



Appeal Decision

Site visit made on 3 June 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2024

Appeal Ref: APP/P1940/W/23/3335734

Land Adjacent to Kenwood Farm, Harthall Lane, Pimlico, Hemel Hempstead HP3 8SD

- 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 Mrs Sophie Passingham against the decision of Three Rivers District Council.
 - The application Ref is 23/0642/FUL.
 - The development proposed is change of use to equestrian and construction of a stable building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development and site address above from the application form. Although different to that given on the decision notice, no confirmation has been provided that a change was agreed.
3. Since the Council issued its decision, a revised National Planning Policy Framework (the Framework) was published. The main parties have been given the opportunity to comment on the updates to the Framework during the appeal process and I have taken these into consideration in my decision.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect upon the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The appeal site relates to land located within the Metropolitan Green Belt. Three Rivers District Council Core Strategy (Core Strategy) Policy CP11 sets out that there is a presumption against inappropriate development, that fails to preserve openness of the Green Belt or conflicts with the purposes of including land within it. Development Management Policies Local Development Document

(DMP) Policy DM2 also relates to development in the Green Belt and relies on national policy in terms of determining if a development is inappropriate or not including new buildings.

6. Paragraph 154 of the Framework indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt except in a number of clearly defined circumstances. Relevant to this appeal is the exception at sub paragraph 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. Both Policies CP11 and DM2 are broadly consistent with national Green Belt policy and as a result, I afford them full weight.
7. There is a dispute between the main parties concerning the site's historical use. Nonetheless, the proposal seeks the change of use of the land for equestrian use. Alongside the change of use, the proposal comprises the erection of a single-storey stable building with a shallow-pitched roof. This would provide three stables and a store/tack room. In addition, an area of hardstanding extending from the existing access would also be developed.
8. There is no dispute between the main parties that the proposed building would be an appropriate facility for outdoor sport or recreation. Therefore, whether the proposal would be inappropriate development is contingent on whether it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
9. Paragraph 137 of the Framework explains that 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 of the Green Belt has a spatial aspect as well as a visual aspect. Both aspects therefore need to be considered.
10. The proposed development would introduce a well-sized American style stable building and area of hardstanding in an open area of the site currently devoid of any built development. In spatial terms, the footprint and bulk would inevitably have an impact on the openness of the Green Belt.
11. The proposed building would be located away from other existing equestrian buildings on site and from the commercial buildings beyond. Although a good level of screening is provided to the northwestern and southern boundaries, which would help to screen views, it would stand alone where its mass, height and volume would be clearly visible from public vantage points, including the site entrance on Harthall Lane. As such, the increase in built form along with its positioning would also result in a loss of openness in visual terms leading to a fundamental and permanent change to the Green Belt.
12. For these reasons, the proposed development would not preserve the openness of the Green Belt in both visual and spatial terms. It would therefore comprise inappropriate development in the Green Belt. The proposed development would not comply with the exception detailed at paragraph 154 b) of the Framework, or development plan Policies CP11 and DM2.

Other Considerations

13. There is no identified harm in respect of the amenity of neighbouring properties, highway safety or harm to national landscapes (formerly AONBs), which carry no weight in the overall Green Belt balance.
14. The proposal would provide benefits for the appellant and their family in terms of health and recreation through the day-to-day management of caring for the ponies. The evidence before me indicates that these would be purely private benefits. Planning is concerned with land use in the public interest and, as such, this holds limited weight in this context.
15. The appellant states the existing equestrian structures are unsuitable for year-round use, and more formal equestrian stabling is required to maintain the ponies and manage the land, including preventing poaching. Moreover, the appellant states the existing equestrian structures are not suitably located as they sit close to existing commercial buildings, that result in noise and disturbance to the existing ponies. However, there is no substantive evidence before me to demonstrate the current equestrian buildings are unsuitable, that the appeal scheme would prevent crime or that the nearby commercial buildings generate unacceptable levels of noise or nuisance. Therefore, the weight that I can afford to the purported benefits, even when taken together, is limited.

Conclusion

16. The proposal would constitute inappropriate development in the terms set out by the Framework and would result in harm to the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. I have considered the matters put before me in favour of the scheme. However, there are no other considerations that, either individually or cumulatively, clearly outweigh the substantial weight I have afforded to the Green Belt harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist. The development is therefore contrary to the above cited policies of both the development plan and the Framework.
17. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is dismissed.

A Hickey

INSPECTOR