



Appeal Decision

Site visit made on 29 September 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2020

Appeal Ref: APP/J1860/W/20/3253545

**Quarry Cottage, U95201 Romers Common, Romers Common, Bockleton
WR15 8PU**

- 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 Peter Lomas against the decision of Malvern Hills District Council.
 - The application Ref 20/00119/FUL, dated 28 January 2020, was refused by notice dated 14 April 2020.
 - The development proposed is 3 loose boxes, tack room and fodder store (with manure trailer parking bay) for private equine use.
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Decision

1. The appeal is allowed and planning permission is granted for 3 loose boxes, tack room and fodder store (with manure trailer parking bay) for private equine use at Quarry Cottage, U95201 Romers Common, Romers Common, Bockleton WR15 8PU in accordance with the terms of the application, Ref 20/00119/FUL, dated 28 January 2020, subject to the conditions that are set out in the attached Schedule.

Procedural Matters

2. The appellant has submitted new evidence under the appeal, relating to biodiversity, that did not form part of the original application. The Council has had the opportunity to review the new evidence and comment accordingly and in doing so has withdrawn its corresponding reason for refusal. In the absence of comments from other interested parties, the matter will no longer be dealt with under this appeal.
3. The Council contends that elements of the existing residential development directly adjacent are not lawful and should not inform the site's baseline context. This is not a matter for me to resolve in this case and without substantive evidence, such as an enforcement notice that has run its course, the appeal has been determined based on how the site presents itself on the ground. Notwithstanding, even if the Council's contentions were correct, the remaining residential development nearby would still have domesticating effects on the site's context therein.

Main Issues

4. The main issues are:
 - (a) the effect of the proposal on the character and appearance of the area;
 - (b) whether sufficient grazing land is required.

Reasons

Character and Appearance

5. The site is grazing land adjacent to a number of residential properties and associated curtilage situated along the U9501 immediately to the north of the site. Given its proximity to residential development, and domesticating effects therein, the site does not present itself as isolated within an otherwise rural environment. Beyond the immediate locality is a substantial patchwork of agricultural fields that are reflective of the site's wider open countryside location and consistent with the timbered plateau farmlands designation within Worcestershire Landscape Character Assessment 2012.
6. The undulating topography of the land means that the site is at a lower level than the neighbouring residential development, and this relationship means the site holds a less prominent position in the landscape by comparison. Accordingly, the availability of views from the U9501 and the public right of way immediately north and north west of the site are somewhat restricted due to the intervening hedgerows and residential development on higher ground. It is only along Bockleton Road, which runs to the west of the site, where views are readily available through and over the hedgerow lining the highway whilst looking up towards the site. However, from this vantage point, the site is viewed in the context of neighbouring residential development, which is at a higher level and more prominent in the landscape.
7. The proposal would introduce a stable block and hard surfacing within the landscape, which although similar in height to the residential development directly adjacent, would still be subservient in objective terms. The sloping topography of the landscape and less prominent position of the site would give the impression of a greater degree of subservience, than may otherwise be apparent on plan. Cumulatively, the overall perception of subservience would be clearly established when the proposal is observed from locations where views are readily available and where the proposal is at its most prominent in the landscape, particularly along Bockleton Road to the west, but ultimately would be taken in the context of neighbouring residential development without harming the character and appearance of the area.
8. The Council has questioned the reliability of evidence in relation to the site's position within the landscape. However, I have visited the site and assessed the plans and location of the proposal as it appears on the ground. There are also a number of third party comments which consider the matter and draw similar conclusions. Altogether, I am satisfied that even in the absence of sectional drawings or similar, there are various aspects of the case before me which correlate with the conclusion that the site is in a less prominent position within the landscape when compared to neighbouring residential development.
9. Overall, the effect of the proposal on the character and appearance of the area would be acceptable. It would therefore accord with Policies SWDP21 and SWDP25 of the South Worcestershire Development Plan 2016 and the Worcestershire Landscape Character Assessment 2012.

Grazing Land

10. The British Horse Society email makes clear that Horses generally require a minimum of one acre per horse where no supplementary feed is being provided to the horse on a paddock. In the absence of development plan policies or other planning guidance on the matter, it appears a private matter for the keeper of the horse and not a matter for the wider public benefit under the planning system at large. In any event, it could be the case that the keeper intends to provide supplementary feed, which would appear to mitigate the amount of grazing land required at the site. Consequently, there is no evidence demonstrating that the proposal is too large, or that alternative forms of shelter should be considered. Overall, the proposal would provide sufficient grazing land and would not be in conflict with Policies SWDP21 and SWDP25 of the South Worcestershire Development Plan 2016.

Conditions

11. The Council suggested five conditions, and these have been considered in accordance with Planning Practice Guidance. All of the conditions were included in the attached Schedule and are considered necessary to make the proposal acceptable in planning terms.
12. Standard conditions setting out the time limits for implementing development together with specifying the approved plans are necessary to provide certainty. A condition requiring compliance with the Water Management Strategy is necessary to ensure that the sustainable drainage system is implemented to serve the development and avoid adverse effects associated with surface water runoff. A condition requiring compliance with the preliminary ecological appraisal and assessment is necessary pursuant to conserving and enhancing biodiversity within the site and wider area. Similarly, a condition requiring the submission and approval of a lighting strategy is necessary to ensure that bats, as European protected species, are protected.

Conclusion

13. For the reasons given, the appeal is allowed and planning permission is granted, subject to the conditions set out in the attached Schedule.

Liam Page

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans:
 - a. 2060 12a
 - b. 2060 14
 - c. 2060 20
 - d. 2060 21
- 3) Prior to occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.
- 4) The development hereby permitted shall be carried out in strict accordance with the recommended mitigation and enhancement methods set out in the preliminary ecological appraisal and assessment carried out by Wilder Ecology dated 22nd May 2020 and submitted with the application.
- 5) Prior to occupation, a "lighting design strategy for biodiversity" for the stables at Quarry Cottage shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

End of Schedule