

Appeal Decision

Site visit made on 4 September 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18th September 2024

Appeal Ref: APP/R0335/W/24/3339683

Bewes Stud, Prince Albert Drive, Ascot, SL5 8AQ

- 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 William Alexander Newman against the decision of Bracknell Forest Borough Council.
 - The application Ref is 23/00372/FUL.
 - The development proposed is the erection of 8 stables with gated access, associated tack room and feed store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the original reasons for refusal the Council included a reason related to flood risk. However, the appellant has submitted further information to address this matter and consequently the Council no longer has any concerns. Having considered the available information I also consider that the proposal would not result in unacceptable flood risk and have determined the appeal on that basis.
3. I note that a Written Ministerial Statement and draft National Planning Policy Framework were published on 30 July 2024. However, given that any changes are at the consultation stage they can only be given limited weight in the determination of the appeal. Moreover, given the nature of this proposal the proposed changes do not directly impact my decision and therefore it has not been necessary to consult the parties.

Main Issues

4. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework), any relevant development plan policies and taking account of the effect of the proposed development on openness and the purposes of including land within the Green Belt; and
 - if the proposed development would be inappropriate development in the Green Belt 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 development.

Reasons

Whether or not inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 154. Relevant exceptions include paragraph 154 (b) which among other things includes the provision of appropriate facilities in connection with a change of use for outdoor sport and 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. Paragraph 155 sets out that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include paragraph 155 (b), engineering operations and (e), material changes in the use of land, such as changes of use for outdoor sport or recreation.
8. Policy LP34 of the Bracknell Forest Local Plan 2020-2037 adopted 19 March 2024 (BFLP) is consistent with the Framework as it sets out that proposals for development within the Green Belt will be determined in accordance with relevant national policies. Similarly, Policy W1 of the Winkfield Parish Neighbourhood Plan 2022-2037 (WPNP) sets out that within the Green Belt development will only be permitted where it is consistent with the BFLP and national planning policy.
9. The proposal would involve the erection of a new stable building, comprising eight stables, with gated access, associated tack room and feed store. There would also be engineering operations which would involve the construction of a courtyard and a new vehicular access track and gate from Prince Albert Drive.
10. Given, the size of the appeal site, the adjoining land which is in the control of the appellant and its surroundings, including Swinley Park, Butterstep Forest and Swinley Forest, I am satisfied that the proposed stable would fall under the category of a facility associated with outdoor sport and recreation. The associated works would be engineering operations. It therefore falls to consider whether the proposal would preserve the openness of the Green Belt and/or conflict with the purposes of including land within it.
11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Clearly, the introduction of a stable building at the appeal site would have an impact on the openness of the Green Belt in spatial terms as it would introduce a building where there is currently none. Similarly, the introduction of a new courtyard, access track and gate access all have the potential to unacceptably erode the openness of the Green Belt.

12. The overall size of the proposed stable and associated works would be significant. For example, the stable block would be 5.2 metres high and would be stone clad with a pitched roof. The overall block would be 30m in length and 6 metres deep, which, taking account of the guidance from the British Horse Society, would comfortably accommodate the proposed eight stables, associated tack room and feed store. Moreover, the courtyard would result in a substantial area of hardstanding to accommodate animal transportation.
13. To my mind, although the proposed building would be single storey, given its stone construction and height it would not be modest or low key. I observed that despite existing trees and vegetation along Prince Albert Drive, extensive views were possible across the appeal site. Although the proposed stable block would be sited away from the road it would appear very prominent in views across the field especially through the proposed new access gate. Consequently, both spatially and visually the proposal would have a significant harmful impact on the openness of the area.
14. Further, such a large prominent development which I have found would harm the openness of the area would also result in an unacceptable encroachment of development into the countryside. As a result, it would also undermine the purpose of including land within the Green Belt.
15. In reaching that view I have taken account of another appeal decision involving a site at Chiltern Hill Field that has been brought to my attention.¹ However, the circumstances of this proposal are materially different from that one. For example, an assessment of a particular proposal on openness is necessarily very site specific. I note that in the other case, the Inspector found that the visual effect would be limited, due in part to the sloping nature of the site. That is materially different from my findings and consequently this limits the weight I afford that appeal decision in the determination of the appeal.
16. I note that the other appeal decision which has been brought to my attention which related to a site at Buck Farm², involved the replacement of an existing barn building where there would be a "not insubstantial reduction" in the covered floor area as a result of that proposal. It follows that again the circumstances of that case are materially different from the case before me. In any event, the existence of these other appeal decisions does not justify harmful development at the appeal site.
17. Similarly, I have taken account of the fact that the appellant has brought to my attention other cases that have been approved by this and other Councils. However, again it is important to bear in mind that each proposal and the impact it may have on the openness of the Green Belt is very site specific and based on its own particular circumstances. All the examples provided are materially different from the case before me, both in terms of the scale of each proposal and the sites involved. As a result, these other examples have not changed my view on the impact of this proposal on the Green Belt.

¹ APP/P0240/W/23/3316421

² APP/T0355/A/13/2197609

18. As I have found that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it, the appeal proposal would amount to inappropriate development in the Green Belt. It would therefore conflict with policy LP34 of the BFLP, policy W1 of the WPNP, and the associated policies of the Framework as set out above.

Other Considerations

19. The proposed materials would be compatible with materials used in surrounding development and the proposal would not result in unacceptable arboricultural harm. However, these are neutral factors in the consideration of the appeal. As is the lack of harm in relation to the impact of the proposal on the living conditions of neighbouring residents and the fact the proposal would not result in an unacceptable impact on highway safety.
20. I also note that the L shaped stables would provide a natural social environment for horses and would provide shelter against wind and other elements, but these considerations have very limited weight in the determination of the appeal.

Green Belt Balance

21. Overall, the other considerations do not clearly outweigh the substantial harm the proposal causes to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

22. In summary, the proposal conflicts with the development plan and the Framework and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given the appeal should be dismissed.

S Rawle

INSPECTOR