



Appeal Decision

Site visit made on 9 October 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2024

Appeal Ref: APP/G2245/W/23/3331821

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

- 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 and Mrs M and B Paye against the decision of Sevenoaks District Council.
 - The application Ref is 23/01256/FUL.
 - The development proposed is the change of use of the land to equestrian use and erection of a new equestrian stable building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies and the effect of the proposal on the openness of the Green Belt; and
 - whether any 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

3. The appeal site comprises a largely open parcel of land to the north of Franks Lane. The site is located within the Green Belt.
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. 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.

6. I saw during my site visit how intervening features in the landscape and its topography, mean that visibility of the site from many surrounding vantage points is restricted. Nevertheless, views of the site, at least in part, can be obtained, including between gaps in landscaping along Franks Lane and from the footpath alongside the River Darent. Although mature trees provide some coverage at present, these are typically deciduous. I have no doubt that visibility of the site would increase during the winter months into spring. Moreover, the openness of the Green Belt is readily apparent within the immediate area through the existence of mature trees and surrounding open fields.
7. 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.
8. I accept that the proposed building has been designed with some sensitivity to the prevailing vernacular, in particular in terms of materials, and would be positioned close to the site boundary. I also appreciate that an alternative location for the proposed stables near to the residential development to the west may be undesirable from a residential amenity perspective. Moreover, I do not disagree that stable buildings are relatively common features of the countryside.
9. However, the proposed development introduces additional built form to the principally open site, both in terms of floorspace and volume, set in relative isolation from established built form. There would also, in all likelihood, be additional equestrian paraphernalia near to the building, which would add to the effect on openness beyond a simplistic reliance on amount of ground covered.
10. The nearby barn conversion and other developments in the surrounding area are noted. However, this does not mean that development should automatically be permitted, particularly where harm has been identified. The proposal would have a harmful effect on the openness of the Green Belt.
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. There are no local planning policies before me which would conflict with these objectives.
12. Although Policy LT2 of the Council's Allocations and Development Management Plan has been referenced within the Council's decision notice, no copy of this policy has been provided.

Other considerations

13. I accept that the proposed development would meet a range of other planning policy objectives, as set out by the appellant. This includes matters relating to residential amenity, archaeology, sustainability and parking and highways. I

also note the appellant's comments in respect of the effect on character and appearance. Nevertheless, those matters are not in dispute between the Council and appellant, and I have no reason to disagree with those findings. These matters are essentially neutral in my determination of the appeal and I afford them minimal weight.

14. My attention has been drawn to a series of other equestrian developments in the wider area. Whilst I have had regard to these cases, and I accept that there are some similarities in terms of their use, size and strategic location within the Green Belt, I have limited information before me in terms of their specific context and planning history. From that perspective, I do not consider the sites or cases to be directly comparable. I have considered the proposed development based on the evidence before me and my observations on site. The existence of those other schemes does not alter my consideration of the appeal or the conclusions which I have made. I afford this consideration limited weight.
15. I note the appellant's comments relating to a proposed landscaping scheme and the ability to remove the proposed structure when the use ceases. However, these measures, in my view, do not lessen the identified harm to openness. I give these considerations limited weight.
16. That the development is proposed on a private, rather than commercial, basis is noted, as is the proposal's accordance with British Horse Society standards. However, these matters do not weigh in favour of the scheme. I give this consideration minimal weight.
17. I note the proposed removal of existing features from the site, referred to as a compound. However, I have limited information before me as to the planning history of that compound. In any case, the removal of any existing features, or the improvement of the site in any way, is not wholly reliant on the scheme before me. I give this consideration minimal weight.

Other Matters

18. My attention has been drawn to nearby listed buildings, including at Franks Hall, opposite the site. In line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they may possess. Bearing in mind the position, nature and extent of the proposal, I consider that it would have a neutral effect on, and would therefore preserve, the setting of nearby listed buildings. As such, the proposal would not harm the significance of these designated heritage assets. I note that the Council had no concerns in these respects either. Nevertheless, the lack of harm in this respect does not weigh for or against the appeal and does not alter my conclusions on the main issue.

Green Belt Balance and Conclusion

19. 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.

20. The identified harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission do not exist.
21. 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