



Appeal Decision

Site visit made on 2 June 2020

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/H1840/W/19/3244512

Willow Barn, Alcester Road, Radford, Worcestershire WR7 4LS

- 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 Miss Lauren Painter against the decision of Wychavon District Council.
 - The application Ref 19/02143/FUL, dated 23 September 2019, was refused by notice dated 18 November 2019.
 - The development is retention of existing stable block (revised scheme for: 18/02507/FUL).
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Decision

1. The appeal is allowed and planning permission is granted for retention of existing stable block (revised scheme for: 18/02507/FUL) at Willow Barn, Alcester Road, Radford, Worcestershire WR7 4LS in accordance with the terms of the application, Ref 19/02143/FUL, dated 23 September 2019, subject to the following conditions:

- i) The development hereby permitted shall be carried out in accordance with drawing Ref MAK.P.2 and the details of proposed materials set out in the planning application form.
- ii) Unless within 3 months of the date of this decision, details of all existing external lighting (including whether intended to be retained or removed) provided in association with the development hereby approved, including positions and times when retained lighting will not be switched on, is submitted in writing to the local planning authority (LPA) for approval, and unless the approved details are implemented within 3 months of the LPA's approval, all existing external light fittings provided in association with the development hereby approved shall be removed until such time as details have been approved by the LPA.

If no details in accordance with this condition are approved within 8 months of the date of this decision, all existing external light fittings provided in association with the development hereby approved shall be removed until such time as details have been approved by the LPA.

Taking account of the above timescales, only existing external lighting in accordance with the details approved under this condition shall be retained or re-installed. Upon implementation of the approved details

specified in this condition, the lighting concerned, while it is retained, shall thereafter be maintained in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- iii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no external lighting provided in association with the development hereby approved, that is not approved under condition (ii), shall be installed unless it is in accordance with details, including positions and times when it will not be switched on, that shall first be submitted to and approved in writing by the local planning authority. Thereafter, such lighting, while it is retained, shall be maintained in accordance with the approved details.

Main Issue

- 2. The main issue is the effect of the development on the character and appearance of the site and surrounding area, having particular regard to the effects of the grazing of horses.

Reasons

Main issue

- 3. The stable block concerned has been built and is in use. However, the works to facilitate the provision of the proposed hydrotherapy centre, including the conversion of two of the existing stable doors to windows and internal alterations, have not been implemented such that there are currently more than the three proposed stables.
- 4. The development concerned would make provision for the stabling of three horses in addition to those accommodated on the wider site as a whole, which comprises an established equestrian facility, including two other stables buildings and a ménage. Associated fields comprise a large one to the west of those other two stables, which has been subdivided with the use of fencing comprising timber posts and electrified banding, either side of a single track running east-west from which separate access to each sub-field is provided. There is also a small field to the north of those stables and a large field to the east of the site.
- 5. The wider site lies to the north of existing residential properties fronting the through road to the south and is surrounded to the east, north and partly to the south, on the western side of the access drive, by open fields. It is therefore set within and forms part of the pleasant open character of this rural location.
- 6. A public footpath runs through the eastern field, continuing to the north-east and also alongside the site's northern boundary. The equestrian facility as a whole can therefore be seen from that public footpath, albeit to varying degrees depending upon intervening associated boundary hedges and the

stables buildings. The stable block under consideration is itself visible from those vantage points. Despite that, it is an inobtrusive single storey feature set well within the site's confines, partially screened by intervening field boundary vegetation. The site is largely screened from the through road to the south by a mature field boundary hedge, albeit that it can be glimpsed via the site access and to a very small degree via an existing field gate access to that road.

7. I acknowledge the Council's concern relating to the potential for over-grazing, due to an insufficient area of grazing land per horse, and the consequent effects of unattractive, churned up fields with grass removed. I also acknowledge the Council's reference in this respect to the DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids, which includes a general rule that each horse requires 0.5 – 1.0 hectares of grazing of a suitable quality if no supplementary feed is being provided, and that such an area of land is not available at this equestrian facility.
8. However, the submitted evidence, and as I observed, indicates that the horses have provision for supplementary feed, in particular relating to each of the sub-fields to the west of the site. I also saw that those fields varied in terms of the length of grass, an indication of the rotation process referred to by the appellant. Some of those sub-fields, the small field to the north of the stables, and the large field to the east were closely grazed. However, the fields, together with the hedges within and partly surrounding the wider site, provide a generally green appearance to the land concerned. Furthermore, the fields are not highly or obtrusively rutted or showing signs of significant levels of churning up from wetter conditions. The electric fencing is also of a fairly lightweight appearance which does not dominate the large field in which it is located, and is not an unexpected feature within this rural context.
9. I acknowledge that my observations were only a snapshot. However, the evidence submitted supports the likelihood of ongoing circumstances relating to rotation of pasture usage and supplementary feeding of the horses. As such, this indicates that with the formalisation of the stabling facilities concerned to accommodate three additional horses at this equestrian facility, adequate provision could be made without the risk of over-grazing. This would be regardless of the extent to which the horses are put out into the fields, albeit that the submissions indicate that this would be variable due to the different circumstances of the horses concerned.
10. For the above reasons, the development would not cause unacceptable harm to the character and appearance of the site and surrounding area, having particular regard to the effects of the grazing of horses. As such, it would accord with policy SWDP 21 of the South Worcestershire Development Plan which states, amongst other things, that development proposals must complement the character of the area. It would also accord with section 12 of the National Planning Policy Framework which relates to achieving well-designed places.

Other matters

11. I have had regard to concerns raised about additional traffic generated, the speed of vehicles using the shared access driveway that is under different ownership, and the more regular and increased cost of maintenance of that driveway. However, I have received no substantive evidence to indicate that

any additional traffic generated by the development concerned is, or would be in the future once completed in accordance with the revised proposals, to such an extent as to significantly alter the circumstances that existed prior to the construction of the stable block concerned. Any issues in respect of the regularity and cost of maintenance of the driveway would be a matter between the parties concerned. I have therefore afforded little weight to such concerns.

12. Concern has also been raised as to whether the building is large enough to house the proposed hydrotherapy equipment, including treadmill. However, the submissions, including cross-section drawing, indicate adequate space and I have no substantive basis to consider otherwise.

Conditions

13. The Council has suggested two conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Planning Practice Guidance and amended some of the wording. Although I have also added a condition, it is related to the second condition, separated only for the purposes of clarity.
14. The first of the Council's suggested conditions relates to control over the provision of external lighting. As referred to above, the development concerned is largely completed, other than the alterations to facilitate the proposed hydrotherapy centre, and in use. That includes existing external lighting. In the interests of the character and appearance of the surrounding area, it would however be necessary to control any external lighting by a condition, albeit that account would need to be taken of the extent to which the stable block itself and other buildings on the site would screen any such light transmission.
15. I have therefore amended the suggested condition to reflect the current circumstances relating to the development and the need to ensure that any existing lighting would not cause unacceptable transmission of light in the context of this open rural setting. For the same reason, an additional condition would then be necessary to control the provision of any additional new lighting.
16. In respect of condition (ii) above, there is a strict timetable for compliance because permission is being granted largely retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the lighting before the development takes place. The condition will ensure that enforcement action can be taken if the requirements are not met.
17. The other suggested condition relates to ensuring that the development is implemented in accordance with the approved plans and details. Such a condition would be required for the avoidance of doubt and in the interests of proper planning. However, I have amended the wording to reflect that the stable building concerned has already been built with only those aspects of the revised scheme shown on drawing MAK.P.2 remaining to be completed.

Conclusion

18. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR