

SECTION '2' – Applications meriting special consideration

Application No : 15/03077/OUT

Ward:
Darwin

Address : Westerham Riding School Grays Road
Westerham TN16 2HX

OS Grid Ref: E: 543616 N: 157030

Applicant : Mr D Driscoll

Objections : YES

Description of Development:

Demolition of existing stabling and commercial buildings and erection of 6 detached dwellings with access drive and landscaping
OUTLINE APPLICATION

Key designations:

Area of Outstanding Natural Beauty
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Gas HP Zones Gas HP Zones:
Green Belt
London City Airport Safeguarding

Proposal

The proposal involves the demolition of three purpose-built stable blocks and an indoor riding school/barn and the erection of six detached houses. The application is in outline form with access and layout to be determined at this stage, although supporting documents include illustrative drawings of the proposed houses and indicative details of the proposed footprint, floorspace and volume of the individual buildings and hardstanding. Access to Plots 1 – 5 will be via the existing Buckhurst Road access to the north, and Plot 6 will share the existing access with Ringlands which is accessed from Grays Road. An existing paddock to the west of the application site which currently forms part of Westerham Riding School but which is outside the red-line site area will not be unaffected by this scheme.

The application is accompanied by a Planning, Design and Access Statement; a Traffic and Access Assessment; and an Arboricultural Survey and Planning Integration Report.

Location

The site is situated at the northern side of Grays Road, approximately 100m to the east of its junction with the A233 Westerham Road and Buckhurst Road and approximately half way between Biggin Hill and Westerham town centres. The site measures approximately 0.75ha in area, and benefits from dual access, with

access to Grays Road to its southern side and Buckhurst Road to its northern side. The site falls within the Green Belt and the northern edge of Kent North Downs Area of Outstanding Natural Beauty. The surrounding area is rural in character with some limited ribbon development fronting both Grays Road and Buckhurst Road.

Based on a site inspection in August 2015, it was established that the majority of the barns toward the western side of the site had not been converted to Class B1 office use (as permitted in 2010) and remained in their original equestrian format; that one of the barns had undergone a partial conversion to offices and residential use (the latter element not having benefited from planning permission). In addition, the indoor riding school to the NE corner of the site had not been converted to Class B8 use.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- stables are of historic importance with two prominent horse associations founded here
- yard is an old Victorian blood stock yard with stables being of high-quality brick construction and provide a unique facility to the area
- for decades this has been a high class training establishment
- lack of similar indoor riding school facilities in Greater London – a point made by the British Horse Society and Government which encourage the retention of such facilities
- indoor riding school is of desirable size, but is not large enough to appear unsightly and impinge in the local environment
- resultant large void in equestrian facilities in the area
- there has been a significant decline of suitable equestrian facilities within this area
- dangerous local highway conditions with under-reporting of traffic accidents
- proposal will worsen highway safety conditions
- surrounding roads are frequented by bicyclists and horse riders
- poor pedestrian access
- proposal will lead to more car journeys and congestion as a result of its location
- Green Belt and AONB location makes this proposal unacceptable
- alter character of rural setting
- houses designed to maximise value and will not benefit local community
- horse riding enhances setting as it is a significant pursuit in the North Downs
- concern that loss of this facility will lead to neglect or infill development at other such facilities
- need to prevent overdevelopment
- site notice not properly displayed
- ongoing demand in the area for stabling facilities

Comments from Consultees

The following technical Highways comments have been raised:

- The swept path diagrams for the refuse collection vehicle do not show it turning on site. A suitable turning area will need to be provided
- The site is within a very low (1a) PTAL area with one bus route in the vicinity of the site (246). There is no footway on either of the roads so it is likely that the vast majority of the trips to /from the site will be by car. Visitor parking will need to be accommodated on site so it would be preferable to see open spaces rather than garages or at least in addition to. Garages should be a minimum of 6m x 2.6m internally to be counted as a space.
- The parking for "Ringlands" needs to be shown, the property seems closer to the road than shown on the indicative site plan
- The information indicates both equestrian and storage uses are currently in place. Trip generation has been estimated using the TRICS database. There are 2 surveys used for the equestrian centre which are over 10 years old. Both show relatively low trip generation. The site also has a B1/B8 use which apparently is not fully implemented. The residential trip rates derived from TRICS show a modal split which may not be representative of this site given its particular characteristics. However, if all the trips were made by car then they would be of the same order as the potential B1/B8 use.

No objection has been raised by Transport for London.

No technical Drainage, Thames Water or Environmental Health objections have been raised.

Planning Considerations

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing density and design
- T3 Parking
- L1 Outdoor Recreation and Leisure
- L9 Indoor Recreation and Leisure
- BE1 Design
- BE3 Buildings in rural areas
- BE12 Demolition in conservation areas
- NE7 Development and trees
- NE11 Kent North Downs Area of Outstanding Natural Beauty
- G1 The Green Belt
- EMP5 Development outside business areas

The National Planning Policy Framework (NPPF) and London Plan also constitute important policy considerations.

London Plan Policy 3.4 Optimising Housing Potential

London Plan Policy 3.5 Quality and Design of Housing Developments

The Mayor's Housing Supplementary Planning Guidance (SPG) November 2012

Planning History

The site has a considerable planning history. The most recent and relevant applications to this scheme are summarised below.

Under ref. 86/02359 planning permission was granted in respect of the construction of a part one/two storey building for use as an indoor riding school, two replacement single storey buildings and extensions to two existing buildings. The permission was implemented in part.

Ref. 05/00940 proposed the change of use of existing equestrian accommodation to business use (Class B1) and storage or distribution (Class B8), erection of additional single storey buildings (397 square metres) for business use (Class B1) and associated car parking facilities was refused on the following ground:

“The sub-division of this site in the manner proposed would be inappropriate in the Green Belt and the additional 397 square metres of floorspace for B1 use would result in an overintensive use, harmful to the character and openness of the Green Belt by reason of traffic generation and the activities associated with the intended uses, contrary to Policy G.2 of the adopted Unitary Development Plan (September 2002).”

Application ref. 04/03914 proposed the change of use of equestrian accommodation to business use (Class B1) and storage or distribution (Class B8) together with ancillary residential accommodation for use by caretaker and associated parking facilities. This application was refused due to absence of information to demonstrate the capacity of the proposed access and highway layout, and the overintensive use of the site.

Both of the above applications (refs. 04/03914 and 05/00940) were subsequently dismissed at appeal.

There are also permissions (refs. 99/02283, 00/03387 and 05/02868) for the erection of a replacement dwelling for a detached five bedroom house for occupation in connection with Westerham Riding Centre.

Under ref. 07/00317, planning permission was granted for the change of use of existing equestrian accommodation to business use (Class B1) and storage or distribution (Class B8) and a detached five bedroom house (renewal of permission ref. 05/02868) without complying with condition 9 (which restricts occupancy to persons solely engaged in connection with the use of the Westerham Riding School and their dependants). This planning permission was subsequently renewed under reference 10/000156.

Conclusions

The main issues for consideration are: the appropriateness of this development in the context of the Green Belt; its impact on the openness of the Green Belt and the purpose of including land within it; whether, if the development is inappropriate in

the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances; its effect on local character in general; and its impact on neighbouring amenity.

The application has been justified principally on the basis that it will have no greater impact on the openness of the Green Belt than the existing development (the stated footprint of the proposed buildings being 1,630sq m, as compared to the existing figure of 1,666sq m); rather, that it will increase openness due to the gaps between the buildings. Reference has also been drawn to the 1986 planning permission (86/02359) concerning the construction of new buildings at the site, which incorporated a total footprint of 3,342sq m and a total volume of 17,729cu m which, had it been implemented in its entirety would have been substantially larger than the development now proposed (based on the cumulative existing and consented totals, there would be an overall reduction of 51% in footprint and a 43% reduction in volume); however, this is a hypothetical proposition since there appears to be little prospect of the equestrian facilities being expanded in view of the contraction in activities at the site over recent times; furthermore, the plans submitted with this application are illustrative/ indicative so there is no certainty that the finalised development will necessarily adhere to those stated sizes or dimensions.

Very special circumstances have been cited in the supporting statement, these again being the extant permission for additional buildings at the site and the floor area and volume differences between the current and 1986 schemes; the conversion of existing buildings to B1 and B8 uses (permission originally granted in 2007 and renewed in 2010) which could result in a more intensive use of the site as compared to the housing development now sought; the layout, scale and design of the proposal, and its landscaping and location. In terms of the works undertaken to date, office space has been created in a section of one of the stables, although the majority of the structures within the site remain in an equestrian format.

Policy G1 of the UDP notes amongst other matters that the construction of new buildings on land falling within the Green Belt will be inappropriate unless for certain purposes – including essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. It also notes that a material change of use of land within the Green Belt will be inappropriate unless it maintains the openness and does not conflict with the purposes of including land in the Green Belt.

In terms of national policy, the NPPF notes at Paragraph 87 that “*as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. Paragraph 89 notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to certain exceptions such as 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. In addition, NPPF Paragraph 90 states that “Certain other forms of development are also not inappropriate in

Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are: mineral extraction; engineering operations; local transport infrastructure which can demonstrate a requirement for a Green Belt location; the re-use of buildings provided that the buildings are of permanent and substantial construction; and development brought forward under a Community Right to Build Order”.

The meaning of paragraph 87 was considered in *Fordent Holdings Limited v Secretary of State for Communities and Local Government* [2013] EWHC 2844 (Admin). It was held that all development including material changes in use in the Green Belt is inappropriate unless it falls in to one of the categories set out in Paragraphs 89 or 90 of the NPPF: Paragraph 89 refers specifically to the facilities and not the use. In *Timmins v Gelding Borough Council* [2015] EWCA Civ 10 the Court of Appeal held that Paragraph 89 of the NPPF applies only to the construction of new buildings, and represents a closed list of exceptions. That is to say, such facilities will only be ‘not inappropriate’ development if ‘it’ (ie the facilities themselves) “... preserves the openness of the Green Belt and does not conflict with the purposes of including land within it...”.

The courts in the matter of *Europa Oil and Gas Limited v. SSCLG and others* [2013] EWHC 2643 (Admin) have also held that the effect on openness is in part linked to function, Mr Justice Ouseley noting: “Secondly, as Green Belt policies NPPF 89 and 90 demonstrate, considerations of appropriateness, preservation of openness and conflict with Green Belt purposes are not exclusively dependent on the size of building or structures but include their purpose...”.

Since housing development does not fall within the definition of one of the appropriate categories listed in Paragraphs 89 or 90 of the NPPF this proposal is not considered to constitute appropriate development in the Green Belt. Rather, the proposal will lead to an intense and conspicuous urban encroachment into the countryside with all of its associated activity and paraphernalia, at odds with the identified purposes of the Green Belt, as stated in the NPPF.

Whilst planning permission has been granted in respect of the change of use of existing buildings within the site to Classes B1 and B8 commercial uses, the majority of the buildings remain in their equestrian format; accordingly, the status of the site is for the most part equestrian, with planning permission having been granted to convert all of the buildings within it to B1 and B8 uses.

The change of use is to be judged against NPPF criterion which deems outdoor sport and recreation facilities as appropriate uses in the Green Belt, whilst Policy EMP5 of the UDP states that the redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use and full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses. On that count, no evidence of marketing has been provided to demonstrate a lack of demand for such uses, nor has any evidence of marketing been provided to demonstrate a lack of demand for continuing equestrian activity at the site. The proposal may result in the loss of potential recreational land that another occupier

may wish to pursue, thus enabling the retention of a more appropriate use in the Green Belt.

Consideration must also be given to any impact upon the amenities of adjoining residential properties. There is a good separation from the buildings to adjacent properties and there would not appear to be any potential for loss of amenity from the proposal.

Whilst footprint and volume calculations have been provided in respect of the existing and proposed buildings, these aspects are not necessarily related to openness; for example, a small concentrated development could have less of an impact on openness, as could the character and form of the buildings. As such, this matter is not considered to represent very special circumstances that might outweigh other considerations, particularly in respect of uses which may fundamentally be regarded as more appropriate in the Green Belt.

In summary it is considered that the proposal constitutes inappropriate development in the Green Belt and no very special circumstances have been demonstrated that might justify the grant of planning permission as an exception to established Green Belt policy. The proposal would also result in the permanent loss of a site which could continue to be used for outdoor recreational uses with or without adaptation, or for business purposes appropriate to its rural Green Belt location.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. The proposal constitutes inappropriate development in the Green Belt and no very special circumstances have been demonstrated that might justify the grant of planning permission as an exception to established Policy G1 of the Unitary Development Plan and the National Planning Policy Framework.**
- 2. The proposal would result in the permanent loss of a site which could continue to be used for outdoor recreational uses with or without adaptation, or for business purposes appropriate to its rural Green Belt location, thereby contrary to Policies EMP5 and L1 of the Unitary Development Plan.**