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## Appeal Decision

Site visit made on 26 September 2016

**by Caroline Jones BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 14<sup>th</sup> October 2016**

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**Appeal Ref: APP/X1355/W/16/3153532**

**Broomhill South Farm, Ebchester Hill, Durham DH8 6RZ**

- 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 Kenneth Metcalfe against the decision of Durham County Council.
  - The application Ref DM/16/00473/FPA, dated 15 February 2016, was refused by notice dated 23 May 2016.
  - The development proposed is new 3no.stable block and retention of existing shed plus change of use of fields for horse grazing.
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### Decision

1. The appeal is allowed and planning permission is granted for new 3no.stable block and retention of existing shed plus change of use of fields for horse grazing at Broomhill South Farm, Ebchester Hill, Durham DH8 6RZ in accordance with the terms of the application, Ref DM/16/00473/FPA, dated 15 February 2016, subject to the conditions in the attached schedule.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

3. The appeal site consists of two fields to the south and east of Broomhill Farm which lies within the open countryside. The appeal site is relatively flat with the land falling steeply away to the north. The site is readily visible from the B6309 and the B6310 as well as from properties on the adjacent residential estate, The Dene, to the east.
  4. The proposal is for the erection of a stable block, incorporating three stable bays and the relocation of a storage shed on the southern boundary of the easternmost field. An access track from the B6309 and the change of use of the land for the grazing of horses is also proposed. The Council have confirmed that since the determination of the application an Enforcement Notice was served requiring the removal of the storage shed from its previous location and the blocking up of an unauthorised access which has since been complied with.
  5. The Council are concerned that the proposed development would have an unacceptable impact on the character of the landscape contrary to Part 11 of
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the National Planning Policy Framework (the Framework). Policy EN1 of the Derwentside District Local Plan advises that development will only be permitted in the countryside where it benefits the local economy or maintains or enhances landscape character. Policy GPD1 requires development to be of a high quality design, in keeping with the character and appearance of the area and which protects existing landscape features.

6. Whilst I appreciate that the stables would be visible from the public realm, the stables and storage shed, by virtue of their small scale and proposed materials, would be appropriate and characteristic buildings suited to their purpose. The majority of the site would remain open and undeveloped and therefore the proposal would not be unduly prominent or so dominant that it would harm the character and appearance of the rural landscape or the nearby Area of High Landscape Value. I am also satisfied that additional screening could be secured through a planning condition which would lessen its impact further. Furthermore, the stables and shed would not be viewed in isolation but in the context of surrounding development at Broomhill Farm and the residential properties to the east.
7. As for the impact of vehicles and associated general activity, the appellant has stated that the proposal is for personal use only and this can be controlled through a planning condition to ensure that this remains the case. To my mind, this would ensure any adverse impact on the peaceful enjoyment of the landscape being kept to a minimum. Moreover, stables and the keeping of horses is an activity commonly found in rural areas and the use of the appeal site for these purposes is not inappropriate given its countryside location.
8. Accordingly, I find that the proposed development would not materially harm the character and appearance of the surrounding landscape. I find no conflict with Policy EN1, GPD1 or Part 11 of the Framework which seek, amongst other things, to ensure high quality development that does not adversely affect or maintains landscape character.

### **Other Matters**

9. I have noted the objections raised by local residents regarding alleged activities taking place at the site and associated anti-social behaviour. However, I am constrained to dealing with the application before me only. If any unauthorised uses were to take place at the site, then it is up to the Council to investigate these activities and decide whether it is expedient to take enforcement action. As such, this has had little bearing on my decision.
10. There is little evidence to suggest that the proposed development would lead to an increase in crime. The Council have stated that they have no concerns regarding the nearby gas supply given the nature of the proposal and I have no reason to come to a different view. With regards to the division of the fields with post and wire fencing, the Council have stated that this does not require planning permission and the appeal before me does not relate to such matters.

### **Conditions**

11. Having regard to the Framework, and in particular paragraph 206, I have considered the conditions suggested by the Council. The conditions I shall impose are based on those suggested by the Council but with some variation in wording in the interests of precision and clarity. In addition to the standard

time limit condition, a condition requiring the development to be carried out in accordance with the plans is necessary in order to provide certainty. That relating to landscaping is necessary to ensure a satisfactory appearance. To ensure highway safety I have imposed a condition relating to the access however I have amended wording to require this to be installed prior to the commencement of development. A condition relating to the storage and disposal of waste is necessary to safeguard the living conditions of the occupiers of adjacent properties. A floodlighting condition is reasonable in order to protect visual amenity. A condition restricting the use of the stables is relevant and necessary given the rural location and issues raised by the appeal.

12. I am not persuaded that a condition relating to grass cutting is reasonable or necessary in relation to the proposed development. In any case, I am satisfied that any noise or disturbance can be controlled under separate legislation.

### **Conclusion**

13. For the reasons given above and taking into account all matters raised, I conclude that the appeal should be allowed.

*Caroline Jones*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 201 Rev C and 001 Rev A.
- 3) Prior to the commencement of development of the hereby approved stable block and storage building and the use of the land for the grazing of horses, the improved access shall be installed to the proposed entrance in accordance with the details as shown on plan ref:201 Rev C and retained in accordance with these details thereafter.
- 4) Prior to the commencement of development of the hereby approved stable block and storage building, details of the proposed screen landscaping shall be submitted to and agreed in writing by the local planning authority. The agreed scheme must be planted in the first available planting season following commencement of the works. Trees, hedges and shrubs shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in good weather, protection from rabbits where required and replacement of failed plants, damaged stakes and ties. Any plants that fail within 5 years shall be replanted with the same species.
- 5) Prior to the commencement of development of the hereby approved stable block and storage shed details of a scheme for the storage and disposal of animal waste and sewage shall be submitted to and agreed in writing by the local planning authority and carried out in accordance with the agreed details thereafter.
- 6) The site, stables and storage building to which this permission relates shall be for private use only and shall not be used for any business, commercial stabling or livery or made available for use by visiting members of the public.
- 7) No floodlighting shall be erected or used at the site.