



Appeal Decision

Site visit made on 8 October 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Appeal Ref: APP/C1570/W/19/3233341

Norton Minor, Goose Lane, Little Hallingbury CM22 7UX

- 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 Heidi Prentice against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0422/FUL, dated 18 February 2019, was refused by notice dated 31 May 2019.
 - The development proposed is erection of two stables and an associated storage area and a change of use of land to equestrian.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's first reason for refusal refers to Policy SP10 of the Regulation 19 Local Plan. The Local Plan was considered at an examination in July 2019; however, the Inspector's report has not yet been published. I am unaware of the extent and content of unresolved objections to Policy SP10 and so I can only afford Policy SP10 limited weight in my decision. I have relied upon the policies within the Uttlesford Local Plan 2005 in reaching my decision.

Main Issue

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

Reasons

4. The site comprises an open field located to the east of the M11 and adjacent to a row of dwellings, one of which is owned by the appellant. The front of the site is edged by post and rail fencing with some landscaping to the side. The area is characterised by agricultural fields but whilst its intrinsic character is rural due to its open nature with only sporadic housing, is not tranquil due to the road noise from the M11 which runs close to the site. The site is located outside of the Green Belt but within the Countryside for the purposes of planning.
5. The proposed stable block would be located to the front of the site, in line with the appellant's dwelling, Norton Minor and would provide 2 loose boxes, store and utility room. The building would have a traditional form having regard to its intended use and the Council has not objected to the design of the building. The existing field access would be utilised for vehicles accessing the site with

an area of permeable surface laid to the front and side elevation of the proposed stable block.

6. There is no dispute that the land falls within the defined countryside which Policy S7 of the Uttlesford Local Plan 2005 (LP) seeks to protect. Policy S7 sets out that the countryside will be protected for its own sake unless special reasons apply and it is, therefore, inconsistent with the Framework (the Framework) in this respect. However, Policy S7 goes on to say that development will not be allowed unless it would protect or enhance the particular character of the countryside. In this respect the Policy is consistent with paragraph 170 (b) of the Framework which seeks to recognise the intrinsic character and beauty of the countryside. I therefore consider it should be afforded significant weight when considering matters of character and appearance in the countryside.
7. The siting of the stable block, towards the front of the site, and its overall size and scale given its footprint, which is similar to that of the adjacent dwellings would result in a prominent structure which would harm the open nature of the countryside and detract from its rural nature. Whilst the stable would be sited adjacent to a cluster of existing properties, which would go some way to reduce its prominence, the proposed use would lead to a more intensive use of the site, and it is likely to lead to the introduction of a range of equine related paraphernalia. This would add further to the incongruity of the use against the appearance of the agricultural land and the rural character of the area.
8. Policy S7 of the LP sets out that there needs to be a special reason for the development to be located in the countryside. However, there is nothing in the Framework which would preclude recreational use specifically in the countryside, and paragraph 118 (b) recognises that some undeveloped land can perform a recreational function, subject to other considerations within the Framework.
9. It has been put to me that the stables would be located logically next to the appellants property and serve the amenity of that property. The appeal site is not part of the domestic curtilage of Norton Minor and therefore could be used separately from the occupation of that property. It would be difficult to require the stables to be used solely in connection with the occupation of Norton Minor as it is unlikely any condition would meet the tests for planning conditions as set out in Paragraph 55 of the Framework, which requires conditions to be enforceable, precise and reasonable in all other respects. In addition, the ownership of the horses occupying the field is not a relevant planning matter. In any event such a condition would not address my concerns regarding the effect of the proposal on the character and appearance of the area.
10. The scheme would result in a change from agricultural pasture to grazing for horses, and therefore whilst it would result in the loss of land for agricultural purposes, I have nothing before me to suggest that the land is of the highest agricultural quality. Nor that its loss would be detrimental to the overall provision of agricultural land within the district as a whole, which I understand has a high proportion of Grade 2 best and most versatile farmland. The land in question is not part of a larger holding and has not been in a productive farming use in recent years, as such the change to grazing pasture would not conflict with policy ENV5 of the LP whose aim is to protect the most productive farmland from development.

11. The development would result in a diversification from agricultural to equestrian uses which is one of the alternative uses set out in the preamble within policy E4 of the LP and therefore I agree with the Council that there is no conflict with this policy.
12. In conclusion, whilst the development would not conflict with policy E4 or ENV5 of the LP, I consider that the development would be harmful to the character and appearance of the area, contrary to policy S7 of the LP and emerging policy SP10 which seeks to protect or enhance the character of the countryside.

Other matters:

13. I am aware that a similar development was approved under UTT/17/3334/FUL, which I understand from the evidence was on the western side of the M11. I have not been provided with the full details of this development but I understand that the site was much larger and therefore the stable building was considered to be proportionate in size and scale. However the characteristics of each site are different and the circumstances that applied to other cases may not be directly comparable to those before me.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR