



Appeal Decisions

Site visit made on 10 June 2025

by **Richard S Jones BA(Hons), BTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal A Ref: APP/Z5630/C/24/3342804

Appeal B Ref: APP/Z5630/C/24/3342805

Barwell Court Stables (aka Kingston Riding Centre), Barwell Lane, Chessington KT9 2LZ

- Appeals A and B are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mrs Mastroianni (Kingston Riding Centre) (Appeal A) and Mr Joseph Mastroianni (Appeal B) against the same enforcement notice issued by Royal Borough of Kingston Upon Thames.
- The notice was issued on 19 March 2024.
- The breach of planning control as alleged in the notice is without the grant of planning permission, the erection on the Land of the following:
 - a. A cover over an existing ménage, subject of refused planning application reference 22/00192/FUL, marked A on the attached plan.
 - b. A hay/straw barn, subject of refused planning application reference 22/00133/FUL, marked B on the attached plan.
 - c. A stable block, subject of refused planning application reference 22/00134/FUL, marked C on the attached plan.
- The requirements of the notice are to:
 - 5.1 - Remove the cover from the existing ménage, marked A on the attached plan.
 - 5.2 - Dismantle or demolish the hay/straw barn, marked B on the attached plan.
 - 5.3 - Dismantle or demolish the stable block, marked C on the attached plan.
 - 5.4 - Remove from the Land all materials and debris resulting from compliance with 5.1, 5.2 and 5.3 above.
- The period for compliance with the requirements is eight calendar months.
- Appeals A and B are proceeding on the grounds set out in section 174(2)(a), (e), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since appeals have been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal C Ref: APP/Z5630/W/24/3342800

Barwell Court Stables, Barwell Lane, Chessington, KT9 2LZ

- 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 Mastroianni (Kingston Riding Centre) against the decision of Royal Borough of Kingston Upon Thames.
- The application Ref is 22/00133/FUL.
- The development proposed is the erection of a hay/straw barn to serve the existing equestrian use.

Appeal D Ref: APP/Z5630/W/24/3342801

Barwell Court Stables, Barwell Lane, Chessington, KT9 2LZ

- 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 Mastroianni (Kingston Riding Centre) against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 22/00134/FUL.
 - The development proposed is erection of a stable to serve the existing equestrian use.
-

Appeal E Ref: APP/Z5630/W/24/3342802

Barwell Court Stables, Barwell Lane, Chessington, KT9 2LZ

- 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 Mastroianni (Kingston Riding Centre) against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 22/00192/FUL.
 - The development proposed is erection of a cover over existing ménage to serve the existing equestrian use.
-

Decisions

Appeals A and B

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely a cover over an existing ménage, a hay/straw barn and a stable block at Barwell Court Stables (aka Kingston Riding Centre), Barwell Lane, Chessington KT9 2LZ, as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

Appeal C

2. The appeal is allowed and planning permission is granted for the erection of a hay/straw barn to serve the existing equestrian use at Barwell Court Stables, Barwell Lane, Chessington, KT9 2LZ, in accordance with the terms of the application, Ref 22/00133/FUL, dated 17 January 2022 and subject to the conditions in the attached schedule.

Appeal D

3. The appeal is allowed and planning permission is granted for the erection of a stable to serve the existing equestrian use at Barwell Court Stables, Barwell Lane, Chessington, KT9 2LZ, in accordance with the terms of the application, Ref 22/00134/FUL, dated 17 January 2022 and subject to the conditions in the attached schedule.

Appeal E

4. The appeal is allowed and planning permission is granted for the erection of a cover over existing ménage to serve the existing equestrian use at Barwell Court Stables, Barwell Lane, Chessington, KT9 2LZ, in accordance with the terms of the application, Ref 22/00192/FUL, dated 20 January 2022 and subject to the conditions in the attached schedule.

Preliminary Matters

Appeals A and B

5. The appeal form indicates that the appeals were made on grounds (a), (f) and (g). However, the appellants have raised issues which amount to hidden ground (e) appeals. I therefore sought clarification as to whether they wished to add that ground to their appeals. They confirmed that they did, and the parties were offered opportunity to make relevant submissions. I have considered those received in my reasoning below.

Appeals A, B, C, D and E

6. Since the appeals were submitted, a revised version of the National Planning Policy Framework (the Framework) has been published (December 2024) and this is a material consideration which should be taken into account from the date of its publication. I therefore invited the parties to consider whether the revised Framework has relevance to the cases made. Again, I have considered the responses made in my reasoning below.

Appeals A and B on Ground (e)

7. An appeal on ground (e) is that the notice was not properly served on everyone with an interest in the land.
8. The appellants argue that the Council's list of persons served with a copy of the enforcement notice does not include the individual occupiers of the livery (stables) so it is highly likely that the owners of the horses are not aware of the appeal proceedings and have not had opportunity to participate in the same.
9. The Council for its part has provided Land Registry search documents which identify the proprietor of land at Barwell Lane as 'Milton Keynes Promotions Limited', who are included in the schedule of persons served with the notice, both at the registered address and the appeal site. The Council's check of Companies House identifies 'Crescent School of Riding Limited', which again is included in the schedule of persons served, at both the registered address and appeal site.
10. Moreover, the Council sent a requisition for information of land interests under s330 of the 1990 Act, prior to serving the notice, to Milton Keynes Promotions Limited at two different addresses, including the appeal site. The response lists only the appellants as having an interest in the property. They too are included in the schedule of persons served at the address provided, which corresponds with the registered office address for Crescent School of Riding Limited in the Companies House register. No reference is made in the s330 response to individual occupiers of the livery.
11. The evidence therefore clearly shows that the Council carried out appropriate investigation prior to serving the enforcement notice, and that copies of the enforcement notice were served on all parties identified through Land Registry searches, Companies House checks, and completed s330 forms.
12. In any case, s176(5) of the 1990 Act provides that where a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been

substantially prejudiced. The appellants do not argue that they were not served with the notice and they have clearly been able to make an appeal against it, before it came into effect.

13. I recognise that tenants of the livery are in some cases transient but there is no evidence of any of those persons being substantially prejudiced by a singular notice at the entrance to the site, rather than a notice being affixed to each stable.
14. I therefore conclude that the appellants have not demonstrated that the notice was not properly served, or that any such failure gave rise to substantial prejudice. The appeals on ground (e) fail.

Appeals A and B on Ground (a) and Appeals C, D and E

Main Issues

15. Appeals A and B are made against the same enforcement notice relating to the erection of a cover over an existing ménage, a hay/straw barn and stable block, at Barwell Court Stables. Appeal C, D and E are made against the refusal of planning permission for those individual structures.
16. The reasons for issuing the enforcement notice and the reasons for refusing planning permission generate the same main issues, which are:
 - whether the developments would amount to inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - the effect on the openness and purposes of the Green Belt; and
 - if the developments are inappropriate, 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 developments.
17. Where appropriate, I have dealt with all the appeals together, so as to avoid duplication. Where that is not appropriate, my reasoning below is split to deal separately with the hay/straw barn (Appeals A, B and C), the stable (Appeals A, B and D) and the cover over the ménage (Appeals A, B and E).

Reasons

Whether inappropriate development and the effect on openness and Green Belt purposes

Appeals A, B, C, D and E

18. The land subject to the appeals falls within the Metropolitan Green Belt. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
19. Whereas that approach to development in the Green Belt is reflected in London Plan Policy G2, CS¹ Policy DM5 has a limited degree of consistency with the

¹ Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy Adopted – April 2012

Framework. I have therefore afforded greater weight to the Framework and London Plan Policy G2 and considered whether the development is inappropriate through application of the Framework policies.

Exceptions to being inappropriate development

20. Development in the Green Belt is inappropriate unless one of the exceptions in paragraph 154 applies. In that regard, the use of the land as a riding centre clearly falls within what can be considered an outdoor recreational use. Exception b) is therefore relevant, being the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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.
21. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has both a spatial and visual aspect.

Appeals A, B and C

22. As hay is used to feed horses and straw is commonly used for bedding purposes, a barn to store and keep the hay and straw dry clearly amounts to the provision of an appropriate facility in connection with the use of the land for outdoor recreation (riding centre).
23. The barn is about 4.6m wide, 4.1m deep and up to 4.2m in height. It is not therefore an insignificant structure, and its presence has a material effect on spatial openness.
24. The barn can clearly be seen from Barwell Lane and is also likely visible from the dwellings which face towards the site. Glimpsed views through the trees are also possible from the bridleway to the east. There is therefore a public perception to the loss of openness from beyond the boundary of the site. Combining the spatial and visual aspects, I find that the hay/straw barn results in a relatively modest, but nonetheless material loss of openness.
25. As the openness of this part of the Green Belt would not be preserved, the relevant exception of paragraph 154b) does not apply.

Appeals A, B and D

26. The provision of a stable block is clearly an appropriate facility in connection with the existing use of land for outdoor recreation (riding centre).
27. It is agreed that the pitched roof stable block measures around 42m in length and 11m in width and 3.7m in height. It is therefore a building of significant footprint and bulk, which in turn has a clear effect on spatial openness.
28. The stable can also be clearly seen from the public realm in Barwell Lane, amongst the other buildings on site, and likely from the dwellings which face towards it. In those views the stable partly blocks views towards the undeveloped open countryside beyond. Glimpsed views through the trees are also possible from the nearby bridleway. There is therefore a public perception to the loss of openness from beyond the boundary of the site. Combining the spatial and visual aspects, I find that the stable block results in a moderate loss of openness.

29. Again, as the openness of this part of the Green Belt would not be preserved, the relevant exception of paragraph 154b) does not apply.

Appeals A, B and E

30. The Council's view is that, as a matter of fact and degree, the structure would have the appearance of an enclosed building, so does not amount to an outdoor use. In the same paragraph of its submission, the Council refers to an appeal decision relating to a site in Epsom², which it considers to be relevant. However, no further explanation is given, and my attention has not been drawn to any particular part of that appeal decision.
31. The purpose of a cover over the ménage must primarily be to provide protection from the weather and create an indoor type environment for exercising horses. However, it remains an appropriate facility in connection with the existing use of the land for outdoor recreation.
32. In any case, that is somewhat moot because it is a substantial structure of around 61m in length, 21m in width and 7m in height. Even though its front, rear and side elevations are predominantly open, allowing some visual permeability, the overall degree of solidity creates a significant physical presence on land that would otherwise be largely open. The result is a very clear and significant loss of spatial openness.
33. The roof, in particular, can be partly seen from the entrance to the site and to a greater extent in other views from Barwell Lane. It is also likely seen from the dwellings which face towards the building. Glimpsed views through the trees are also possible from the nearby bridleway. There is therefore a public perception to the loss of openness from beyond the boundary of the site. Combining the spatial and visual aspects, I find that the ménage cover results in a significant loss of openness.
34. As the openness of this part of the Green Belt would not be preserved, the relevant exception of paragraph 154b) does not apply.

Grey Belt

35. Paragraph 155 of the revised Framework introduces the concept of grey belt land where development in the Green Belt may not be considered inappropriate, subject to criteria.
36. For the purposes of decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) of paragraph 143 of the Framework, namely to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; and to preserve the setting and special character of historic towns. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

² Appeal Ref: APP/Z5630/W/22/3294859

37. The appellants' aerial photograph from 2013 shows that the land beyond the outdoor ménage was greenfield so was not occupied by a permanent structure. Whilst planning permission was granted in February 2019³ for a second outdoor ménage in the area below the cover, and the plans show fencing around it, I've got little before me to show those parts were developed first and thus were in place when the canopy was erected. It is not therefore shown that the land occupied by the ménage cover amounts to previously developed land, as defined by the Framework.
38. The 2013 aerial photograph does show a pre-existing stable block, but the existing stables extends beyond that into an open field devoid of any permanent structures. A significant part of the land occupied by the stables does not therefore amount to previously developed land.
39. There is something in the area of the hay/straw barn, but it is not possible to tell what it or they are and whether they amount to permanent structures. Nevertheless, the siting of the hay/straw barn appears to form part of a larger area of fixed surface infrastructure (hardstanding) which likely amounts to previously developed land.
40. Turning to Green Belt purposes, the Council's view is that the land strongly contributes to purpose (a) of paragraph 143 of the Framework, but it does not explain why it has arrived at that position. As the land forms part of the open countryside beyond a modest cluster of dwellings at the end of Barwell Lane, I do not agree that it strongly contributes to checking the unrestricted sprawl of a large built-up area.
41. The Council does not raise issue in respect of purposes (b) or (d). For the former, the land does not strongly contribute to preventing neighbouring towns merging into one another. For the latter, the land does not form part of the setting to a historic town.
42. I note that the land forms part of an Archaeological Priority Zone but the information before me does not suggest that it should be excluded from being grey belt by the application of policies relating to assets of archaeological interest. Indeed, the reasons for issuing the enforcement notice and refusing the planning applications do not raise issue on those grounds and the response by Historic England to the stables and ménage cover applications, is that those developments are unlikely to have a significant effect on heritage assets of archaeological interest.
43. I am therefore satisfied that the land occupied by the hay/straw barn, stables and ménage cover, falls within the grey belt for decision making purposes. Accordingly, the criteria of paragraph 155 apply, all of which need to be met in order to qualify as not inappropriate development (save for criterion d. which relates to development involving the provision of housing). I appreciate that the Council's view is that the land does not fall within the grey belt, but it has not addressed that criteria, in the event that I do make that finding.
44. Having established that the sites meet the definition of grey belt land, it is necessary to consider the second element of criterion a. of paragraph 155, namely

³ Ref: 18/10270/FUL

whether its loss would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

45. As discussed above, the land does not strongly contribute to Green Belt purposes a), b) and d). Purpose e) relates to urban regeneration so is not relevant. I have considered residual purpose c), as it applies to the individual developments below, as well as the other criteria of paragraph 155.

Appeals A, B and C

46. As noted, the hay/straw barn is sited on a hardstanding which has been in place since at least 2013. At that time the hardstanding in the area of the barn was occupied by some feature or items, which are not readily discernible. The siting of the barn therefore appears to fall within the longstanding operational parameters of the riding centre, so does not conflict with Green Belt purpose c), namely assisting in safeguarding the countryside from encroachment.
47. The erection of the hay/straw barn does not therefore fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The development therefore meets criterion a. of paragraph 155.
48. Criterion b. is that there is a demonstrable unmet need for the type of development proposed. As a riding centre, a hay/straw barn is clearly needed to store feed and bedding for the horses. I am therefore satisfied that criterion b. is met.
49. Criterion c. is that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Given the siting of the barn within the operational area of the riding centre, it is clearly sustainably located in relation to the same. Moreover, the nature of a riding centre is that it requires a countryside or at least semi-rural location, which is unlikely to be as sustainable as a more urban location. I'm therefore satisfied that criterion c. is met.
50. Accordingly, as the hay/straw barn would utilise Grey Belt land and meet the relevant criteria of paragraph 155 of the Framework, it does not amount to inappropriate development in the Green Belt for the purposes of the Framework or London Plan Policy G2. Very special circumstances do not therefore fall to be considered.

Appeals A, B and D

51. Having regard to the 2013 aerial photograph, the stable block extends beyond the main operational area of the riding centre into a field, thereby conflicting with Green Belt purpose c), which is to assist in safeguarding the countryside from encroachment. However, planning permission was granted in 2019 for an additional ménage, and the stables do not extend beyond that. Even without that expansion, the encroachment is relatively minor and does not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The development therefore meets criterion a. of paragraph 155.
52. Turning to criterion b., the appellants state that the stables are required to replace the pre-existing stables, which were demolished, and to meet the livery needs, including horse and staff welfare, which are essential at any equestrian centre. However, it is not explained when or why the pre-existing stables were demolished

and whether the current block was intended as a direct and immediate replacement.

53. Nevertheless, a riding centre with livery will clearly require stabling provision to shelter the horses and to meet their welfare needs. In that regard, the appellants state that the stables are the most essential aspect of the enterprise to keep and raise the horses. The block also provides facilities for staff welfare (toilets, washing, dry spaces for rest and refreshments) and offices, which I recognise are needed at a centre such as this.
54. Although there are other smaller stable blocks at the riding centre, the appellants explain that the appeal building provides more weatherproof stables than those erected in the 1950's and that in addition to the standard sized boxes, some larger loose boxes are also provided in line with guidance for larger horses, along with storage areas.
55. Whilst I have limited information regarding the extent of provision required, I am mindful that the stables are significantly smaller than that previously approved at the site. On balance I am satisfied that criterion b. is met. For the reasons explained above, I am also satisfied that criterion c. is satisfied in terms of its sustainable location.
56. Therefore, as the stable block would utilise Grey Belt land and meet the relevant criteria of paragraph 155 of the Framework, it does not amount to inappropriate development in the Green Belt, for the purposes of the Framework or London Plan Policy G2. As per the above, very special circumstances do not therefore fall to be considered.

Appeals A, B and E

57. The covered ménage area fully extends beyond the main operational area of the riding centre as shown in the 2013 aerial photograph. However, as noted, the additional ménage positioned beneath the canopy was granted planning permission in February 2019. The development does not therefore conflict with Green Belt purpose c) relating to encroachment, so would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The development therefore meets criterion a. of paragraph 155. For the same reasons given above, I am also satisfied that criterion c. is met.
58. In terms of criterion b. (need), the appellants state that the ménage cover is essential to the enterprise as it enables the safe training of pupils and the schooling of horses throughout the year, which would not otherwise be possible. It is further explained that the ménage cover is needed to enable year-round use and riding for the disabled, with horses tending to be calmer within a covered space. It is also submitted that the cover is necessary to reduce risk of injury to horses and riders slipping on an overly wet surface and the associated liability.
59. I accept that the cover facilitates use during inclement weather and a more predictable environment for disabled riders. However, it is not shown that the provision of a covered ménage is the norm or expectation for other equestrian centres and that it isn't merely a desirable facility, rather than one that meets a demonstrable unmet need.

60. Based on the evidence before me, the development does not meet criterion b. of paragraph 155, and, as all criteria must be met, the ménage cover should be regarded as inappropriate development in the Green Belt for the purposes of the Framework, London Plan Policy G2 and CS Policy CS3.

Other Matters

Appeals A, B, C, D and E

61. I note the references made by residents to the siting of shipping containers and a caravan at the site. However, those are beyond the scope of the appeals and are matters for the Council.
62. I note the concerns expressed by local residents over property values but the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests, such as the impact of a development on the value of a neighbouring property, cannot be a material consideration.
63. Moreover, the costs associated with any deterioration of the private access road is not a matter for these appeals. I understand the concerns relating to effects on water infrastructure under the road, but I have little to show that the appeal developments materially affect the same. Reference is made to advice received from Thames Water, but that has not been provided.
64. The Council has confirmed that the developments do not meet the threshold for Environmental Impact Assessment, and I find no reason to disagree.

Appeals A, B and C

65. Although the hay/straw barn is relatively tall, its design and timber construction do not look out of place in its rural location and its immediate context within an established riding centre. My findings in that regard are consistent with that of the Council. It follows that I do not find harm to the setting of the locally listed buildings to the north.
66. I appreciate that the barn will, in combination with the other buildings at the centre, contribute to blocking views through to the countryside beyond. However, a private view is not of itself regarded as a planning matter. Moreover, given the relatively small footprint and the separation to the nearest residential property, the hay/straw barn is very unlikely to result in unacceptable outlook harms.
67. I appreciate larger vehicles delivering hay and straw are likely to generate noise. However, the frequency of deliveries, and therefore potential instances of noise disturbance, are likely to be less with greater storage capacity.
68. In overall terms, I do not consider that the barn results in unacceptable harm to the living conditions of local residents. Again, that finding is consistent with that of the Council.
69. I appreciate residents' concerns, but I have little before me to suggest that the use, and any associated additional effects of the hay/straw barn, results in unacceptable congestion, parking stress or highway safety harm. Indeed, the Highway Authority raises no such concerns. Moreover, at the time of my site visit I encountered no such issues. I appreciate that provides only a limited snapshot of

the local highway conditions, but my decision must be based on the evidence before me and my own observations.

70. I have little to suggest that the development results in any unacceptable flood risk issues and no such concerns are raised by the Council. The Council does suggest the imposition of drainage conditions, on a non-prejudicial basis, and I have considered those below.
71. I note the concerns raised over dust and dirt but there is little before me to suggest that the barn causes unacceptable harm in that regard, and no issues are raised by the Council's Environmental Health team.

Appeals A, B and D

72. The stable building is large and can be clearly seen from Barwell Lane and the properties along it which face towards the site. However, it is materially smaller than that which was previously approved at the site in 2019. Although the existing stable block protrudes beyond the pre-existing yard area into fields (having regard to the 2013 aerial photograph), it remains closely associated with the riding centre complex, both visually and functionally.
73. Moreover, it has the appearance of an agricultural type building, being appropriately clad in timber with metal sheet roofing. The design reflects its function and the stables do not look out of place within the context of an established riding centre and countryside location. It again follows, that I do not find unacceptable harm to the setting of the locally listed buildings to the north of the site.
74. The stables do not therefore result in unacceptable harm to the character and appearance of the area. My finding in that regard is consistent with that of the Council.
75. As explained above, a private view is not of itself regarded as a planning matter and given the separation to the nearest residential property, it is unlikely that the stable block materially affects the living conditions of the nearest residential properties through outlook harms.
76. Whilst the additional stabling capacity at the centre is likely to increase traffic movements, I have little before me to suggest that has resulted in unacceptable congestion, parking issues, or significant highway safety concerns. Indeed, the Highway Authority raises no objections.
77. Again, I note the concerns raised by local residents, but no evidence has been provided to show that the development results in unacceptable flood risk issues and, as per the Council, I am satisfied that matters relating to surface water and drainage could be satisfactorily addressed by way of condition.
78. I note the concerns raised over noise, vibration and dust from passing vehicles but again I have little before me to show the extent of such harms, as attributable to the use of the stables, should materially weigh against the development. Moreover, no issues are raised by the Council's Environmental Health team.

Appeals A, B and E

79. There are two ménages at the riding centre, the original in the more northerly position, and the more recent covered ménage to the south of it.
80. As explained, outline planning permission was granted in February 2019 for the erection of a cover to the original ménage. It is acknowledged that permission has lapsed so does not amount to a lawful fallback position. Nevertheless, the acceptability of such a building at the site, albeit in a different position, has recently been established and I've not been made aware of any material change in circumstances which might result in a different decision now.
81. The plans submitted with the approved application show a cover measuring 50m in length and 30m in width, resulting in a footprint of 1,500m². Although appearance, layout and scale were reserved matters, the officer report confirms that the proposed size and design of the canopy was considered appropriate within the Green Belt. Moreover, no conditions were imposed setting lesser scale parameters.
82. In comparison, the canopy as built measures 61m in length and 21m in width, resulting in a lesser footprint of 1,281m². That said, the existing ménage has a ridge height of 7.2m and an eaves height of 4.9m, which appears to be taller than that shown on the outline plans. Moreover, the outline drawing shows a largely open fence around its perimeter, sitting inside the canopy structure, rather than the solid enclosure which has been built. Nevertheless, that timber enclosure compliments the stable building. The green profile sheet roofing is also consistent with that of other buildings on site.
83. Overall, the structure's appearance is akin to a large agricultural building, so does not look out of place within its rural context.
84. It is nonetheless a large building, both in terms of footprint and height and the previously approved scheme benefited from being closer to the other development on the site. However, because of the other buildings in the foreground, views of the structure in its entirety are not readily achieved from Barwell Lane and the properties therein. Due to its height, a significant expanse of roof can be seen in certain views, but then in other views around the site, much less is visible.
85. Moreover, due to the distance perspective, the structure does not appear excessively high. The effect is further mitigated by being largely open at the front and rear and on both sides, allowing some views through the building.
86. From certain parts of the bridleway, the roof can be seen above the stables in the foreground, but it is viewed within the context of the other buildings and is unlikely to unduly detract from the enjoyment of the bridleway itself and does not result in unacceptable landscape harm.
87. Planning permission was granted for the ménage surface so the act of erecting a cover over the same is unlikely to have altered the natural contours of the landscape or pre-existing field patterns.
88. Objections are made that the development is incompatible with the historic farm buildings and dwellings to the north but that is somewhat inevitable having regard to the nature of the development.

89. In overall terms I find limited harm to the character and appearance of the area.
90. On the basis that the ménage is able to operate all year round, it is likely that there will be an increase in associated vehicular movements. However, I have little before me to suggest that has resulted in unacceptable congestion, parking issues, or significant highway safety concerns, either individually or cumulatively. Again, the Highway Authority raises no concerns.
91. Because of the partly open design, there is scope for light pollution in an otherwise largely dark, rural location, which in turn may affect wildlife. I am however satisfied that precise lighting details and hours of operation could be controlled by way of condition, so as to acceptably mitigate such harms.
92. Subject to a condition to that effect, I do not find unacceptable harm to the living conditions of local residents. That again is consistent with the Council's position.
93. I note the flooding concerns raised by residents, and that the Council highlights that the large area of roof could increase surface water runoff rates. Nevertheless, the Council is satisfied that surface water issues could be resolved by way of condition, and I find no reason to disagree.

Appeals A, B, D and E

94. On 17 December 2015 the government made a Written Ministerial Statement titled Green Belt protection and intentional unauthorised development (IUD). This introduced a planning policy to make IUD in the Green Belt a material consideration that should be weighed in the determination of planning applications and appeals.
95. The Council considers the stables and the ménage cover to be IUD in the Green Belt. However, part of the underlying rationale for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of the development through the use of planning conditions.
96. The concerns raised in that regard relate to the site's Green Belt location, within an Archaeological Priority Zone, and in proximity to locally listed buildings (to the north of the site). The Council consider that insufficient information has been submitted to determine whether the IUD has resulted in any irreversible harm to the archaeological priority area or non-designated heritage assets and that significant weight should be attached to IUD in these cases.
97. However, archaeology concerns do not form part of the Council's reasons for refusing those developments or for issuing the enforcement notice. Moreover, as noted, Historic England's consultation response is that the developments are unlikely to have a significant effect on heritage assets of archaeological interest.
98. Moreover, outline planning permission has previously been granted for a larger stable partly overlapping the area of the existing stables and the appellants have provided evidence of a written scheme of investigation for an archaeological watching brief submitted in relation to the same. Outline planning permission was also previously granted for a larger ménage canopy adjacent to the current location.

99. Similarly, the Council's reasons do not refer to harm to the non-designated heritage assets and given that the developments are in place, the effects on the same can be clearly judged, as can any Green Belt harms.

100. I understand residents' frustrations that the appellants built the stables and ménage cover (and hay/straw barn) without the benefit of planning permission. However, the statutory regime makes provision for retrospective applications, and the enforcement regime is designed to be remedial rather than punitive.

101. In the circumstances described, I apply very limited weight to the issue of IUD.

Other Considerations and Green Belt Balance

Appeals A, B and E

102. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations⁴.

103. I have found that the ménage cover amounts to inappropriate development within the Green Belt and results in a significant loss of openness. The Framework requires that I apply substantial weight to those Green Belt harms.

104. I have also found that the development results in limited harm to the character and appearance of the area, whilst the issue of IUD attracts very limited weight.

105. The appeals relate to an established equestrian facility which is both a livery and riding centre. It is explained that the applicants have invested significantly in the business to provide the highest standard of facilities at the site, the majority of which are 'Highly Commended' by the British Horse Society. The appellants are also clearly well respected in equestrian circles and Mr Mastroianni has been presented with an Award of Merit for Outstanding Services to the British Horse Society.

106. The appellants explain that there are 52 horses currently at the site and that the centre provides on average 189 lessons (and riding experiences) per week to children and adults, covering riding, dressage and horse welfare.

107. It is also explained that the centre has been providing free riding for those with learning disabilities for over 35 years, and teaching to the Urban Equestrian Academy South, which provides opportunities for disadvantaged children from London. It also provides stabling for rescue horses from the Pukka Ponies charity and offers placements to students undertaking their Duke of Edinburgh Award. I can safely conclude therefore that the centre amounts to an important recreation and community facility.

108. Whilst I have not found a demonstrable need, the ménage cover significantly enhances the offer and quality of the centre, facilitating all weather, all year use, and in turn enabling the community to make better use of it. I also have no reason to dispute lesser risk of injury and a calmer environment for the horses, which is advantageous for providing lessons to those with special needs.

⁴ Paragraphs 153

109. The development therefore accords with CS Green Belt Policy DM 5 insofar as it seeks to ensure that all new provision of sports and play meet qualitative standards and optimise accessibility to all users, including the local community and visitors.
110. Whilst CS Policy CS3 seeks to protect and improve Kingston's natural and green environment by, amongst other things, protecting the Green Belt from inappropriate development, it also seeks to ensure that opportunities for the extension of existing provision or new recreation and sports facilities are encouraged.
111. Policy SB1 seeks to protect the Green Belt and provide good quality access to the countryside in the urban fringe. It also seeks to ensure the continued provision of community facilities by working to maintain and enhance diversity and access to recreation and leisure opportunities in the area, including horse centres. Paragraph 151 of the Framework similarly states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation.
112. I attach very significant weight to the community and recreational benefits of the development, which are supported by the above policies.
113. The centre amounts to a commercial enterprise in a rural area, employing 18 staff locally. Paragraph 85 of the Framework states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development. Paragraph 87 states that decisions should recognise and address the specific locational requirements of different sectors.
114. Furthermore, paragraph 88 states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings and the development and diversification of agricultural and other land-based rural businesses.
115. I have no evidence to suggest that the viability of the centre would be affected without the covered ménage. Nevertheless, by significantly enhancing the offer at the riding centre, it likely materially contributes to retaining and attracting new business. In doing so, it likely helps sustain the business financially throughout the year. The appellants argue that the value of this facility is accentuated by the closure of other facilities, but I have been provided with little evidence to that effect. Nevertheless, I attach significant weight to the contribution of the development to supporting the rural economy.
116. Combined with the very significant community and recreational benefits, I find that the weight of the other considerations clearly outweighs the totality of the harms. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. On that basis, I do not find conflict with section 13 of the Framework, London Plan Policy G2 or CS Policy CS3.

Conditions

Appeals A, B, C, D and E

117. Drainage conditions are necessary in respect of the hay/straw barn, stables and ménage cover, to manage and reduce surface water runoff in a manner based on sustainable drainage principles, in accordance with CS Policy DM4. I note the appellants state that such conditions are not necessary given the existing soakaway drainage, but I have limited details of what has been installed so as to consider its acceptability. In any case, the appellants have no objection to providing further details.
118. Conditions are therefore imposed in Appeals A, B, C, D and E to ensure that the required drainage details are submitted, approved and implemented so as to make the respective developments acceptable in planning terms. There is a strict timetable for compliance because the permissions are being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of any measures above that which already may be in place, before the developments take place. The conditions will ensure that the developments can be enforced against if the requirements are not met. Their wording therefore differs from that suggested by the Council.
119. I have noted the Council's suggested plans conditions, but as the appeals are retrospective in nature, they are not necessary.

Appeals A, B and C

120. Because of the open fronted design to the barn, a condition to prevent unacceptable light spillage is necessary. That should be specific to the barn, rather than the wider site (which covers a very large area), as suggested by the Council.
121. The Council has requested that a condition be imposed such that the structure must only be used for the storage of feed and bedding, ancillary to the sui generis equestrian use of the site. Whilst the appellants do not object, I'm mindful that the description of development is a hay/straw barn, rather than just a barn. Also, given its specific design for that purpose and its position within the operational area of an established riding centre, I am unclear what other potential use the Council is concerned about, that would not require planning permission. In the circumstances, such a condition is not necessary.

Appeals A, B and D

122. The Council has suggested imposing a condition stipulating that the stables are only used for the stabling of horses and associated paraphernalia (such as tack) ancillary to the sui generis equestrian use of the site, and for no other use whatsoever. Although the appellants have not objected to that suggested condition, I saw that the stable building also includes ancillary office space and welfare facilities. That is reflected in the floor plans submitted in support of Appeal C. I shall therefore vary the wording of the condition so that those ancillary uses, which are reasonably necessary for such an equestrian centre, are not precluded.
123. The Council again suggests a condition that any external lighting installed at the site shall be angled so as to prevent any spillage or glare beyond the site's boundaries. However, the condition should be relevant to the development

permitted rather than the wider site, which, as noted, is very large. I have therefore varied the suggested condition, which is necessary to avoid light pollution.

Appeals A, B and E

124. The Council has suggested a condition specifying that the structure must only be used as a ménage, ancillary to the sui generis equestrian use of the site, and for no other use. However, the development provides cover to a ménage area already approved. It is not possible to use the structure itself as a ménage, so the condition is unnecessary.

125. Again, the Council has suggested the same external lighting condition as discussed above. However, because the front, back and sides of the ménage cover are largely open, there is also scope for potential light pollution from internal lighting sources. A condition is therefore necessary which deals with both internal and external lighting, so as to avoid harm to wildlife and the living conditions of local residents. The appellants agree that lighting details could be controlled by way of condition, as well as hours of operation. The wording of the condition again reflects the retrospective nature of the development.

Conclusions

Appeals A and B

126. For the reasons given above, I conclude that the appeals should succeed on ground (a). I shall grant planning permission for the developments described in the notice.

127. The appeals on grounds (f) and (g) do not therefore fall to be considered.

Appeals C, D and E

128. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeals should be allowed.

Richard S Jones

INSPECTOR

Schedule of Conditions

Appeals A and B

1. The hay/straw barn hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 180 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within two months of the date of this decision a detailed surface water drainage scheme for the development, based on sustainable drainage principles, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development.
 - ii) If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

2. The stable block hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 180 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within two months of the date of this decision a detailed surface water drainage scheme for the development, based on sustainable drainage principles, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development.
 - ii) If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

- iv) The approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3. The ménage cover hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 180 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within two months of the date of this decision a detailed surface water drainage scheme for the development, based on sustainable drainage principles, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development.
 - ii) If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4. The surface water drainage shall be managed and maintained in accordance with the schemes approved under conditions 1, 2 and 3.
- 5. The stable block shall only be used for the stabling of horses and for the storage of associated paraphernalia and to provide welfare and office facilities ancillary to the sui generis equestrian use of the site.
- 6. Any lighting installed in the hay/straw barn shall be designed to minimise light spillage beyond its frontage.
- 7. Any lighting associated with the stable block shall be designed to minimize any light spillage and prevent glare beyond the entrances to the building.

8. The ménage cover hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 180 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within two months of the date of this decision, details of the internal and external lighting of the ménage cover and the hours of operation shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

9. The approved lighting scheme shall be operated in accordance with the scheme approved under condition 8.

Appeal C

1. The hay/straw barn hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 180 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within two months of the date of this decision a detailed surface water drainage scheme for the development, based on sustainable drainage principles, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development.
 - ii) If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

- iv) The approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

2. The surface water drainage shall be managed and maintained in accordance with the scheme approved under condition 1.
3. Any lighting installed in the hay/straw barn shall be designed to minimise light spillage beyond its frontage.

Appeal D

1. The stable block hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 180 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within two months of the date of this decision a detailed surface water drainage scheme for the development, based on sustainable drainage principles, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development.
 - ii) If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

2. The surface water drainage shall be managed and maintained in accordance with the scheme approved under condition 1.
3. The stable block shall only be used for the stabling of horses and for the storage of associated paraphernalia and to provide welfare and office facilities ancillary to the sui generis equestrian use of the site.

4. Any lighting associated with the stable block shall be designed to minimize any light spillage and prevent glare beyond the entrances to the building.

Appeal E

1. The ménage cover hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 180 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within two months of the date of this decision a detailed surface water drainage scheme for the development, based on sustainable drainage principles, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development.
 - ii) If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

2. The surface water drainage shall be managed and maintained in accordance with the scheme approved under condition 1.
3. The ménage cover hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 180 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within two months of the date of this decision, details of the internal and external lighting of the ménage cover and the hours of operation shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4. The approved lighting scheme shall be operated in accordance with the scheme approved under condition 3.