



Appeal Decision

Site visit made on 27 March 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2024

Appeal Ref: APP/G2245/W/23/3330537

Pettings Court, Hodsoil Street, Kent TN15 7LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M Phillips against the decision of Sevenoaks District Council.
 - The application Ref is 23/01906/FUL.
 - The development proposed is described on the application form as 'proposed equestrian stable block with hardstanding'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues.
3. I acknowledge the comments made in respect of the submitted CGIs being indicative only and have treated them as such in making my decision.

Main Issues

The main issues are:

- whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on openness; and
- whether the 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

Whether inappropriate development and openness

4. National Green Belt policy in the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at paragraph 154(b), is 'the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; so long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of the land within it.'

5. Policy LT2 of the Allocations and Development Management Plan (ADMP, 2015) sets out that proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate and where the cumulative impact of other buildings does not harm the openness of the Green Belt. Although this policy goes further than the wording of the Framework, I am of the view that it broadly complies with it, ultimately seeking to preserve the openness of the Green Belt.
6. There is no dispute between the appellant and Council that equestrian uses can meet the definition set out at Framework paragraph 154(b). I have no reason to disagree. However, I am also required to assess whether the proposed development would preserve the openness of the Green Belt. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open.
7. I saw during my site visit how intervening features in the landscape and the topography of the site mean that visibility of the site from many surrounding vantage points is restricted. I also acknowledge the findings of the submitted Landscape and Visual Appraisal (LVA), which conclude that the overall impact of the proposed development would be minor given the assessment of eight specific viewpoints. Nevertheless, views of the site, at least in part, can be obtained from some vantage points. Through its currently undeveloped nature, I am of the view that the appeal site contributes to the openness of the Green Belt as a whole. Moreover, the openness of the Green Belt is readily apparent within the immediate area through the existence of mature trees, surrounding open fields and the rolling landscape.
8. Notwithstanding this visual aspect, the openness of the Green Belt also has a spatial aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
9. I accept that the proposed building and access have been designed with some sensitivity to the prevailing vernacular, in particular in terms of materials, and would be positioned reasonably near to established equestrian features such as a subdivided field and outdoor sand school. I also acknowledge the existence of other buildings within the wider vicinity of the site.
10. Nevertheless, and mindful of the appellant's referenced caselaw¹, the proposed development introduces built form, both in terms of floorspace and volume, where there is presently none, set in relative isolation from established buildings. This is emphasised by the large 'U' shaped design of the structure, combined with the roof overhangs and proposed areas of hardstanding. There would also, in all likelihood, be equestrian paraphernalia which would add to the effect on openness beyond a simplistic reliance on amount of ground covered. The proposal would have a harmful effect on the openness of the Green Belt. The effect on openness would be greater than the existing sand school and moveable field features, both raised by the appellant. These are not buildings, already exist and, in any event, are not before me.

¹ including: Euro Garages Ltd V SSCLG [2018] EWHC 1753 (Admin); Goodman Logistics Developments (UK) Limited V SSCLG [2017] EWHC 947 (Admin); and Samuel Smith Old Brewery V North Yorkshire County Council 2020 UKSC3.

11. Overall, I conclude that the proposed development would fail to preserve the openness of the Green Belt. As such, it does not fall within the exception at paragraph 154(b). It would be inappropriate development in the Green Belt, which is, by definition, harmful and should not be approved except in very special circumstances. The proposed development would therefore be contrary to the relevant provisions of ADMP Policy LT2, insofar as it seeks to preserve openness. This is in a similar vein to the relevant provisions of the Framework, which seek to prevent inappropriate development in the Green Belt.

Other considerations

12. The appellant argues that the proposed siting of the development has been dictated by it being the most practical and sensible position for the building. It is also set out that the scale has been limited to that which is essential. It is said to minimise the need for outdoor storage and provide covered space for farrier and vet visits, as well as for grooming. However, I have no substantive evidence before me to demonstrate that no other, less harmful, alternative solutions have been considered. I attach limited weight to these considerations.
13. That the development is proposed on a private rather than commercial basis is noted. However, this does not weigh in favour of the scheme. I give this consideration minimal weight.
14. That the site is argued to be in established equestrian use is not reason to automatically accept development where this is found to be harmful. I give this consideration minimal weight.
15. I note comments in respect of the effect on character and appearance. This is not a matter of dispute between the main parties, and I have no reason to disagree. I afford this consideration minimal weight.
16. I note the frustration of the appellant in respect of communications with the Council, with particular regard to the submitted CGI imagery and precise measurements. As noted above, I have treated the CGI imagery as indicative, and have had reference to the measurements set out by the appellant. Nevertheless, these matters have not altered my conclusion on the main issue. I afford this consideration minimal weight.

Green Belt Balance and conclusion

17. The proposed development would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
18. The identified harm to the Green Belt would not be outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission do not exist.
19. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR