



Appeal Decision

Site visit made on 13 August 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2024

Appeal Ref: APP/G2245/W/24/3337463

Hill Farm, Franks Lane, Kent, Horton Kirby, DA4 9JJ

- 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 B Leek against the decision of Sevenoaks District Council.
 - The application Ref 23/02985/FUL, dated 13 October 2023, was refused by notice dated 6 December 2023.
 - The development proposed is the erection of stable building (re-submission following refusal of application 23/01338)
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Decision

1. The appeal is allowed and planning permission is granted for the erection of stable building (re-submission following refusal of application 23/01338) at Hill Farm, Franks Lane, Kent, Horton Kirby, DA4 9JJ in accordance with the terms of the application Ref 23/02985/FUL, dated 13 October 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. However, the proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these documents and their responses have been taken into account, where received.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

4. The appeal site is land to the north of, but set back from, Franks Lane which, at the time of my visit, was used for keeping of horses. The site is within the Green Belt and, while the immediate surrounds are rural in nature, built development is not an uncommon feature. A sizeable residential building sits immediately to the southwest and, further west, a linear grouping of large, residential dwellings is clearly visible from the site, stretching along the nearby Dartford Road.
5. Policy LT2 of the Sevenoaks District Council Allocations and Development Management Plan 2015 (the ADMP) states that proposals for equestrian development in the Green Belt will be permitted where the scale of 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.

6. The Framework states that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is subject to exceptions, including at paragraph 154(b) *"the provision of appropriate facilities...for outdoor sport, 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"*.
7. Given that the proposal would be for the keeping of horses, the main parties agree that it would comprise facilities for recreation as outlined in paragraph 154(b). Accordingly, whether the proposal would constitute inappropriate development will depend on whether it would preserve the openness of the Green Belt and conflict with the purposes of including land within it. The Framework states 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.
8. It is established that openness has both a visual and spatial aspect. It is agreed between the main parties that the scale of the proposal is reasonable for the location and proposed use. Based on my observations I have no reason to disagree, such that I find that the proposal would not cause material harm to the openness of the Green Belt from a spatial perspective.
9. From a visual perspective, the proposal would introduce a structure to a site that is currently free from built form, within open fields. However, I observed that visibility of it would be limited. It would be located towards the eastern edge of the site close to the existing tree line, serving to reduce its prominence within the open fields and in views from development to the west. This tree line would also provide a sufficient element of screening from the adjacent public right of way.
10. The proposal would be set back some distance from Franks Lane, with existing screening on the northern side of the road and proposed screening on the southern side of the site ensuring its visibility from Franks Lane would also be limited, such that it would only be viewed in passing glances. As such, from wider views, the visual impact of the proposal would be limited. Taken together with the placement of surrounding development, these aspects of the proposal would ensure that it would not materially reduce the visual openness of the Green Belt.
11. With regard to the purposes of including land within the Green Belt, the Framework outlines that these seek to check unrestricted sprawl of built-up areas, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic towns, and encourage the reuse of urban land. The proposal would be low-key and in a discreet, well-screened location at the eastern edge of the site, integrating well in the local area. Consequently, it would not conflict with any purposes of including land in the Green Belt, including safeguarding the countryside from encroachment.
12. For the reasons given, the proposal would be an appropriate facility for outdoor recreation that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. It would therefore not be inappropriate development in the Green Belt and as such I do not need to assess

whether there are very special circumstances. The proposal would comply with Policy LT2 of the ADMP and the provisions of the Framework in this regard.

Other Matters

13. Interested parties have raised concerns that the proposal would have an adverse effect on the character and appearance of the area. However, I find that the proposal would be sympathetic to the surrounds from a design perspective, and note that the main parties agree this to be the case.
14. The Council has raised that the lack of proper access track or drive at the site would not be ideal but notes that as the proposal is for private use the traffic would be limited and could be acceptable. Based on my observations I have no reason to disagree, and there is nothing substantive before me to suggest that the proposal would result in significant adverse effects with regard to parking, highway safety, or transport impacts.
15. The Council has stated the need to ensure the manure storage is not directly adjacent to the nearby river. I note that the submitted plans show the manure store to be on the opposite side of the site to the river, located behind the western elevation of the stable building. In addition, I have attached a condition relating to the approval of a surface water and foul water drainage scheme to ensure no unacceptable adverse impacts in this regard and compliance with the requirements of Policy LT2(c) of the ADMP with regard to impacts on the water environment, which I note was not raised as a reason for refusal of the proposal.

Conditions

16. I have had regard to the conditions suggested by the Council. The appellant has been given the opportunity to comment on these, including those which are drafted as pre-commencement conditions. The response received has been taken into account.
17. I have attached the time limit condition and a condition relating to plans in the interests of certainty and proper planning. Conditions for the submission and approval of an ecological enhancement plan and surface water and foul water drainage scheme are necessary in the interests of ecology and biodiversity, and flood risk and the water environment, respectively. I have attached a condition that no development shall take place until the implementation of a watching brief has been secured in the interests of the historic environment and to ensure that potential archaeological features are investigated and recorded.

Conclusion

18. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed subject to the conditions in the attached schedule.

C Rafferty

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan Drawing No. 01 dated 12/10/2023; Existing Block Plan Drawing No. 02 dated 12/10/2023; Proposed Block Plan Drawing No. 03 dated 12/10/2023; Proposed Stable Floor Plan and Roof Plan Drawing No. 04 dated 12/10/2023; Proposed Stable Elevations Drawing No. 05 dated 12/10/2023; and Proposed Manure Store Elevations Drawing No. 06 dated 12/10/2023.
3. No development shall take place until an ecological enhancement plan has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. No development shall take place until a detailed surface water drainage scheme and foul water drainage scheme have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No development shall take place until the implementation of a watching brief has been secured. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority and shall be undertaken by an archaeologist approved in writing by the local planning authority so that the excavation is observed and items of interest and finds are recorded.

END OF SCHEDULE