



Appeal Decision

Site visit made on 10 September 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/H3510/W/19/3222435

Chaise House Stables, The Green, Tuddenham, Bury St Edmunds, Suffolk, IP28 6SD

- 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 Dr Catherine Dunnett against the decision of Forest Heath District Council.
 - The application Ref DC/18/1727/FUL, dated 27 August 2018, was refused by notice dated 15 November 2018.
 - The development proposed is for the creation of a hard surface and tennis court for use with existing business Change of use of associated cottage (Thompsons Cottage) to holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a hard surface and tennis court for use with existing business Change of use of associated cottage (Thompsons Cottage) to holiday let at Chaise House Stables, The Green, Tuddenham, Bury St Edmunds, Suffolk, IP28 6SD in accordance with the terms of the application, Ref DC/18/1727/FUL, dated 27 August 2018, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Plan 1094-02 revision A and Figure 3 (proposed elevations).
 - 2) All planting/landscaping shown on Plan 1094-02 Revision A shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
 - 3) The development shall only be carried out in accordance with the details contained in the Ecological Mitigation Scheme produced by Greenlight Environmental Consultancy dated 29 January 2018.
 - 4) Details of any external lighting proposed on site shall be submitted to and approved in writing by the local planning authority prior to its installation.

Procedural Matter

2. The Council have not raised any objections to the use of Thompsons Cottage for holiday let purposes and I have no reason to disagree with that view. Therefore, the main issue relates to the proposed tennis court.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located partially within and partially outside of the defined development boundary for Tuddenham. The location of the tennis court would be outside of the development boundary which at this point follows the boundary of the adjoining residential properties. Therefore, in planning policy terms, the tennis court would be located within the countryside.
5. The wider site contains two existing dwellings together with stables and other buildings which support the equine business. There are several fields/paddocks with post and rail fencing.
6. The exact location of the proposed tennis court is currently grassland which is relatively flat. The boundaries to the site include fencing and a row of leylandii trees which would be removed as part of the proposal and replaced with hedgerow.
7. The Council's principal concern stems from the lack of evidence to support the need for the tennis court. Without such evidence, it considers that it would result in an unacceptable encroachment into the countryside.
8. Whilst the location of the tennis court is slightly away from the other buildings associated with the equine use, it is located close to the existing residential development surrounding the wider site. In that sense, the tennis court would not be isolated from other built form in the locality.
9. I am also conscious that the tennis court itself would have an artificial grass surface which would not have a significant visual impact when compared to the existing situation.
10. Therefore, the principal visual impact would result from the fencing around the court which would be around 2.75 metres high around each end and the western side. The eastern side would have sections at 2.75 metres high ~~have,~~ although this would be lowered beyond the initial end panels to around 0.9 metres in height. The fence itself would be formed of metal posts with open mesh fencing coloured black. This type of fencing allows views through it and therefore its impact on the surrounding area is significantly less than a solid structure. Taking the above into account, the tennis ~~court~~ court would only have a limited adverse impact on the countryside.
11. The Appellant outlines that the court would be used to improve rider fitness by providing tennis and cardio-tennis activities. The court would also be used for other physical training. It is also stated that rider fitness has a significant impact on the overall performance of a horse and rider team and this is not disputed by the Council.

12. To my mind, there is a clear link between the need for rider fitness and fitness activities. The provision of the tennis court, in combination with the other fitness activities at the site, would provide a facility to help achieve this.
13. Whilst the fitness side of the equine business is a new element to the existing established business, it would nevertheless help the continued success of the enterprise. In consideration of this, and the limited harm to the overall character of this semi-rural area, I am of the opinion that the development would accord with the overall aims and objectives of the Development Plan.
14. For the above reasons the development would not harm the character and appearance of the area and would accord with Policies CS3 and CS5 of the Forest Heath Local Development Framework Core Strategy Development Plan Document (2010) and Policies DM2, DM5, DM32 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) which amongst other matters seek to protect the quality and character of the Districts landscape, be of high quality design, be supportive of equine related activities in the countryside whilst protecting the countryside from inappropriate development. It would also accord with the natural environment aims of the National Planning Policy Framework.

Conditions

15. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
16. Other than the standard time limit condition restricting the implementation of the permission to within 3 years, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
17. In the interests of the character and appearance of the area a condition is also required to ensure the landscaping details provided on the submitted plans are provided in a timely manner. For ecological reasons, a condition is also required to ensure that the development is carried out in accordance with the submitted Ecological Mitigation Scheme.
18. Finally, in order to protect the living conditions of the occupiers of the adjoining residential properties, a condition is also necessary to ensure that if any external lighting to the tennis court is proposed this should be first agreed by the local planning authority.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR