Appeal Decision

Site visit made on 10 March 2014

by Michael Boniface  MSc MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 April 2014

Appeal Ref: APP/Y3615/A/13/2210849
Hoe House, Franksfield, Peaslake, Guildford, GU5 9SR

- 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 Gibbs against the decision of Guildford Borough Council.
- The application Ref 13/P/01082, dated 28 June 2013, was refused by notice dated 21 October 2013.
- The development proposed is demolition and replacement of existing stable buildings to provide 10 stables, tack room/store and 2 wash bays for domestic equestrian use.

Decision

1. The appeal is allowed and planning permission is granted for demolition and replacement of existing stable buildings to provide 10 stables, tack room/store and 2 wash bays for domestic equestrian use at Hoe House, Franksfield, Peaslake, Guildford, GU5 9SR in accordance with the terms of the application, Ref 13/P/01082, dated 28 June 2013, subject to the following conditions:
   1) The development hereby permitted shall begin not later than three years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1166/13/P/01, 1166/13/P/02 and 1166/13/P/03.
   3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
   4) The building hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Hoe House, Franksfield, Peaslake, Guildford, GU5 9SR.

Preliminary Matter

2. Prior to issuing this decision, the Government published its Planning Practice Guidance. I have had regard to this in as far as it is relevant to this appeal and am satisfied that no party is prejudiced by its introduction.

Main Issue

3. The main issues are:
(a) Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and the development plan; and

(b) The effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises an existing garage, stable block and store building associated with Hoe House, a substantial detached dwelling within large grounds. The buildings are located in the Green Belt, within an Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).

Whether inappropriate development

5. Paragraph 79 of the National Planning Policy Framework (the Framework) is clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence.

6. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions listed in paragraph 89 of the Framework. These exceptions include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

7. Policy RE2 of the Guildford Borough Local Plan (LP) (2003) identifies the Council’s exceptions to inappropriate development in the Green Belt. These are largely consistent with the Framework, but as the Local Plan predates publication of the Framework, I attach greater weight to the more up to date wording, which is permissive of ‘appropriate facilities’ as opposed to the more stringent test of Policy RE2 for ‘essential facilities’. I note, however, that the supporting text to the policy identifies small stables for outdoor sport and recreation as a possible example of essential facilities.

8. Whilst the proposed stables would be larger than the buildings that would be demolished, they would be well related to the existing built form on the site, consolidating the residential use. They would clearly be seen in the context of the substantial house and its associated outbuildings and structures, continuing to appear subordinate and ancillary. The proposed development, providing stables for horses owned by the appellants, would facilitate outdoor sport and recreation. The development would not harm the openness of the Green Belt or undermine the reasons for including land within it, those being to maintain openness, prevent coalescence of settlements and resist the encroachment of urban areas into the countryside. As such, the proposal is not inappropriate development for the purposes of the Framework.

Character and appearance

9. The proposed stables would be located wholly within the residential curtilage of Hoe House. The building would adjoin the existing garage block which is in
turn adjacent to the main house, and would also stand between the ancillary workers dwelling and hard surfaced tennis courts. Therefore, the building would be surrounded on three sides by existing built development. Furthermore, it would occupy a similar position to the existing stable buildings which would be demolished. The remaining boundary is delineated by well defined tree and hedgerow planting, beyond which is a public bridleway.

10. Policy R12 of the LP is permissive of new non-commercial horse-related development subject to a range of criteria. The Council raise concern that the development cannot be considered to be small in scale and that it has not been demonstrated that sufficient land is available for grazing and exercising.

11. Whilst the proposed building would be of some considerable size, height and scale, I have already concluded that it would nonetheless appear subordinate to the existing buildings, clearly fulfilling an ancillary function. In my view, the context within which the building would stand is fundamental to any assessment of scale and the proposed development would appear small scale in the context of the substantial house, numerous outbuildings, including workers cottage, and other domestic adjuncts. Furthermore, the proposed floor area would not be significantly greater than the existing buildings that are to be demolished, 204sq.m compared with 186sq.m respectively, according to the appellant’s statement. In the absence of any detailed policy criteria as to what the Council consider to be small scale I find no conflict with Policy R12 in these regards.

12. I acknowledge that the supporting text associated with Policy R12 suggests that no more than 2 stables will normally be permitted on any site. However, this advice fails to consider context and in any case, this does not preclude more stables where appropriate. In light of the above, I see no reason to restrict the number of stables in this instance. I have also had regard to the suggested dimensions for stables suggested by the British Horse Society and contained within the LP. However, this was published some time ago and I am mindful of the circumstances outlined by the appellant which have led to the proposed dimensions. I attach significant weight to the need to meet modern requirements for the health and wellbeing of the horses, and the specific requirements associated with the competition horses owned by the appellant, all of which is supported by evidence from the professional vet, trainer and other staff. For these reasons, I consider the size and scale of the buildings, which are clearly designed with their function in mind, is appropriate.

13. The appellant has also confirmed that, as competition horses, they are rarely left to graze or exercise in open paddocks but in any case, the large grounds associated with Hoe House and amounting to in excess of 15Ha are more than sufficient to meet the requirements of Policy R12.

14. The Council acknowledge that the development would be well related to the existing buildings and effectively screened on the boundaries, resulting in no harm to the countryside. In light of this, and my own findings, I conclude that the development would not harm the character and appearance of the area.

Other Matters

15. The Council accept that the development would not be widely visible in the surrounding area and would not result in any harm to the AONB or AGLV.
Having visited the site, and in light of my own conclusions, I have no reason to disagree in these regards.

**Conclusion**

16. I conclude that the proposed development is not inappropriate development for the purposes of the Framework and would not harm the openness of the Green Belt or the character and appearance of the countryside. Furthermore, I have found no conflict with Policy R12 of the LP or Part 9 of the Framework.

17. In light of the above, and having considered all other matters, the appeal is allowed.

**Conditions**

18. The Council has suggested a number of conditions in the event that planning permission was granted. I have attached the standard time period for commencement of development and a requirement for accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. It is necessary to secure samples of the proposed materials for approval to protect the character and appearance of the area. Finally, it is reasonable and necessary to ensure ancillary use of the stables only in line with the proposals, to ensure appropriate restraint in this rural location and to accord with LP Policy R12. I have altered the wording of the proposed conditions as necessary to improve their precision and ensure compliance with advice contained within the Planning Practice Guidance.

*Michael Boniface*

INSPECTOR