



Appeal Decision

Site visit made on 21 February 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/W1525/W/22/3297603

Hippodrome Farm, Goatsmoor Lane, Stock, Ingatestone CM4 9RS

- 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 G Smith against the decision of Chelmsford City Council.
 - The application Ref 21/01951/FUL, dated 29 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is the construction of a stable block and manege.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council determined the planning application, a stable building and yard have been constructed in a similar position to the proposed development. However, the development as constructed does not reflect the development detailed within the submitted drawings. The appellants have requested that the appeal be determined on the development as built, as they consider the alterations to materials and the omission of a brick plinth make no significant difference to the appearance of the building. However, the existing building is also larger. Furthermore, I have not been provided with amended drawings. On this basis, I must determine the appeal on the drawings submitted to the Council.
3. I have amended the description in the banner heading above from that included in the planning application to correct a spelling mistake.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies, including the effect upon the openness of the Green Belt and the purposes of including land within it; 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

Whether Inappropriate Development

5. The NPPF identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 149 of the NPPF explains that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One such exception is (b) 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.
7. Paragraph 150 of the NPPF explains that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. A closed list of exceptions includes (b) engineering operations.
8. Policy S11 of the Chelmsford Local Plan: Our Planning Strategy 2013-2036, adopted 2020 (LP) is a strategic policy regarding the role of the Green Belt. Policy DM6 of the LP refers to new buildings in the Green Belt, which echoes the wording contained within paragraph 149 of the NPPF. While Policy DM10 (A) of the LP refers to the change of use of land and buildings and engineering operations in the Green Belt, which echoes the wording contained within paragraph 150 of the NPPF.
9. It is proposed to construct an L-shaped stable building with a yard to the front and an adjacent manege. The proposal would be used for the riding of the appellants' own horses. It is common ground between the main parties that the proposed building would be an appropriate facility for outdoor sport/outdoor recreation and the proposed manege would involve an engineering operation. Therefore, the determination of the appeal turns to whether the proposed development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
10. The building would be located within a paddock to the rear of the appellants' dwelling, which the Council state is approximately 140m away. From the information before me, prior to the construction of the existing stable building and yard, the appeal site was devoid of development and open to the remainder of the paddock. The host dwelling, together with two neighbouring properties, form a small cluster of development along this side of Goatsmoor Lane. However, the existing buildings and structures, including a tennis court, are grouped closest to the road, with the paddocks to the rear free of development.
11. The stable building would comprise a sizeable building consisting of three stables, a tack room, a feed room and a hay store and would have an overall height of 4.25m. The yard would occupy a significant area in front of, and to the side of, the proposed stable building. No details have been included as to the yard's surfacing however, the existing yard is covered in hardcore. The proposed manege would measure 20m x 36.3m and would be surrounded by a

- post and rail fence. In spatial terms, the footprint and massing of the proposed development would reduce the Green Belt's openness.
12. The proposed development would be sited adjacent to the rear boundary of the paddock and close to a group of mature trees that separates the appeal site from the field beyond. The boundaries separating the paddock from the neighbouring paddocks comprise a post and rail fence along the southwest boundary and a post and rail fence with trees planted at regular intervals along the northeast boundary. Additional tree belts are in close proximity of the appeal site, including along a bridleway to the north and along Goatsmoor Lane. Therefore, views of the proposed development would be limited to those in the locality.
 13. The bridleway would navigate in close proximity to the proposed development. Although there are trees and other vegetation alongside the bridleway and within an adjacent paddock, the vegetation is sparse along the section closest to Goatsmoor Lane, particularly at ground level. Therefore, users of this part of the bridleway would be afforded a clear view of the proposed development. Similarly, there are gaps within the vegetation along Goatsmoor Lane and although the development would be some distance from the road, a clear view of the proposed development would be gained. Therefore, due to the scale and siting of the proposed development, it would be clearly visible.
 14. Introducing man-made structures into what was formerly an open field, the appeal scheme would represent encroachment of development into the countryside. This would be contrary to one of the purposes of including land within the Green Belt, as set out in paragraph 138 of the NPPF.
 15. For these reasons, the proposed development would not preserve the openness of the Green Belt in both visual and spatial terms and would be contrary to one of the purposes of including land within the Green Belt. It would therefore comprise inappropriate development in the Green Belt. The proposed development would not comply with the exceptions detailed at paragraph 149(b) or 150(b) of the NPPF, or Policies S11, DM6 or DM10 of the LP.

Any Other Harm?

16. No other harm has been identified against the proposed development that needs to be taken into consideration, and on the basis of the evidence before me, I have no substantive reason to conclude otherwise.

Other Considerations

17. The proposed development would provide stabling for the appellants' own horses and would allow the appellants and their family to train in horse jumping and dressage, the latter of which requires a properly surfaced manege. I also note that the size of the manege has been restricted to the minimum size required for dressage practice. However, from the information before me, I am not persuaded that the horses could not be stabled or trained elsewhere.
18. It is common ground between the main parties that the proposed development could not be located within the defined curtilage of the host dwelling due to its size. However, the drawings indicate that the host dwelling has a sizeable land holding and therefore the development could be located elsewhere within this area. The appellants suggest that it would be unsuitable for the stables and the

associated mucking out/manure handling to be in close proximity to the host dwelling or the neighbouring dwellings, and that siting the proposal closer to the dwelling would be more visually prominent. However, these assertions have not been substantiated.

19. I recognise that landscaping could be conditioned to be planted around the proposed development to help screen it. However, this would not overcome the harm I have identified in respect of the proposed development's spatial impact on the openness of the Green Belt. Furthermore, such landscaping would take a number of years to reach a height and density that would be sufficient to screen the proposed development, and landscaping should not be used to conceal what is an otherwise unacceptable form of development.
20. The lack of objection from the Parish Council is a neutral matter. While a lack of representations from interested parties does not infer no objection. The appellants' assertion that the occupiers of the neighbouring properties would not wish for the stables to be located close to their dwellings is unsubstantiated. In any event, it would not outweigh the harm I have previously identified.

Conclusion

21. The proposed development would be inappropriate development in the Green Belt and would harm openness. As such, the NPPF establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
22. Given the substantial weight to be given to Green Belt harm, relative to the modest benefits of the proposed scheme, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.
23. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR