



## Appeal Decision

Site visit made on 20 February 2019

**by R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: Friday, 26 July 2019**

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### **Appeal Ref: APP/J1535/W/18/3215238**

### **Hydes Riding School, Abridge Road, Theydon Bois, Epping CM16 7NS**

- 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 Mrs Tina Smith against the decision of Epping Forest District Council.
  - The application Ref EPF/0429/18, dated 9 February 2018, was refused by notice dated 10 October 2018.
  - The development proposed is the removal of the existing caravan and extension of the barn to create a security hut to be used as ancillary 24-hour security for the riding school.
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The appeal site is within the Green Belt and so the main issues are:
  - whether or not the proposal would be inappropriate development in the Green Belt, including its effect on openness; and
  - if the proposal would be inappropriate development, 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 it.

### **Reasons**

#### *Inappropriate development*

3. The Framework establishes that new buildings within the Green Belt are inappropriate with a number of exceptions. A few of these have been raised by the main parties.
4. Paragraph 145(d) of the Framework provides the exception of the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. While the use of the proposed building may be ancillary to the purpose of the stable, given that its purpose is for accommodation for security purposes rather than a stable, it nevertheless would not be the same use as that of the existing building to be replaced in the terms of para 145(d), therefore the proposed development would not meet the exception.

5. Paragraph 145(b) of the Framework provides the exception of 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 proposed development would be for the use of the equestrian centre which would fall under outdoor sport and recreation and may not be inappropriate subject to the facilities preserving the openness of the Green Belt which is assessed below.
6. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. The mobile home is not a building for planning purposes, and therefore the proposed development cannot be considered to be replacing it in the terms of the Framework. From the evidence before me and my observations on site, there is a clear void underneath the mobile home and it did not appear to have construction that would permanently fix its location, which means that although it may have been in its current position for some time, it could be removed and is therefore a temporary structure. Consequently, the effect of the mobile home on openness has little weight.
7. While the proposed development may be smaller than the mobile home and stable building combined, given that the mobile home could be removed, I give greater weight to the effect of only the permanent stable building on the openness to the Green Belt. The proposed development would be a 23% increase in volume compared with the stable building and it would have a footprint of some 45 sqm compared to the stable building which has a footprint of some 38sqm. This represents a material increase in size.
8. Given that the proposed development would appear larger in volume and footprint than the stable building, and that the appeal site is surrounded by open fields, it would lead to a loss of the visual aspect of openness of the Green Belt as well as spatial aspect, thereby failing to fulfil a fundamental aim of Green Belt policy. Consequently, the proposed development does not meet the exception stated in paragraph 145(b) of the Framework.
9. In summary, the proposed development would not preserve the openness of the Green Belt and would therefore be inappropriate development in the terms of the Framework, specifically paragraphs 145(b), and would also fail to meet the criteria of paragraph 145(d). From the information before me, I have found no other reason to believe that the proposals would not be inappropriate development in the Green Belt.

#### *Other considerations*

10. I note the evidence with regard to the need for enhanced security at the appeal site given its proximity to the motorway in order to sustain the existing business, community facility and potential for employment. While it may be said to require a 24-hour presence at the appeal site, there is likely to be a range of solutions available other than the proposed development alone. Therefore, I give this point limited weight. Furthermore, similar circumstances are likely to be experienced by other equestrian centres and rural uses in the Green Belt, such that they can carry only limited weight in assessing whether very special circumstance existing in the terms of the Framework.

11. The design of the existing mobile home is not in keeping with the stables in the appeal site which are of an agricultural character. The removal of the mobile home and stable building and their replacement with the proposed development, which is in keeping with the agricultural character and appearance of the site, would result in an improvement to the character and appearance of the area. As explained above, since the mobile home can be removed, it is a temporary structure. Therefore, this improvement carries limited weight in favour of the proposal.
12. I note the Council's comments with regard to the likelihood of enforcement action being taken to secure the removal of the mobile home. However, this does not negate the impermanence of the mobile home and the outcome of any such action is uncertain, such that I attribute very little weight to this point.
13. I acknowledge the planning permissions for other sites which were also for ancillary accommodation. However, there is limited evidence before me and in any event each case must be determined on its own individual merits. Therefore, I give these permissions limited weight.
14. The proposed development would not conflict with Policy GB2A of the Local Plan Alterations Adopted July 2006 (LP) which restricts development of new buildings in the Green Belt with a number of exceptions including for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings, without any reference to openness. However, the harm to openness of the Green Belt identified above carries substantial weight under the terms of the Framework; and this material consideration under Section 38(6) of Planning and Compulsory Purchase Act 2004 outweighs the apparent absence of development plan policy conflict.

### **Conclusion**

15. Notwithstanding the absence of development plan policy conflict, substantial weight must be attached to any harm to the Green Belt given the importance that the government attaches to its protection, as embodied in the Framework. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances given that those benefits are reasonably modest commensurate to the modest scale of the development proposed.
16. For the reasons given above the appeal is dismissed.

*R.Sabu*

INSPECTOR