
Appeal Decision

Site visit made on 10 February 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/F3545/W/19/3236510

North Hall Cottage, Market Weston Road, Hepworth, Suffolk IP22 2PL

- 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 Ms Jan Garner against the decision of West Suffolk Council.
 - The application Ref DC/18/0823/FUL, dated 30 April 2018, was refused by notice dated 10 June 2019.
 - The development proposed is described as (i) Change of use of land from agricultural to equestrian (retrospective); (ii) 4no. stable blocks; (iii) horse walker; (iv) muck clamp and (v) outdoor ménage (as amended by plans received 21.03.2019)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form as this more accurately describes the proposal as ultimately determined by the Council. During my site visit I observed that horses are already being kept at the site and therefore the proposal is partially retrospective.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would preserve the setting of North Hall Cottage, a Grade II listed building; and
 - The effect of the proposed development on the character and appearance of the countryside.

Reasons

The effect on the setting of a listed building

4. The list description for North Hall Cottage identifies the property as dating from the 16th and early 17th Centuries. This historic character is still very evident in the modest scale and attractive appearance that encompasses a timber frame, simple elevations, period details and traditional proportions. The property is therefore of national significance, being a well preserved and good example of the Suffolk vernacular. In this respect, it is intrinsically borne out of the landscape within which it sits. Consequently, the rural countryside setting is important to the way the building is appreciated, understood and experienced.

5. The building is positioned some way back from the road with its principal elevation overlooking the fields to its front. It is accessed via a narrow track flanked by grass fields which in turn are enclosed by hedges. The approach to North Hall Cottage is therefore tranquil and bucolic. Although close to Reeves Hall it sits apart, being divided by a mature hedge, and this gives the building a sense of visual isolation in the long views from the site entrance off Market Weston Road. The composition of the building behind the open grassland fields either side of the access track adds to its rural charm, as do the open sheep grazed paddock around the entrance to North Hall Farm and the country lane character of Market Weston Road.
6. The field directly to the front of the appeal site has already been subdivided into discordantly small paddocks by temporary fencing, and field shelters have been brought onto the land to facilitate the keeping of horses. This has resulted in detrimental visual clutter in front of the listed building, although this has been softened to an extent through the use of dark temporary fencing. The introduction of further paraphernalia in the form of a stable block, hardstanding, vehicle parking, a ménage and other equipment would, in combination, significantly reduce the openness of the field, intensify the extent of clutter and intrude into the setting of the cottage. The ménage and hardstanding would be particularly problematic as urbanising features. The proposal would therefore erode the bucolic setting of the listed building and thus seriously diminish and harm the quality of the approach to the building.
7. Equestrian development such as that proposed is not unusual in the countryside and may be acceptable in many locations. However, the approach to Nether Hall Cottage is special and contributes to its significance. The proposal would harm this. Landscaping to screen the development from public view would not mitigate this harm as the setting of a listed building goes beyond public views. In this instance, the very presence of the proposed structures so close to the listed building would fail to preserve its open and pastoral setting. Equestrian development may have been constructed close to other listed buildings nearby, but each listed building is different. For the reasons given, the proposal would harm the unique setting of North Hall Cottage and this is not justified by development elsewhere.
8. I therefore conclude that the appeal scheme would harm the setting of North Hall Cottage. This would be contrary to Policy DM15 of the Joint Development Management Policies Document 2015 (DMP), which seeks to secure development that respects the setting of listed buildings.

The effect on the character and appearance of the countryside

9. Equestrian uses generally need a rural location and therefore Policy DM32 of the DMP does not object in principle to equestrian development in the countryside. That said, such development is not appropriate in all locations and where permitted the impact on landscape character and visual amenity should be minimised in order to prevent the cumulative negative impacts identified in the Suffolk Landscape Character Assessment. In this respect, I would draw parallels with agricultural development. Accordingly, equestrian development should be sited carefully so as not to appear prominent or strident by, for example, avoiding exposed locations, breaching the skyline or being in isolated positions. In certain circumstances the impacts can be softened through landscaping, materials, and by avoiding detractors such as lighting.

10. The proposed stable complex would be located significantly back from the road and would be screened in public views to an extent by existing hedgerows. There is space for additional landscaping to further soften the impact of the structures and prevent the site from having a manicured appearance. Furthermore, the building would not break the skyline given the backdrop of an existing semi mature hedgerow. In addition, the stable block could be finished in dark materials which would allow it to have a recessive appearance in local views. Moreover, the equestrian use would not appear out of place in the local context given the presence of similar development nearby, such as that in Beck Street. Accordingly, the stable complex and ménage would not be prominent or strident in the landscape.
11. The paraphernalia associated with the use, such as the temporary fencing, would not be prominent beyond the edge of the site given the existing boundary treatment. Flood lights have been removed from the proposal so there would be a limited impact on the nocturnal character of the area. Any other lighting could be controlled through the imposition of planning conditions in the event the scheme was otherwise acceptable. Moreover, I have seen nothing to suggest planning conditions could not be imposed to prevent a proliferation of fencing, field shelters and external storage - jumps and rides could be stored away from the paddocks when not in use.
12. In conclusion, the proposal would not harm the character or appearance of the countryside and therefore a conflict with Policies DM2, DM13 and DM32¹ would not occur, in so far as they seek to secure development that would not have significantly adverse effects on the character and appearance of the locality.

Other Matters

13. The harm I have identified to the setting of Nether Hall Cottage would be serious but 'less than substantial' within the meaning of the National Planning Policy Framework. As a material consideration, Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. In so doing, I note that the appeal scheme may facilitate some modest support to the equestrian economy and some casual employment in looking after and retraining the horses that would be kept at the appeal site. However, these would be public benefits of a limited scale and weight as only four to six horses would be kept.
14. Thus, when giving considerable importance and weight to the special regard I must have to the desirability of preserving the setting of listed buildings², I find that the serious harm that would arise from the appeal scheme would not be outweighed by its cumulative public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have a clear and convincing justification.
15. The appeal site has apparently had an historic equine use dating back some time, partly in connection with the use of Nether Hall Cottage as a fire station. It is unclear whether this use has been unbroken. However, using the land for grazing horses may be an agricultural use³ as opposed to the keeping of horses on the land, which is a distinct equestrian use. Permanently keeping horses on

¹ The Council inadvertently referred to Policy DM38 of the DMP in its first reason for refusal

² See Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ As defined in s336 of the Town and Country Planning Act 1990

the land will often require additional feed, structures and development and has a different character of use to mere grazing. The evidence before me does not demonstrate on the balance of probabilities that the historic use of the site has been more than agricultural.

16. The appellant has assessed other potential locations for the proposed development but considers the appeal scheme would be in the preferred position, as the others would have a greater landscape impact. For example, siting the stables in Position D could result in a more prominent landscape impact. However, this does not diminish the harmful impacts that would occur from the proposed location and thus justify the appeal scheme.

Conclusion

17. The proposed development would preserve the character and appearance of the landscape. However, it would harm the setting of a listed building. Therefore, the proposal would not accord with the development plan taken as a whole. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR