The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/F1610/W/17/3173579
Land east of Evenlode Road, Moreton-in-Marsh

- 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 Bernie Wharfe against the decision of Cotswold District Council.
- The application Ref 16/03021/FUL, dated 22 July 2016, was refused by notice dated 12 January 2017.
- The development proposed is the provision of a small equestrian yard with associated access and landscaping.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant has submitted amended plans as part of the appeal. These show that the stable building would be rotated so that it aligns east-west adjacent to the site's southern boundary. It is also proposed to reduce the number of stables from 14 to 8, with a corresponding reduction in the footprint.

3. In overall terms the proposal remains that which was considered by the Council and upon which interested persons were consulted and is smaller than that previously proposed. Moreover, the Council and interested parties have had opportunity to comment. Therefore, in applying the 'Wheatcroft Principles', I am able to accept the amended plans and determine the appeal on the basis of the same.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area; and if there is any harm, whether this is outweighed by any social and economic benefits.

Reasons

Character and appearance

5. The appeal site is positioned towards the centre of a large open pastoral field on the eastern side of Evenlode Road, within the Moreton-in-Marsh Special Landscape Area (SLA).

6. Saved Policy 31 of the Cotswold District Local Plan 2001 – 2011 (LP) states that development of new equestrian establishments will be permitted having regard to a number of criteria. Paragraph 3.5.63 of the supporting text explains that existing farmsteads and groups of traditional farm buildings provide an ideal base for the establishment of new equestrian enterprises, which should be located in, or based on, existing buildings of this kind, both to help ensure new uses for traditional buildings and reduce the pressure for new, isolated buildings in the countryside, particularly in the Area of Outstanding Natural Beauty.

7. This policy is therefore supportive of such development and does not preclude new buildings, providing they avoid an isolated location. This is not inconsistent with paragraphs 7 and 28 of the National Planning Policy Framework (the Framework) which seek to support the sustainable growth and expansion of all types of businesses in rural areas and to recognise the intrinsic character and beauty of the countryside and support thriving communities within it. In line with paragraph 215 of the Framework I have therefore afforded significant weight to this policy.

8. In consideration of it, the proposal does not involve the change of use of an existing farm or agricultural estate buildings. New buildings are therefore proposed. Whilst there is other development within the area, this is not readily apparent from the appeal site which is devoid of development. The overwhelming character of the site and its immediate visual connection is that of undeveloped and attractive countryside. The proposal would not therefore be located close or adjacent to existing farm or agricultural estate buildings. Rather, it would be isolated and unrelated to any existing built form and would appear arbitrarily sited towards the centre of a large, flat and open pastoral field where there are no physical features to define the extent of the site. This would be contrary to the second criteria of LP Policy 31.

9. I have noted the amendments to the scheme presented as part of the appeal. However, the reduced and re-sited stable building would remain a substantial structure. Along with a muck store, riding arena, extensive yard area, access road and associated paraphernalia, the proposal would introduce significant built form into the site where none presently exists. In doing so, at a local level, the proposal would substantially change the character and appearance of a field which presently displays a number of the key characteristics of the SLA and makes a positive contribution to the same. In this regard, although the mature boundary hedgerows would remain unaffected, this relatively large field would effectively be split in two with a developed central section, thereby considerably undermining its positive contribution to this quiet, largely unspoilt and well managed rural landscape.

10. Moreover, the size of the main stable building in particular is such that it would be visible above the existing hedge along Evenlode Road, which would provide the main public views of the development. The built form and lighting would be more prominent during the winter. Although I agree that the proposal could not be described as an unusual feature within a rural landscape, it would, nonetheless detract from the site's intrinsic undeveloped rural character. Whilst of rural design, the stable building would be evidently of commercial scale in comparison to a typical recreation stable and although additional planting is proposed, this would take many years to establish and even longer to provide effective mitigation.

11. I have noted the appeal decision[1] referred to by the appellant but the issue here does not revolve around whether or not the site would be urbanised. In any case, I have determined the appeal on its own merits.

12. The appellant's Landscape and Visual Appraisal assesses the site to have a high/moderate landscape value with a high sensitivity that is only capable of accepting small changes in keeping with its rural character. I agree. Due to the existing level of enclosure, the proposal would not have a significant negative impact on the wider landscape character or the SLA. However, this is not, by itself, a good argument in favour of permission as the incremental development of isolated undeveloped fields could undermine the intrinsic character and appearance of the SLA.

13. Whilst the Council has raised concern that the proposal would likely result in the need for on-site accommodation, the appellant has explained that the intention is to utilise a highly sophisticated security system and to move within a five minute drive of the site. On this basis it is stated that there would be no need to locate a dwelling on the site and therefore the first criteria of LP Policy 31 is not engaged.

14. Nevertheless, I conclude that the proposal would cause significant harm to the character and appearance of the area and in doing so would be contrary to LP Policies 31 and 42 and paragraphs 17 and 109 of the Framework. These seek, amongst other matters and in addition to that set out above, to protect and enhance valued landscapes. The proposal would also be contrary to the second part of LP Policy 8, which, although like paragraphs 17 and 109 of the Framework does not apply a blanket ban on any development, states that within SLA's, development that meets the economic and social needs of communities will be permitted provided it does not unacceptably harm the area's landscape character or appearance. I have considered the social and economic benefits below.

Social and economic benefits

15. It is evident that the appellant currently operates an established business that contributes to the rural economy both in terms of employment and expenditure. Although I acknowledge the benefits to the appellant from owning his own site in terms of the future of the business, I have limited evidence to demonstrate that these existing economic benefits would be lost if this appeal were to be dismissed. Nevertheless, as paragraph 28 of the Framework seeks to support economic growth in rural areas, the additional benefits to the appellant weigh moderately in favour of the appeal proposal.

16. Whilst the appellant states that there are no available sites within the District that are affordable to him, I have no evidence to this effect, thereby reducing the weight I am able afford this assertion. Similarly, I have no assurances that the appellant and his family would move to a property within Moreton-in-Marsh. In any case, the contribution of one family to supporting the services and facilities in that location would be limited.

Planning balance

17. Paragraph 7 sets out the economic, social and environmental dimensions of sustainable development.

[1] Appeal Ref: APP/W0340/A/14/2216837

18. In terms of the environmental dimension of sustainable development, I have found that the proposal would be harmful to the character and appearance of the rural area. This is a matter which weighs significantly against the appeal proposal. Whilst there may be some limited biodiversity enhancements, in overall terms the proposal would not meet the environment dimension of sustainable development. This would outweigh the moderate social and economic benefits I have identified such that the proposal would not in overall terms accord with LP Policy 8 and would not amount to sustainable development.

19. I have not found the relevant policies to be out-of-date therefore the tilted balance of paragraph 14 of the Framework is not engaged.

Conclusion

20. For the reasons explained, and taking all other matters into consideration, including the letters of support, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR