

Appeal Decision

Site visit made on 22 September 2016

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 October 2016

Appeal Ref: APP/D0840/W/16/3151397

Land adjacent to Lavalow, Sithney Green, Helston, Cornwall.

- 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 John Packman against the decision of Cornwall Council.
 - The application Ref PA15/07236, dated 2 July 2015, was refused by notice dated 13 January 2016.
 - The development proposed is a stable block.
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Decision

1. The appeal is allowed and planning permission is granted for a stable block on land adjacent to Lavalow, Sithney Green, Helston, Cornwall in accordance with the terms of the application Ref PA15/07236, dated 2 July 2015, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Planning permission was granted for the erection of a stable block on the appeal site in June 2014 (*Ref PA14/02463*). Although I saw that some ground has been disturbed, it did not seem to me, and nor is it claimed, that the construction of the permitted stable block has commenced. The appellant wishes to erect a larger block than the one approved, incorporating 3 stables; a tool/mower store; a tack room and a WC/Washroom. In effect, the appellant seeks a southern 'extension' to the approved scheme.
3. The Council's sole reason for refusal does not refer to any policies contained in a statutory development plan, and its representations explain that there is no statutory development plan in place for this part of the County. Whilst the officer report on the application makes passing reference to policies in the emerging Cornwall Local Plan Strategic Policies, no reference is made to any emerging policy in either the reason for refusal or the Council's further representations.

Main issues

4. The main issue is the effect of the proposed development on the character and appearance of its surroundings.

Reasons

5. The basis for the Council's decision to refuse planning permission is that the larger building is considered unjustified on the basis of need, and that principally because of its size and design it would harm the local landscape.
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6. It seems to me, however, that in its assessment the Council has largely disregarded the lie of the land. In this regard the appeal site lies at the lowest part of the appellant's 3 acre land holding and is separated from the adjoining lane by a substantial hedge which provides effective screening.
7. Moreover, the block would be located in a hollow whose flanks are occupied by elevated, mature trees providing further screening. The stable block, whether extended or not, would be unobtrusive in the wider landscape in the light of local landform and the screening provided by trees and vegetation. Its design, which I find acceptable, reflects that of a typical rural building.
8. The stable block would be a little more noticeable from the adjoining lane when defoliation has occurred, but as the Council says, this is a type of development not unexpected in the countryside. There is no requirement in local policy to justify a need for a stable block of this nature, whose scale, large enough to stable 3 horses and associated equipment and feed, is not inconsistent with the size of the holding.
9. I therefore conclude that the proposed development would not harm the character and appearance of the surrounding countryside. In the absence of any specific development plan policy the provisions of paragraph 14 of the *National Planning Policy Framework* become particularly relevant.
10. This provides that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I am satisfied that the enlarged stable block would have little or no greater impact on the local landscape than that already granted permission and would lead to no discernible adverse impacts. Accordingly, assessed against the policies of the Framework taken as a whole, there is no substantial reason to withhold planning permission.

Conditions

11. The Council has suggested the imposition of several conditions. The suggested condition in respect of materials shall be imposed in the interests of visual amenity. In the interests of certainty, it is necessary that the development should be carried out in accordance with the approved plans.
12. The Council suggests a condition restricting the use to a private rather than a business use, principally as to enable it to '*regulate and control the development of land having regard to preserving the visual amenities of the locality..*'. Such a condition is considered unnecessary since it has not been demonstrated that a private as opposed to a business use would have any more or less impact on visual amenity.
13. The Council's condition directed to the provision of a hardstanding for parking & turning vehicles shall be imposed albeit in a different format. A gated entrance already exists and I do not consider that visibilities need to be improved having regard to the likely low traffic generation of the permitted scheme and the low usage of the adjacent lanes. Accordingly, the need to increase visibility splays has not been justified and such a requirement could also lead to the possible unnecessary removal of hedges that currently perform a useful screening function.

14. I have taken all other matters raised in the representations into account, including the views expressed by the Parish Council and the passing references to emerging development plan policies. However, since the Council appears to place very little reliance on then in the original reason for its decision or further representations they attract little weight. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. Before the development hereby permitted is commenced details of the materials to be used in the construction of the external surfaces of the stable block shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: The unreferenced OS site location and block plans & Drawing No JEP/1.
4. Before the development hereby permitted is brought into use, the proposed hardstanding for the parking and turning of vehicles shall be provided in accordance with a detailed scheme, including materials, previously submitted to and approved in writing by the Local Planning Authority. The hardstanding shall be laid out in accordance with the approved scheme and shall not thereafter be obstructed or used for any other purpose other than for the parking and turning of vehicles.