

Appeal Decision

Site visit made on 27 September 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 10th October 2016

Appeal Ref: APP/X1118/W/16/3146635

Inclendon Mews, Road from Oxford Cross to Kings Arms, Georgeham, Devon EX33 1JN

- 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 R Thackray against the decision of North Devon District Council.
 - The application Ref 60454, dated 10 December 2015, was refused by notice dated 11 February 2016.
 - The development proposed is the extension to indoor horse arena for personal use only.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I originally undertook my site visit to the appeal site on 14 June 2016 but I was unable to achieve access to Field Cottage at that time. Consequently, my site visit was re-arranged to the above date.
3. During the course of the appeal, the appellant provided an amended location plan which shows a much larger area outlined in blue and therefore within his ownership. This plan also shows a reduced appeal site area. For the avoidance of doubt however, I have considered the appeal site as that originally submitted with the application.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of neighbouring residents at Field Cottage with particular reference to outlook; and
 - the character and appearance of the area.

Reasons

5. The proposal would add 10m to the existing 20m length of the indoor horse arena, making it a very substantial structure, positioned in close proximity to the boundary of Field Cottage and its adjacent garden area. I acknowledge that Field Cottage is situated at a higher level and benefits from significant natural screening provided by the trees and vegetation within its rear garden. Nevertheless, the upper part and roof of the enlarged building would be visible
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from this property and would, because of its width and visible extent, effectively enclose the whole of its main rear boundary and remove the remainder of the initial open skyline above the same. As a consequence, the building would appear as a visually dominant and intrusive structure from the main garden area of Field Cottage and would be incompatible and out of character with its domestic scale, particularly during the months when the trees and vegetation are not fully in leaf.

6. Although by reason of the separation, a lesser harm to the outlook would occur from the rear habitable windows of Field Cottage, nevertheless, the harm arising would be material thereby adding to the above stated concerns.
7. Consequently, I find that the proposal would be harmful to the living conditions of the occupiers of Field Cottage in terms of outlook, contrary to Saved Policy DVS3 of the North Devon Local Plan 1995 to 2011 (LP), which seeks, amongst other matters, to resist development which would harm the amenities of any neighbouring uses.
8. Other than from Field Cottage, the extended indoor horse arena would not be readily visible in views from the north. It would also be largely screened from the west by existing buildings at Incledon Mews. From the east, views of the indoor horse arena would not substantially change due to the positioning of the extension on its western side and because the building is cut into the existing landform.
9. Views of the extended building would therefore be largely restricted to those from the south, across the exiting ménage and open fields from the rear of the properties located along the northern side of Rock Hill and Buckland Road. However, given the separation and the existing built context in which it would be viewed, I do not find that the proposal would result in any material harm to the character and appearance of the area.
10. Although falling within the Georgeham Conservation Area, the proposal would have limited visibility within it. On this basis the proposal would preserve the character and appearance of the Conservation Area, the desirability of which is fully anticipated by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and LP Policy ENV16. Such an outcome would also accord with the expectations of paragraph 132 of the National Planning Policy Framework, which anticipates great weight being given to the conservation of designated heritage assets.
11. The proposal also falls within the North Devon Area of Outstanding Natural Beauty (AONB), Heritage Coast and Coastal Preservation Area. Again however, because of the limited vantage points from outside of the site, I do not consider that the proposal would result in material harm to these landscape designations so as to conflict with LP Policies ENV2, ENV3 or ENV5. These seek, amongst other matters, to resist proposals which conflict with the conservation and enhancement of the natural beauty and the unspoilt character and appearance of the area.
12. I appreciate that in general terms an equestrian use may be in keeping with the locality, however, I share the Council's concern that the extended building would be more akin to a commercial scale rather than that normally associated with a personal use, regardless of the extent of land within the ownership of the appellant. I therefore conclude that a building of the overall size proposed

would be out of keeping with its immediate domestic scale and character, contrary to Saved LP Policy DVS1, which states, amongst other matters, that proposals will be permitted where it applies aspects of development form, including height and massing, to achieve identified design principles, including character.

Conclusion

13. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector