



## Appeal Decision

Site visit made on 7 May 2019

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2019

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### Appeal Ref: APP/D3640/W/18/3216045

### Longacres, Station Road, Chobham, Woking GU24 8AX

- 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 & Mrs Burrell against the decision of Surrey Heath Borough Council.
  - The application Ref 17/0524, dated 1 June 2017, was refused by notice dated 24 August 2018.
  - The development proposed is the construction of a new Indoor Riding School.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The appeal site is now known as Stamford Manor. However, I have used the address in the heading above, which comes from the application form, as that was the application considered by the Council.

### Main Issue

3. 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), any relevant development plan policies and effects on openness.
  - The effect of the proposal on the character and appearance of the area, with particular regard to enjoyment of the public bridleway (Broadford Lane) that runs alongside the site.
  - Whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Green Belt*

4. Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CS) indicates that within the countryside the current extent of the Green Belt will be maintained. My attention has not been drawn

- to any other development plan policies relating to general principles of development in the Green Belt.
5. The Framework, at paragraph 145, sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt unless covered by certain clearly defined exceptions. Sub-paragraph (b) details one such exception as being 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.
  6. At Paragraph 134, the Framework indicates that the Green Belt serves five purposes which includes to assist in safeguarding the countryside from encroachment. Paragraph 146 lists further exceptions from inappropriate development, including the re-use of buildings and material changes in the use of land, but these are not relevant to this proposal for a new building.
  7. The Judgement in *R (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd [2016] EWCA Civ 404* indicates that if a development is found not to be inappropriate applying paragraphs 145 and 146 of the Framework<sup>1</sup> it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it. However, that is not to say that effects on openness cannot ever be an integral part of an assessment of inappropriateness.
  8. The situation in *Lee Valley* concerned a building exempt under a different category of development that did not require an assessment of openness. The Framework is clear that for a proposal to be not inappropriate under paragraph 145 (b), it must preserve the openness of the Green Belt and not conflict with these purposes. That there can be differences in approach is endorsed by *Europa Oil and Gas Limited v SSCLG [2013] EWHC 2643 (Admin)*.
  9. I understand that the site has long been in equestrian use. There are stable buildings nearby and planning permission has been granted for the development of the adjoining yard area with a new modern, purpose built stable block and other equestrian facilities<sup>2</sup>. However, the site of the proposed building is currently open and is a clear part of the surrounding open fields and paddock land associated with the site.
  10. I note that the appellants have suggested that the case of *Euro Garages Ltd v SSLG & Anor [2018] EWHC 1753* indicates that it is the openness of the Green Belt itself not the particular site that is of most relevance. The appellants have further suggested that the case of *Goodman Logistics Developments (UK) Ltd v SSCLG and Slough Borough Council [2017] EWHC 947 (Admin)* indicates that there is nothing to justify that visual effects cannot be taken into account in reducing any spatial harm.
  11. However, the obviously undeveloped nature of the appeal site as part of a wider area of undeveloped land means that the proposed building would cause clear harm to the openness of the Green Belt. In this context, the boundary landscaping and other site characteristics do little to reduce this harm.

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<sup>1</sup> Which have replaced paragraphs 89 and 90 of the previous Framework in force at the time of the Judgement

<sup>2</sup> LPA Ref 17/0540.

12. The appellants have set out a convincing argument that the indoor riding school, which would be used to train horses and riders for competition in dressage and eventing, should be considered an appropriate facility for outdoor sport. Such uses, in principle, are consistent with the aims of Framework paragraph 141 regarding the provision of opportunities for outdoor sport and recreation. The facility would also appear to be well-related to an existing lawful use. However, for the reasons given above, the harm that would be caused to openness means that, following Framework Paragraph 145 (b) the proposal would be inappropriate development in the Green Belt.
13. In accordance with Framework paragraph 143, inappropriate development is, by definition, harmful to the Green Belt. As set out in Paragraph 144, that harm, and the harm to openness, receives substantial weight.

#### *Character and appearance*

14. The site adjoins Broadford Lane, a public bridleway. There is substantial tree planting alongside the lane which limits views across the surrounding countryside. Where views are available, a range of ad-hoc buildings can be seen, some of which are agricultural or equestrian in nature.
15. In this context, whilst the scale of the indoor riding school would make it apparent from Broadford Lane, it would not harm the character and appearance of the area. Additional landscaping to reinforce the existing hedge may not disguise the building but it would assist in reducing some of the views. Whilst it may not be possible to safeguard such planting in perpetuity, there is no compelling evidence that it would be under particular pressure. In any case, given that the building would be set back from the boundary of the site, it would not be overbearing on the lane or users of this public right of way.
16. I, therefore, find that the proposal would not harm the character and appearance of the area and would comply with those aspects of CS Policy DM9 that seek to ensure that development respects and enhances the local and natural environment. This lack of harm is neutral in the planning balance.

#### *Other considerations*

17. The appellants and their family train high calibre horses for competition. They also ride to a high standard and have competed at high class sporting events. Their abilities have been identified by internationally recognised riders and trainers. Some of the appellants' horses have also been ridden by top class professionals.
18. As such, I can accept that the horses require stringent routines and appropriate training. The provision of an indoor riding school would allow better, all-weather facilities for training elite horses and help to further their own riding abilities throughout the year. This would improve competition prospects for the future and provide some benefit to horse welfare. Accordingly, the Council's own professional adviser has identified that the building, including its scale, would meet the appellants' needs<sup>3</sup>.
19. In this regard, I note the stated shortcomings of the appellants' currently leased yard and the need to travel to use indoor facilities. That said, I have no evidence about the length of these journeys or the frequency with which they

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<sup>3</sup> Reading Agricultural Consultants letter dated 17 October 2017, Ref: 7821-dc

must be undertaken. Whilst I understand that the indoor facility would be of significant benefit, there is little substantive evidence that the benefits go beyond the appellants and their family. Therefore, whilst the benefits weigh in favour of the proposal, they only receive moderate weight.

20. CS Policy DM3 supports equestrian related development in the countryside, including the Green Belt. However, the building would be well-related to existing buildings at the site and, whether or not the building should be considered small scale, the policy also requires that there should be no harm to the openness of the Green Belt. Whilst the professional advice that the Council received in support of the proposal indicated compliance with Policy DM3, it did not provide a substantiated assessment of the effect on the Green Belt. In light of my findings in respect of the first main issue, the proposal, therefore, conflicts with the policy read as a whole and it does not weigh in favour of the development.
21. I understand that there may have previously been a large building at the site. However, a letter from the previous owner of the site identifies that this was removed around 2004 and so does not weigh in favour of the proposal. I also understand that there may have been a range of business activities at the site, but these too appear to have ceased some time ago and there is no particular evidence that they could, or would likely, resume. This history is, therefore afforded very little weight.
22. I understand that the application was before the Council for some time and that the appellants had become frustrated with the determination process. I also understand that amendments were made to accommodate various requests of the Council and local residents. However, this has little to do with the planning merits of the appeal and is neutral in the planning balance.

#### *Green Belt balance*

23. The Framework, at paragraph 143, indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 144, it confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal is clearly outweighed by other considerations.
24. As set out above, the harm to the Green Belt receives substantial weight. The effect on the character and appearance of the area is neutral in the balance. For the reasons given above, the totality of the other considerations do not clearly outweigh this harm.
25. Therefore, the very special circumstances necessary to justify the proposal do not exist. It would conflict with the Framework, and that part of CS Policy CS1 that seeks to maintain the Green Belt.

#### **Conclusion**

26. For the reasons given above, the appeal is dismissed.

*M Bale*

INSPECTOR