundings, the appeal site is generally complementary to the landscape and scenic beauty of the AONB. The provision of the proposed covered manège

¹ PINS Ref: APP/X0415/W/21/3273901

would be located amongst this existing development. The design has sought to provide a typical appearance in respect to agricultural and equestrian buildings generally found in rural areas.

16. It is acknowledged that the proposed covered manège is a substantial building, however it is the operational requirements that necessitate the need for the large scale of the development. Nevertheless, the positioning of the unit close to existing buildings seeks to minimise any negative effects of the proposal, given it is to be viewed against a more built-up backdrop. Given this location and the screening provided by the existing buildings and the verdant setting, the proposed covered manège would have minimal detrimental impact on the visual amenity of the locality in which it would be sited.
17. Overall, any adverse effects of the development would be seen within the context of the existing equestrian buildings and facilities that the appeal site forms part. As such, the proposal would at the very least conserve the landscape character and valued landscape in accordance with CDLP Policies LSQ1 and RES13, Policy CS22 of the Core Strategy for Chiltern District, adopted November 2011 and Section 15 of the Framework which seek to protect and enhance valued landscapes. The proposal would also accord with paragraph 135 of the Framework, which amongst other things, seek new development to be visually attractive and requires development to be sympathetic to local character.

Other considerations

18. As with the previous Inspector, I find that a covered manège would be essential in order to ensure the welfare, safety and training regime of competition horses at Kimba Farm Stud. As such, I apportion this substantial weight in favour of the development. The provision of the proposed covered manège would enable the business to provide additional facilities which would also provide a benefit in respect to local economy, which also attracts modest weight.

Conditions

19. In attaching conditions to this decision, I have had regard to the tests set out at paragraph 56 of the Framework. Given that the outdoor manège part of the proposal is retrospective there is no need to attach the standard time limit condition. However, for the avoidance of doubt and in the interest of certainty I have imposed a condition specifying the approved plans insofar as they relate to the outdoor manège only.
20. 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 materials as the outdoor manège is already in existence and operation. As such, these suggested conditions are unnecessary.

Green Belt balance and Conclusion

21. 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.
22. I have attached significant weight to the provision of a building that provides for the needs of the appellant's horses, and I have given modest weight to the benefits to the local economy. The absence of harm in regard to the AONB is neutral in my assessment, carrying neither positive weight in favour of the development nor negative weight against.
23. Nevertheless, these factors do not clearly outweigh the substantial 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 Policy GB2 of the CDLP 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 outdoor manège.
25. However, in relation to the proposed covered manège 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