
Appeal Decision

Site visit made on 18 April 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/Z1510/W/16/3158873

Land at Craig Meadow, Sturmer Road, Halstead, Essex CO9 4BB

- 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 Christopher Darby against the decision of Braintree District Council.
 - The application Ref 16/01113/FUL, dated 20 June 2016, was refused by notice dated 22 August 2016.
 - The development is described as a retrospective planning application for works associated with the stable block as approved under planning application 14/01307/FUL comprising: removal of concrete ramp, provision of a concrete service yard and regularising of site levels at land at Craig Meadow, Sturmer, Halstead.
-

Decision

1. The appeal is allowed and planning permission is granted for works associated with the stable block as approved under planning application 14/01307/FUL comprising: removal of concrete ramp, provision of a concrete service yard and regularising of site levels, at land at Craig Meadow, Sturmer Road, Halstead, Essex CO9 4BB, in accordance with the terms of the application, Ref 16/01113/FUL, dated 20 June 2016, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: SITE LOCATION PLAN (1:2500); RD273.14/100 EXISTING front elevation; RD273.14/102 PROPOSED front elevation, and; POST & RAIL SPECIFICATION as provided in appendix A14 of the appellant's statement of case.

Procedural Matters

2. For consistency and accuracy, I have used the address given in the appeal form. At the time of my site visit the works described in the application appeared to be complete.
3. The appellant has submitted an additional drawing with the appeal that did not form part of the planning application determined by the Council. It indicates a hedge proposed along the north-east and south-east edges of the yard and extending to the waste enclosure behind the stables. I have considered this drawing under the principles established by the Courts in *Wheatcroft*¹. I am satisfied that it does not change the nature of the scheme to such a degree that to consider it would deprive those who should have been consulted on the

¹ *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37]

change, the opportunity of such consultation. I have therefore determined the appeal with regard to it.

Background and Main Issue

4. Planning permission was granted in 2015 for the erection of stables on this site in the countryside. However, rather than the service yard in front of the stables being level with the surrounding ground as indicated in the approved drawings, it is higher than the ground by around 0.5m on its north-east and south-east edges, and includes a ramp down from the yard level to the level of the paddock.
5. The Council concludes that the raised platform, its enclosing fence, and its ramp are unnatural, intrusive and engineered changes to the landscape in the context of the surrounding countryside. The main issue is therefore the effect of the development on the landscape character of the countryside and the setting of the locality.

Reasons

6. The appeal building stands in a roughly rectangular field in the countryside off Sturmer Road, with large detached houses along both its long sides, and with woodland beyond. Its boundaries are enclosed by timber post and rail fencing. The character of the land is equine with the field divided into two paddocks accessed directly from the stables, which at the time of my visit, were occupied by two horses.
7. While the raising of the yard makes it more prominent in the field in views from the north-east and south-east, its extent is confined to being broadly within the apron of the building. To the opposite side, to the north-west, the yard blends into the ground. The edges of the paddocks are enclosed by post and rail fencing, which continues around the yard of the stables. In this horizon of paddock enclosure the additional height of the yard, which is edged in timber sleepers and post and rail fence, is relatively inconspicuous, appearing as part and parcel of the function of the equine use and repeating the detailing of its structures.
8. The concrete ramp has been replaced by a grass surface supported by a sub-surface grid and retained by timber sleepers with post and rail fencing. This settles it well in the background of grass paddock and the enclosing fencing. I noted that the yard is surfaced in concrete. However, given its limited area, its inconspicuity, its equine function, and its location directly in front of the stables, it is not insensitive to the landscape character of the surrounding area, or its rural setting.
9. The appellant has submitted a drawing showing a screening hedge around the raised ground and its fence which would screen the difference in level. However, for the reasons above I find that the proposal does not look out of place in the context of an equestrian building in the countryside, and I can identify no harm which requires hedge screening for mitigation to be a condition of any permission.
10. I conclude that the proposal would not result in harm to the landscape character of the surrounding countryside or to the setting of the locality. There would be no conflict with Policies CS5 and CS8 of the Core Strategy 2011 which control development in the countryside, and which require development to

have regard to the character of the landscape and its sensitivity to change. Neither would the development be at odds with saved Policies RLP 80 and RLP 90 of the Local Plan Review 2005, which require development, amongst other things, to integrate into the local landscape and to be in harmony with the character and appearance of the surrounding area.

11. Nor would there be any conflict with one of the core planning principles of the National Planning Policy Framework which says that planning should recognise the intrinsic character and beauty of the countryside.

Other Matters

12. I have considered concerns from the occupiers of Maple House including in relation to loss of privacy. However, I noted an established hedge along the boundary within the garden of Maple House and the stems of a new hedge planted along the boundary within the site.
13. The raised height of the yard over the level of the consented yard level would widen views of the garden and views towards the openings in the side and rear of Maple House. However, given the restricted size of the yard and the nature of its use, as well as its substantial distance from Maple House, even at a mounted height there would not be a materially harmful loss of privacy or outlook to the occupiers of Maple House either in the garden or in the house.

Conditions and Conclusion

14. As the development is complete there is no need for the statutory time condition. Given the central location of the works in the open field, a plans condition is necessary to safeguard the appearance of the development and the character of the area. As well as the general arrangement elevations, because of the importance of their design, I have included the details of the post and rail fence. As discussed above, I have not conditioned the hedging as submitted with the appeal, as it is unnecessary to make the development acceptable in planning terms.
15. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR