The Planning Inspectorate

Appeal Decision

Site visit made on 3 January 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 19th January 2017

Appeal Ref: APP/P3040/W/16/3158363
Land north of The Spinney, Sutton Lane, Elton, Nottinghamshire NG13 9LA

- 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 Mrs Ann Clarke against the decision of Rushcliffe Borough Council.
- The application Ref 15/02908/FUL, dated 17 November 2015, was refused by notice dated 15 April 2016.
- The development proposed is for a Dutch Barn to be constructed on site.

Decision

1. The appeal is allowed and planning permission is granted for the erection of stable building with storage on land north of The Spinney, Sutton Lane, Elton, Nottinghamshire NG13 9LA, in accordance with the terms of the application, Ref 15/02908/FUL, dated 17 November 2015, subject to the following 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: drawing no. CC14/50/04 and layout plan as shown on drawing no. CC14/47/01c.

    3) The stable building and site curtilage area shall not be used for commercial livery purposes, riding school activities or made available for use by visiting members of the public at any time.

    4) No development shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

    5) The development shall not be brought into use until measures for the storage and disposal of manure have been submitted to and approved in writing by the local planning authority. Thereafter, the approved measures shall be implemented and retained for the lifetime of the development.

    6) Prior to the installation of security lighting/floodlighting, details of any such lighting shall be submitted to and approved in writing by the local planning authority, together with a lux plot of the estimated illuminance.

The lighting shall be installed only in accordance with the approved details.

7) The development shall not be brought into use until the proposed access, parking and servicing area has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority. The proposed parking and servicing facilities shall be retained thereafter.

8) No development shall take place until a detailed landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

9) Notwithstanding the details shown on the block plan, any gates shall be set back a minimum of 7 metres from the nearside carriageway edge.

Procedural matter

2. The appellant's description of the application the subject of this appeal differs to that shown on the Council's decision notice. Having perused the papers, it is clear that the Council correctly describes the proposal as the erection of a stable/store. I have considered the appeal on the basis of the erection of stable building with storage.

Main Issue

3. The main issues are whether the appeal site is an acceptable one in principle for the development, having regard to the planning policies for the area; and, if so, to consider its effect on the character and appearance of the countryside.

Reasons

4. The appeal site comprises a rectangular parcel containing several mature and semi mature trees amounting to some 0.2Ha just to the south of the village hamlet of Elton. It is surrounded on three sides by open fields, some of which appear used for the grazing of horses. On the opposite side of the road is a business workshop. Otherwise, the area is within the open countryside. A new access would be necessary to serve the development together with car parking and a turning facility.

5. The Council does not have a formally adopted development plan; however, for development control purposes, the Rushcliffe Borough Non-Statutory Replacement Local Plan (LP) provides local guidance on planning matters unrelated to housing or employment allocations. The National Planning Policy Framework ('the Framework') is a significant material planning consideration.

6. LP Policy EN20 seeks to protect the open countryside from most developments. The exceptions are identified in criterion a) to f) of the policy, which includes at b), outdoor recreation and other uses appropriate to the countryside. The officer report to the Council's Planning Committee explains that a stabling

facility would fall within this particular exception. This policy requirement is similar to one of the sustainability aims of the Framework to protect the natural and built environment.

7. The proposal would see the erection of a stable building some 15m x 8.5m clad externally with horizontal timber boarding under a clay pantiled roof. This would provide four separate stables together with a large storage area comprising over half of the floor space of the building, which would be used for storage of hay, straw and feeds as well as tack and equipment. It is explained that the facility would provide temporary stabling facilities and short term grazing for and in conjunction with local stables and equine facilities in the area. The appellant is engaged in horse grooming and training.

8. Some trees of limited quality would be removed to facilitate the development; however, the site benefits from other trees and hedgerows. The stable would be set against a backdrop of trees on the approaches to Elton from the south and foreground trees would provide an effective screen during leaf seasons. The use of timber cladding and an appropriate roofing material that would need to be agreed by the Council would result in a structure that, even in winter months, would not be so overly prominent or dominant within its context that it would harm the character and appearance of this rural landscape.

9. The Framework sets out to support thriving rural communities by taking a positive approach to sustainable development, including the erection of well-designed new buildings in the countryside to encourage sustainable growth of rural businesses and enterprises. Leisure developments may be supported that respect the character of the countryside. I am satisfied that the proposed relatively small scale enterprise would be entirely consistent with what is envisaged in the Framework.

10. Accordingly, I have found that the proposal would not conflict with LP Policy EN20, which seeks to control development in the countryside outside the Green Belt in order to conserve the character and appearance of the area. Furthermore, the Council also raises LP Policy GP2 that requires new development amongst other things to be sympathetically designed, satisfactorily accessed and have no significantly adverse impact on wildlife. The appeal proposal would also represent sustainable development in the terms set out in the Framework.

Other matters

11. I have noted the representations made by third parties relating to creating a precedent for further development in the area and opportunities to convert the building into a dwelling in the future. Reference to the development being merely speculative is not supported by the evidence that I have read and a lack of a business plan in support of the venture is of little consequence and is not a requirement of local policy. However, these are matters that are within the control of the local planning authority and I am not convinced that a precedent for such development would be set by allowing this appeal.

Conditions

12. I have considered the conditions put forward by the Council as well as the summarised conditions suggested by the Parish Council. Conditions are imposed that set the time period for commencement of development and to

specify approved plans in the interests of proving certainty. Although the materials are indicated in the appeal documents, a condition requiring prior approval of material is necessary, particularly roofing materials in order to protect the appearance of the area. Given the likely impact on the landscape character, a condition is imposed requiring a detailed landscaping scheme and its implementation. A condition is also necessary to require prior approval of external lighting in the interests of protecting biodiversity.

13. A condition restricting the use of the stable building so that it is not used for commercial livery purposes, riding school activities or made available for visiting members of the public is necessary in the light of the quiet and isolated rural location. A condition is necessary in the interests of protecting water quality that a scheme for waste disposal is agreed by the Council prior to the use commencing. Conditions relating to access and the requirement for adequate set back of gates are necessary in the interests of highway safety and convenience of road users.

Conclusion

14. For the reasons set out above and having considered all other matters raised, I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR