
Appeal Decision

Site visit made on 23 July 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday, 28 September 2020

Appeal Ref: APP/X1545/W/20/3252241

Land adjacent to High House, Green Lane, Burnham on Crouch, Essex

- 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 Colin Baker against the decision of Maldon District Council.
 - The application Ref 20/00136/FUL, dated 7 February 2020, was refused by notice dated 20 April 2020.
 - The development is a double stable and storage structure and hardstanding and storage of equipment/vehicles relating to (D2) equestrian use of the site.
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Decision

1. The appeal is allowed and planning permission granted for a double stable and storage structure and hardstanding and storage of equipment/vehicles relating to (D2) equestrian use of the site in accordance with planning application Ref: 20/00136/FUL, dated 7 February 2020 and plans numbered: Drawing 001, Location Plan; Drawing 002, Proposed Block Plan; Drawing 003, Proposed Floor Plans and Elevations.

Preliminary Matters

2. The description of development in the heading above is taken from the application form, although in the interests of clarity I have omitted elements which are not acts of development and taken the same approach in my formal decision above. The appeal development has already been carried out. Although the plans submitted with the application appear to largely depict the structures built on site, I cannot be certain. I have therefore decided this appeal on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the development on the living conditions of the neighbouring residential occupiers, having regard to the height of the stable block, its proximity to the neighbouring property and any noise or odour which might be generated.

Reasons

4. The stables and storage building lie on the western edge of open fields which are in equestrian use. They are set into the field by around 1 to 2 metres from its boundary fence with the garden of the neighbouring house known as 'Borchardts'. The field falls gently away from the boundary with Borchardts. The stables and storage building are low, under 2.5 metres in height at the ridge according to the appellant's dimensions, constructed of timber, with a

- pitched roof of corrugated material. The openings face on to the field used by horses, with the rear on to the fence bordering 'Borchardts' being blank.
5. The hardstanding and storage of vehicles/equipment lie to the east of the stables, away from boundaries with adjacent houses. There is no issue raised by the main parties with regard to the impact of the hardstanding and storage of vehicles/equipment, on either the living conditions of the neighbouring residential occupiers or the character and appearance of the area.
 6. The stables form a line with another stable block and an open fronted shed close to the boundary fence with the garden of 'Borchardts'. However, given the height of the stables, their distance from the boundary, the presence of a tall fence and the size of Borchardts garden, I do not consider that the stables create an overbearing relationship with the garden of 'Borchardts'. The boundary fence means that only part of the pitched roof is visible from the garden of Borchardts, and that would be sloping away from the boundary. The tallest part of the building, according to the appellant's dimensions, would be less than 2.5 metres and that would be set approximately 3 to 4m from the boundary. This results in the visual impact of the height of the stables in this location being little different from the boundary fence.
 7. I note that the Council has made reference to the cumulative effect of structures along this boundary on the living conditions of the occupiers of 'Borchardts'. However, given the relationship between the stables, and the garden of 'Borchardts', outlined in the previous paragraph, I do not consider that the presence of the appeal building adds to any overbearing relationship between the existing buildings and the garden of 'Borchardts'.
 8. Without the stables in place the horses would be able to access areas close to the boundary fence with 'Borchardts' potentially bringing any noise, odour and flies which might be generated with them. Moreover, the openings to the building face away from the neighbouring property directing any noise or odour generated into the field occupied by horses. Added to this is a lack of substantive evidence that any existing issues would be made any worse with the stables in place. I also note there are no issues with regard to noise, flies and odour raised by the Council's Environmental Health Officer. Therefore, I do not consider that two additional stables and a store will have materially increased or compounded any odour, insects or noise which is generated by the existing use of the site, and therefore be experienced by the occupiers of the neighbouring property.
 9. Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 of July 2017 (LDP) require, amongst other things, that developments protect the amenity of surrounding areas taking and that the amenities of neighbouring residents are taken into account. I find that for the reasons set out above that the development complies with the requirements of these policies.

Conditions

10. I note that the Council have not supplied any conditions to be attached to any permission should the appeal be allowed. The development has already taken place and I have referenced the plans submitted with the planning application in the decision paragraph at the head of this letter, in the interests of certainty. I do not consider that in the circumstances any conditions are necessary.

Conclusion

11. I find that the appeal should be allowed.

Peter Mark Sturgess

INSPECTOR