



Appeal Decision

Site visit made on 7 November 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/K2230/W/23/3321001

Eastfield Farm Stables, Heron Hill Lane, Gravesend DA13 0DU

- 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 and Mrs C Oakes against the decision of Gravesend Borough Council.
- The application Ref 20221315, dated 10 December 2022, was refused by notice dated 6 February 2023.
- The development proposed is the demolition of an existing stable complex and construction of a new equestrian barn.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing stable complex and construction of a new equestrian barn at Eastfield Farm Stables, Heron Hill Lane, Gravesend DA13 0DU in accordance with the terms of the application, Ref 20221315, dated 10 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (DHA/15967/01 Rev: A Dec 2022)
 - Existing Site Layout Plan (DHA/15967/02 Rev: A Dec 2022)
 - Existing Stables Layout Plan (DHA/15967/03 Rev: A Dec 2022)
 - Existing Stables Elevations (DHA/15967/04 Rev: A Dec 2022)
 - Proposed Site Layout Plan (DHA/15967/05 Rev: A Dec 2022)
 - Proposed Barn Stabling Floor Plan & Roof Plan (DHA/15967/06 Rev: A Dec 2022)
 - Proposed Stables Building Elevations (DHA/15967/07 Rev: A Dec 2022)
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the Proposed Stables Building Elevations plan (DHA/15967/07 Rev: A Dec 2022).

Preliminary and Procedural Matters

2. The description of development in the banner heading and my formal decision above is taken from the planning application form, although I have omitted the adjective "ageing" (used in relation to the existing stable complex) and the reference to the scheme having been amended following a previous refusal of planning permission, as these elements are not descriptive of development.

3. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

4. The appeal site lies within the Green Belt, and accordingly I consider that the main issues are:
- Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the area, including local landscape character;
 - The effect of the proposed development on highway safety; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The appeal site is an approximately L-shaped area of land on Heron Hill Lane, in the countryside north-west of the small village of Harvel; the entire site is within the Green Belt. It comprises a stable building (with eight loose boxes, three storerooms including one for bridles and riding equipment, a drying room and washroom with drying area) arranged around three and a half sides of a roughly square central yard; connected to its eastern side is an open-sided stable structure providing a further four loose boxes. To the west of these buildings is a small open paddock. To the south of the buildings, the appeal site includes a linear section of a larger yard which gives access from Heron Hill Lane and provides space for parking vehicles.
6. The appeal relates to part of a larger site owned by the appellants, including the remainder of the yard south of the stable buildings. There is a circular horse walker and a modern stable block arranged around three sides of a small grass courtyard on the west side of the yard, a narrow open-fronted outbuilding used for storage on the east side, and a manège to the north side of the appeal site. These elements lie outside the "red line boundary" on the application plans, but were shown within a wider "blue line boundary".
7. The proposed development is the demolition of the existing combined stable block, and its replacement with a new equestrian barn or stables. It would provide 12 loose boxes, three wash bays, a rug room with washing and drying facilities, a tack room (and separate tack and trunk store) and a feed room.

Whether inappropriate development in the Green Belt

8. The Government attaches great importance to Green Belts. Paragraph 152 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. Paragraph 154 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. Policy CS02 of the 2014 Gravesham Local Plan Core Strategy ("the LPCS") sets out the Council's strategic approach to the Green Belt, stating that development outside settlements "will be supported where it is compatible with national policies for protecting the Green Belt". The policy reflects, and is consistent with, the provisions of the Framework in respect of the Green Belt.
9. Paragraph 154 b) of the Framework allows for "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". The appellants consider that the proposal falls within this exception.
10. The appeal site is already used for equestrian activities. There is no dispute between the main parties that this falls within the scope of "outdoor recreation". There also appears to be no suggestion by the Council that the proposed facilities would not be appropriate for the equestrian use; based on all the evidence before me, I agree. My findings as to whether the proposed development would be covered by the exception set out in Paragraph 154 b), and its related compliance with Policy CS02 of the LPCS, will therefore be dependent on an assessment of whether the proposal would preserve the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.
11. A proposal only needs to comply with one of the exceptions set out in Paragraph 154 in order to be considered "not inappropriate" development in the Green Belt. In view of its conclusion in respect of Paragraph 154 b) it does not strike me as unusual or unreasonable that the Council also assessed the proposal against the provisions of Paragraph 154 d), although I note the appellants' objection to that approach. Paragraph 154 d) allows for "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces".
12. It is evident that the proposed barn would be in the same use as the stable buildings it would replace. The submitted drawings indicate that the existing combined stable blocks have a built footprint of around 213m² (not including deep canopy overhangs), while the proposed equestrian barn building would have a footprint of around 402m². It would therefore represent a very significant enlargement of the built footprint, which the Council's officer report calculates to be 94% (that is based on a slightly smaller existing footprint of 207.2m², but there would be a considerable increase even using the appellant's larger figure). The proposed barn would also be taller to its eaves and to its maximum ridge height than the existing building, and while I have not been provided with volumetric calculations for either the existing or proposed buildings, the submitted drawings suggest that there would be a substantial increase in built volume.

13. I consider that the proposed building would be “materially larger” than the one it would replace, so the development would not fall within the exception set out in Paragraph 154(d) of the Framework. I must therefore return to the assessment of the impacts on openness and the purposes of including land in the Green Belt, in line with the requirements of Paragraph 154 b).

Openness and purposes of the Green Belt

14. A fundamental aim of Green Belt policy, set out Paragraph 142 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site. As I have already summarised in paragraph 12, the proposed barn would have a larger built footprint than the existing stables, and it would also be taller. Even without information relating to the volume of the buildings, it is therefore evident that the proposed development would lead to some loss of spatial openness.
15. There would be less of an effect on visual openness. In part this is because the three-and-a-half sided shape of the existing stable block means that there is an almost-enclosed space in its centre which is not part of the building (and was not included in footprint calculations) but which at the same time does not contribute to a sense of visual openness. The appellants’ statement that the scheme seeks “to utilise the existing courtyard footprint of the stable building by effectively ‘covering’ the existing enclosed courtyard” underplays the fact that the proposed new building would also have larger outer dimensions than the existing stables, but in broad terms it is not enormously wide of the mark. In effect, the layout of the existing building means that it has a greater visual impact than its raw measurements might suggest on their own.
16. The lesser effect in visual terms would also owe much to the site’s setting and surroundings. Although the proposed barn would be taller and broader than the stables it would replace, public views of it from Heron Hill Lane would be partly obscured by hedgerows and the other stable block and storage buildings to its south. Both from Heron Hill Lane, and in more open views which might be possible from the open field west of the site, the barn would be seen against a backdrop of mature trees and hedgerows, which would limit its visual impact considerably. I also saw that the building would largely be screened in views from the gardens of the houses to the north and east of the site and their associated paddocks by the same mature trees and hedgerows. Taking all of this together, I find that the proposed development would have a limited effect on visual openness.
17. The Council considers that the proposed development would not conflict with any of the purposes of including land within the Green Belt, described in Paragraph 143 of the Framework; I agree. The loss of spatial openness cannot be ignored, however. Although the overall harm to the openness of the Green Belt would be small, as a result of the failure to preserve the openness of the Green Belt the development would not fall within the exception set out in Paragraph 154 b) of the Framework. It would be inappropriate development in the Green Belt in the terms of both the Framework and Policy CS02 of the LPCS, which seeks to protect the Green Belt in line with national policy. Inappropriate development is, by definition, harmful to the Green Belt.

Character and appearance; landscape character

18. The appeal site lies within the Harvel Wooded Downs Landscape Character Area ("the LCA"). I was not provided with a full landscape character assessment document, but the Council's officer report summarises it as being characterised by "varied topography with steep valley sides and plateaux, ancient woodland, chestnut coppice and small paddocks and pasture, the traditional historic settlement of Harvel set around the village green, occasional traditional farmsteads and haphazard mosaic of residential plots and small holdings set within the woodland".
19. There are open fields west and south of the appeal site (or, more accurately, the wider site within the blue line boundary), and dispersed residential development (which is intermittently and loosely connected to the village of Harvel) to the north and east. Its immediate surroundings are therefore generally illustrative more of the open "plateau" aspects of the LCA's character rather than the steep valleys or ancient woodlands. I also saw that the area is one where buildings similar in form to that proposed here – whether for agricultural or equestrian use – crop up intermittently, and so are not alien or unexpected features.
20. Plot boundaries close to the appeal site – whether of fields and paddocks, or domestic gardens – are generally marked by dense hedgerows, and there are also mature trees, individually and in groups, which contribute some further visual screening of buildings. As I have already explained in paragraph 16 above, the topography and layout of the appeal site would therefore go a considerable way towards limiting the visual impact of the proposed building on the surrounding area. The proposed development would also replace existing buildings which the Council acknowledges are "in fairly poor condition and appear somewhat dilapidated", and which in a small way detract from the quality of the area.
21. I note the Council's concern that the proposed use of green metal sheeting for the walls would be unsympathetic. I found the information submitted by the appellants to be rather confusing on the question of materials. The planning application form stated that walls would be "exposed concrete plinth blocks" to 1.5m high, with uPVC "Plastisol" coated profile steel sheeting in a dark "Moorland Green" colour above; the planning statement indicated that the building would be finished in horizontal timber boarding "in line with pre-application advice"; the submitted drawings showed that the concrete blocks would be exposed externally to a height of 0.5m, with black-stained horizontal feather edge boarding above; finally, the appeal statement referred to timber boarding, but also to the building having a "forest green" finish.
22. Although there are some buildings nearby where such materials have been used, the proposed barn would be seen immediately alongside the stable and other buildings to the south which have walls of dark-stained timber. In that setting, I agree that green sheeting would be a somewhat intrusive and clashing choice of material for the walls, though it would be more acceptable for the roof which would be a less visible feature of the building.
23. Nevertheless, I consider that any confusion or uncertainty on this point could be addressed by an appropriately-worded condition in respect of materials, ensuring that a timber finish is used as set out in the submitted drawings. Subject to such a condition, the proposed development would not have an

unacceptable adverse effect on the character or appearance of the area, including the local landscape character. Indeed, given the haphazard form of the existing stable blocks and their general poor condition, their replacement with a modern integrated building as proposed would be likely to represent an improvement in the appearance of the site.

24. I therefore conclude that there would be no conflict with Policies CS12 and CS19 of the LPCS which, among other things, seek to ensure that new development is well-related to the character and form of adjoining buildings and the wider site context, and that the overall landscape character and values landscapes are conserved, restored and enhanced. There would also be no conflict with Saved Policy C17 of the 1994 Gravesham Local Plan First Review ("the LPFR") which states that the erection of stables will only be permitted where they are properly designed and constructed of materials appropriate to their countryside location. For the same reasons, I find no conflict with the provisions of Chapter 15 of the Framework, which seek to conserve and enhance the natural environment.

Highway safety

25. Heron Hill Lane is a narrow single-track byway. I saw that there are very few places (including between the appeal site and the junction of Heron Hill Lane with David Street some 200m or so to the east, which would be the site's connection to the wider highway network) where vehicles travelling in opposite directions could safely be driven past one another.
26. At the same time, however, none of the evidence before me therefore indicates that the development would be likely to lead to a significant increase in vehicular movements to and from the site. The number of horses which could be accommodated on the site would not be increased, as the 12 loose boxes within the existing stable buildings would be replaced by the same number in the proposed barn. There is therefore no substantive evidence to indicate that the proposal would have a harmful effect on highway safety.
27. I therefore conclude that there would be no conflict with Saved Policies T1, T3 and T4 of the LPFR, or with Policy CS11 of the LPCS. Together, and among other things, these policies seek to ensure that development is adequately served by the highway network, that development which would generate significant traffic is not permitted outside built-up areas (and that development which would generate significant volumes of commercial vehicle traffic is not permitted in any location not well-related to the primary and district distributor network), and that new developments mitigate their impact on the highway network if required.

Other considerations

28. The appellants drew my attention to the Code of Practice published by the Department for Environment, Food and Rural Affairs, in conjunction with the British Horse Council¹ ("the Code"). The Code is not a statutory document, although its introduction points out that although the breach of a provision Code is not an offence in itself, if proceedings are brought for an animal welfare offence the Court will look at whether or not the Code has been complied with

¹ *Code of Practice for the Welfare of Horses, Ponies, Donkeys and Their Hybrids*, Department for Environment, Food and Rural Affairs, and the British Horse Council, December 2017

as part of determining whether an offence has been committed, and it is clearly a weighty consideration in respect of animal welfare.

29. The Code includes specific guidance in respect of stable accommodation, including that buildings should be constructed soundly, roofs should be high enough to provide adequate ventilation including good air circulation (with a minimum clear space to the eaves of 60-90cm above the ears of horses in their standing position), as well as sufficient light (including electric lighting).
30. I saw on my site visit that eight of the 12 existing loose boxes are within the existing low-rise stable building which provides little headroom for the horses, as well as relatively poorly-lit and poorly-ventilated conditions. Their limited height would make access for lifting machinery to move a horse in an emergency difficult, if not impossible. I also saw that the existing stables are unlikely to provide safe or comfortable working space for staff, as there is little space for activities such as clipping, shoeing, inspecting, or treating horses can be carried out without risk of staff being crushed or kicked (though I have not been made aware of any specific accidents of those sorts). Overall, I accept the appellants summary of the existing stables as being "not fit for purpose".
31. In contrast with the existing stables, the increased height in the proposed barn would provide decent headroom for horses, as well as allowing for improved ventilation and lighting, in line with the Code. The proposed building would provide covered space within which horses could be groomed and maintained, activities for which there is not currently adequate shelter. The additional floorspace, and the improved layout compared to the existing buildings, would provide a better and safer working environment for the people looking after the horses. I consider that the animal and staff welfare benefits which would result from the scheme carry very substantial weight in favour of the proposal.
32. The existing stable buildings which would be replaced are in a poor state of repair, as I have already set out in the section relating to character and appearance above. The replacement of the stables with a neat modern building would be likely to represent an improvement in the overall appearance of the appeal site, and I acknowledge that this would be a benefit of the scheme. The site's layout and surroundings mean that the visual impact of, and harm arising from, the poor-quality existing buildings is limited to a relatively small area; the visual impact of improvements to their appearance would be similarly limited, and I therefore consider that this benefit carries only moderate weight in favour of the proposed development.

Other Matters

33. The main parties referred extensively to a previous application for planning permission which the Council refused in 2021², and the extent to which they considered the appeal scheme had (or had not) addressed the reasons for which the earlier proposal had been refused planning permission. I have determined this appeal based on the planning merits of the scheme before me; for the most part the details of the previous proposal are not therefore especially relevant or material, and they have not been addressed at any length in my reasoning.

² LPA Ref: 20211294

34. The Council's officer report questioned why the "red line boundary" of the planning application site did not include the adjoining areas of land in the appellants ownership, which were instead included in the wider "blue line boundary" as I have described in paragraph 6 above. However, I am satisfied that, in line with advice in the Planning Practice Guidance³, the site as shown includes "all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings)", and I have not pursued this matter further with the main parties.

Green Belt Balance

35. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. It goes on to state 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 considerations. The proposal would be inappropriate development in the Green Belt, and there would be a loss of openness. These matters carry substantial weight.
36. The development would not cause unacceptable harm in respect of character and appearance, the local landscape, or highway safety, and there would be no conflict with development plan policies on these matters. A lack of harm in these respects is a neutral factor in the overall balance.
37. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. Therefore, the proposal would comply with the Green Belt aims of the Framework and Policy CS02 of the LPCS, and consequently would be acceptable.

Conditions

38. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2). For the reasons I have set out in paragraphs 21 to 23 above, and to protect the character and appearance of the area, I also consider that a condition in respect of materials (3) is necessary. The Council did not suggest any further conditions, nor do I consider that any others are necessary.

Conclusion

39. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal should be allowed.

M Cryan

Inspector

³ Paragraph: 024 Reference ID: 14-024-20140306