

Appendix B

Appeal by Mr and Mrs Heppenstall

Equestrian Menage at Dunston Hole Farm, Chesterfield.

CHE/18/00550/FUL

2/4072

1. Planning permission was refused on 28th November 2018 for permission for a menage at Dunston Hole Farm for the following reasons:
 1. *The level of separation from existing buildings and the elevated nature of the development is unacceptable in Green Belt terms. The proposed plans would result in the construction of a raised platform in a prominent and isolated location, which would not preserve the openness of the Green Belt. The site is located in an open area of land beyond the cluster of buildings and therefore fails to satisfactorily meet the relevant criteria relating to openness. As such this application is contrary to Policy CS9 of the Core Strategy and the NPPF.*
 2. *The proposed development would appear as a raised platform in an open agricultural location separated from the main cluster of buildings with no landscaping. It is not considered that a development of this nature would respect the character, form and setting of the site and surrounding area, or preserve or enhance the character of the landscape. As such, these plans are contrary to policy CS18 of the Core Strategy.*
 3. *The proposed site for development is located in an Area of Multiple Environmental Sensitivity, noted for the historic environment, ecology and landscape. The creation of a raised platform in a location separated from the main cluster of buildings would result in an adverse impact on this Area of Multiple Environmental Sensitivity.*
 4. *The proposed plans would result in the surface of the adjacent public footpath becoming uneven, with a raised bank to the South creating an enclosed corridor. The proposed plans would result in an adverse impact on the usability of the footpath and deterioration in the environment of this path, and are therefore contrary to Policy CS20 of the Core Strategy.*

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues are:
 - Whether or not the development represents inappropriate development in the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - The effect on public rights of way; and
 - whether, if the development is deemed inappropriate, the 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 necessary to justify the development.

Whether Inappropriate Development

4. The appeal site is located within the Green Belt. It consists of part of a field located to the south west of a farmstead which contains a mixture of buildings. The farmstead has a relatively self-contained character within the countryside, although the inspector saw that there were features including equestrian facilities to the east which extended beyond the built extent of the farmstead.
5. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless it falls into one of a number of exceptions. These exceptions include the provision of appropriate facilities for outdoor sport and recreation 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 manège would be constructed using a cut and fill operation which would introduce relatively sharp gradients and an angular form which would contrast with the more natural form of the field. The proposed fencing would add to this man-made appearance and the inspector was not persuaded that the use of natural sand would give the manège an appearance similar to a ploughed field as contended by the appellants. Furthermore, it would be sited some distance from the buildings within the farmstead and would be located on part of a field which has a distinctly separate and open character. Within this context, the

proposal would appear as an obviously man-made feature which would significantly extend development into an existing open field with subsequent detriment to openness.

6. The inspector therefore concluded that the proposal would not preserve openness and would conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. On that basis, the proposal would be inappropriate development within the Green Belt. The proposal would therefore be contrary to Policy CS9 of the Council's Core Strategy 2013 (CS) due to the harm to the function of the Green Belt. The proposal would also be contrary to the Framework with regard to protecting Green Belt land.

Character and Appearance

7. For the reasons stated previously with regard to openness, the proposal would introduce a man-made feature onto an open field which is distinctly separate from the buildings which make up the farmstead. The countryside around the farmstead has a gently undulating character and within this context the flat angular nature of the proposal would appear as intrusive development. Although the inspector noted that the area has previously been subject to open cast mining the landscape has been restored and has retained its rural character. Whilst equestrian facilities are not unusual within the countryside, the form of the proposal and its degree of separation from the farmstead would introduce an intrusive development into the open countryside.
8. The inspector saw that the proposal would not be prominent in long distance views from the surrounding area, but would be readily apparent as intrusive development when viewed from a public footpath which passes the site. The appellants refer to the potential for additional planting, but the inspector considered that this would lead to a contrived appearance for the development.
9. The Council's third reason for refusal refers to the site being within an Area of Multiple Environmental Sensitivity (AMES) which are noted for their historic environment, ecology and landscape. However, the appellants have questioned the status of the AMES designation and whether this is

appropriate for assessing small-scale development. On the basis of the evidence before the inspector, the AMES designation is not referred to in extant or emerging development plan policy and I therefore give this little weight in consideration of this appeal. Notwithstanding my conclusion with regards to the AMES, the inspector concluded that the proposal would be of a form and location which would harm the character and appearance of this area of countryside. The proposal would therefore be contrary to Policy CS18 of the CS which seeks to preserve or enhance the landscape character of the Borough. The proposal would also conflict with the Framework due to the harm to the intrinsic character and beauty of the countryside.

Public Rights of Way

10. As stated previously, there is a public footpath which passes adjacent to the northern extent of the proposed manège. The Council considered that a raised bank which would result from the proposal would impinge on the users of the path as a result of an uneven surface. The inspector acknowledged that the sections through the proposal indicate that limited space would be provided for the footpath. However, the proposed site plan depicts the wider context and this shows that adequate space would be retained to enable access for pedestrians along the footpath. The Council also referred to the proposal creating an enclosed corridor along the path. However, even allowing for the earthworks and proposed means of enclosure, this would relate to a limited extent of the path and in any event would not lead to an oppressive degree of enclosure to the detriment of users of the path.
11. The inspector therefore concluded that the proposal would not lead to undue harm to public rights of way. The proposal would therefore not conflict with Policy CS20 of the CS with regards to encouraging walking.

Other Considerations

12. The appellants emphasised that the proposal would provide a safe area to exercise their horses in winter and train horses throughout the year. The inspector attached moderate weight to this benefit. Reference had been made to potential alternative locations for the manège including a location suggested by the Council. Based on what the inspector had

seen and read, these alternatives would sit more comfortably within the landscape with regard to the location and extent of the farmstead. The inspector acknowledged that some of these alternatives may need more significant excavations and retaining walls. However, consideration of these alternatives does not outweigh the inspectors concerns with regard to the unsympathetic form and distinctly separate location of the development in relation to the existing farmstead. The appellants refer to the relocation of storage, though they do not substantiate why this would lead to greater harm than the appeal proposal. These matters do not therefore weigh in favour of the proposal.

13. The appellants also referred to other planning permissions for equestrian development in the Green Belt. This includes a manège to the east of the farmstead, although the inspector noted that this is of some age and pre-dates both the CS and the Framework. In any event, the inspector saw that this served to confirm the harm that such development can have to the openness of the Green Belt and the appearance of the open countryside. Reference is also made to the Dunstan Park Equestrian Centre, although the inspector had not been provided with full details of this scheme and so cannot be certain that the circumstances are the same as the appeal before me. These other planning permissions do not therefore weigh in favour of the appeal proposal which in any event the inspector considered on its own merits.