



# Appeal Decision

Site visit made on 25 January 2023

by **M Russell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 07 March 2023**

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**Appeal Ref: APP/J1535/W/22/3290350**

**Land adjacent to Jessica, Chase Lane, Chigwell, Essex IG7 6JW**

**Easting (x) 546054 Northing (y) 193270**

- 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 K and Mrs L Plaster against the decision of Epping Forest District Council.
  - The application Ref EPF/1554/21, dated 28 May 2021, was refused by notice dated 28 July 2021.
  - The development proposed is convert existing stables into a larger barn, construct an all-weather riding arena and adjacent store.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Policies referred to in the Council's decision notice include Policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 (LPSV). The LPSV has not yet been adopted by the Council as part of its development plan. However, the LPSV has been through the examination process and has reached an advanced stage. I am not aware of any unresolved objections to the policies of the LPSV so far as they relate to this appeal. Therefore, I have attached significant weight to this emerging policy but not the full weight of an adopted Local Plan.

## Main Issues

3. The main issues are:
  - (i) whether the proposal would be inappropriate development in the Green Belt including the effect on its openness; and
  - (ii) 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 proposal.

## Reasons

*Whether inappropriate development in the Green Belt including the effect on its openness*

4. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number

- of exceptions. The exception at Paragraph 149 b) 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. Policy DM4 of the LPSV includes a similar exception and requirements to Paragraph 149 b).
5. Policy GB2A (Development in the Green Belt) of the Epping Forest District Local Plan Alternations (2006) includes an exception for the construction of new buildings or the extension of existing buildings for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings. However, this policy does not require that such buildings or extensions preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
  6. Paragraph 219 of the Framework confirms that due weight should be given to existing policies according to their degree of consistency with the Framework. In this case, as Policy GB2A is inconsistent with the requirements of the Framework, I only attach limited weight to this policy.
  7. The proposals would clearly provide facilities associated with the current use of the site for equestrian purposes. In this regard, there is no dispute between the main parties that the proposals would be appropriate facilities for outdoor sport and recreation. I have no reason to disagree. Therefore, I will go on now to assess whether the facilities would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
  8. Paragraph 137 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development. Openness can have a spatial aspect as well as a visual aspect.
  9. The grassy berms to the perimeter of the all-weather riding arena have the potential to assist in assimilating this element of the proposal into the landscape. However, the riding area would be considerable in area. Its surface materials and those of the extended track alongside the proposed larger barn, would have a spatial effect on the Green Belt.
  10. Moreover, the larger barn would have a significantly greater footprint, mass and volume than the existing stables. It would extend beyond an area of existing hardstanding and into the adjoining grassed paddock land. The roof would also have a higher maximum ridge height than the existing stables. The arena store would not be insubstantial in size and would be located on a previously undeveloped part of the site. Taking these factors into account, these structures would undoubtedly have a significant spatial effect on the openness of the Green Belt.
  11. From a visual perspective, I accept that Chase Lane is a private drive and that the mature planting along the boundary of the site with this lane filters views of the site. Even so, I saw on my site visit that the development would be discernible to passers-by on the lane. The proposed larger barn would be particularly noticeable from windows serving some of the nearby dwellings on Chase Lane as well as in more distant oblique views from residential properties on Willow Mead.

12. I accept that any new development under the exception at Paragraph 145 b) has the potential to erode openness to some degree. However, I find that when the spatial and visual effects of the various aspects of the proposal are taken together in this instance, there would be moderate harm to the openness of the Green Belt.
13. I conclude, the proposal would not preserve the openness of the Green Belt. In the context of paragraph 149 b) of the Framework, the proposal would therefore constitute inappropriate development in the Green Belt. Furthermore, it would conflict with the purpose of the Green Belt at paragraph 138 c) of the Framework, namely to assist in safeguarding the countryside from encroachment.
14. For the same reasons, the proposal would also conflict with Policy DM4 of the LPSV.

### **Other Considerations**

15. The appellant has drawn my attention to some appeal decisions relating to equestrian development in the Green Belt. The equestrian elements of the appeal at Tipulo Stud, Berkhamstead<sup>1</sup>, related to a manège of a 'not significant' scale and a single stable which was 'very small in scale' with 'a verdant form'. These elements were also considered in the context of a hybrid application which took into account the relationship with openness as a whole alongside agricultural and forestry proposals. From the limited details before me in terms of the other appeal referenced<sup>2</sup>, the Inspector in that instance considered that the level of incursion into the open countryside would be negligible.
16. With regards to the planning applications in the locality listed by the appellant, I am not aware of the material considerations that formed part of the Council's assessment in the majority of these cases<sup>3</sup>. With regards to the planning application at Dews Hall Farm<sup>4</sup>, the delegated report takes into account amongst other things a previously approved and implemented development and suggests that the proposal in that instance was a reduction on this.
17. In any case, having regard to the particular circumstances of the case before me, I do not find that any of the examples provided by the appellant justify the site-specific harm to the Green Belt in this instance.
18. I note that the appellant's family include a successful show-jumper and that some members of the appellant's family currently travel 8 miles to a riding school to ride their horses on a daily basis. The proposal would result in benefits for the well-being of the appellant's family as a result of the proposed stabling allowing them to keep additional horses at home. There would also be a reduction in car journeys and associated emissions. Furthermore, the riding arena would be likely to provide a safe riding environment off the highway. I attach some positive weight in favour of these matters.
19. I have seen there is some third-party support for the proposal. I have no reason to doubt that the appellant's and their family are well respected in the

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<sup>1</sup> APP/A1910/W/18/3203796

<sup>2</sup> APP/H1033/A/12/2186918

<sup>3</sup> LPA Refs EPF/1911/17, EPF/1693/12, EPF/1019/18, EPF/0672/16 and EPF/1609/14

<sup>4</sup> LPA Ref EPF/1358/21

equestrian community or that the wellbeing of their horses is of paramount importance.

### **Conclusion**

20. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome. The other considerations put forward in favour of the proposal only carry very limited weight.
21. In conclusion and on balance, the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
22. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

*M Russell*

INSPECTOR