



Appeal Decision

Site Visit made on 7 September 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/P3040/W/21/3276843

Land off Pasture Lane, Sutton Bonington LE12 5PL

- 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 Jen Harvey against the decision of Rushcliffe Borough Council.
 - The application Ref 20/02623/FUL, dated 22 October 2020, was refused by notice dated 12 March 2021.
 - The development proposed is erection of an equestrian stable block, in combination with an outdoor manège, associated car parking and access. The proposed stable block will comprise eight individual stable pens, a hay store and tack room and will be used as a full livery yard.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an equestrian stable block, in combination with an outdoor manège, associated car parking and access; the proposed stable block to comprise eight individual stable pens, a hay store and tack room and will be used as a full livery yard, at Land off Pasture Lane, Sutton Bonington LE12 5PL in accordance with the terms of the application, Ref 20/02623/FUL, dated 22 October 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal site comprises a number of paddocks, enclosed by post and wire fencing, between which a public footpath runs. Vehicular access to the site would be taken from Pasture Lane, close to a point where the public footpath starts and a culverted ditch. The current access is positioned around 240 metres further south along Pasture Lane.
4. The land is currently grazed by a few horses. The appellant suggests this current use generates an average of about five vehicular trips per day and that the proposal would generate around 15 vehicular trips per day. These would include those generated daily by staff, and by owners of the eight horses visiting approximately three or four times a week. This figure is a reasonable estimate for weekdays, but I would agree with the Council that on weekends most, if not all, owners of all the horses stabled at the site may visit the site on the same day which would result in more vehicular trips on these days. Nonetheless, this would not be likely to be a significantly greater volume of traffic. Most of these movements would be cars as the transportation of horses

on and off the site is not expected to be frequent. The appellant has also confirmed that arrangements for removal of 'muck' will continue as at present with collections anticipated to be necessary every fortnight, which would have no material effect on traffic volumes.

5. Pasture Lane initially serves a number of dwellings. At the time of my site visit there were a number of cars parked on its eastern side reducing the width of the road to a single lane. However there was little traffic and the road could function freely with spaces between parked cars acting as passing places when needed, though I accept that at peak times congestion would be more likely. As the development is not primarily employment generating, I would consider it unlikely that peak hours for traffic related to the proposal would coincide with the typical peak times for the neighbouring households.
6. Pasture Lane becomes narrower southwards from the junction with Pasture Close. Here, there is an earth verge on the eastern side of the road around 50m in length which is wide, well established and on which some cars were parked at the time of my visit. Similar to the northern section of the road, this verge would act as a passing place in the event of oncoming vehicles. It is only when the road crosses the culvert next to the proposed access, where there is no opportunity for cars to pass each other. But a vehicle could simply wait for this 'bridge' to be clear before pulling out of the access. Indeed, visibility from the access is good in both directions and it would be possible to see from the access point that the road as far as Pasture Close is clear before emerging from the access.
7. Given the relatively small number of vehicular movements likely to be generated by the development, the likely peak hours of the proposal, the passing opportunities available and the generally good visibility along Pasture Lane, the chance of a vehicle related to the proposal coming face to face with another vehicle such that one would have to wait to allow for the other to pass, would not be common in my view, and even if it was, it would not necessarily be dangerous to highway safety. The likelihood of such encounters resulting in vehicles having to reverse due to a lack of passing opportunities at that moment would be very limited.
8. The stretch of Pasture Lane between Pasture Close and the proposed access is hardsurfaced with a few potholes. Indeed the part of Pasture Lane north of here is also uneven in places. Undoubtedly the whole road would benefit from resurfacing, but the limited additional volume of traffic generated by the proposal would have a minimal impact on the need for such works.
9. The Council also raise concern that the development could spread mud onto the road. However with the car park suitably surfaced with gravel, tied-in to the highway edge with hard-bound material, and the frequency of vehicles using the earth verges being low; the likelihood of mud being brought onto the road by vehicles in connection with the development would not be significant.
10. In summary, the volumes of traffic generated by the development would be limited and Pasture Lane, particularly in terms of its width and condition, would continue to be sufficient to allow all users to use it safely. The Council's request for improvement works to Pasture Lane are therefore unnecessary. The development would accord with Policy 1 of the Rushcliffe Local Plan Part 2 which requires that a suitable means of access can be provided to developments without detriment to highway safety.

Other Matters

11. There are concerns locally that the development would result in an increase in flood risk. The site is within the functional flood plain, as evidenced by photos provided by some neighbouring residents, and as such the stables have been designed such that floodwater can enter them freely. Therefore they would not occupy volume within the flood plain. Surface water drainage from the building will discharge to a soakaway, which the Environment Agency and the Lead Local Flood Authority have considered acceptable subject to further details being provided by condition. The parking area would be gravel.
12. Comments have been raised regarding the welfare of the horses in times of flood or when annual firework displays take place nearby. However those are matters for the appellant to address.
13. I note concerns regarding odour and noise. However I have no reason to consider that the use of the fields nearest to the houses would generate unacceptable impacts in these regards, and the stables and manège themselves are set well away from these houses. Given the limited number of likely traffic movements, noise from vehicles in the car park would also not, I consider, be unacceptably disturbing.
14. With regard to concerns about visual impact, the stables would be fairly simply designed buildings common to a rural setting such as this and would be modest in size. A section of hedge would be removed to accommodate the access, but in the context of the remaining length of hedging, the visual or ecological impact of the loss of this section would be minimal. Also there is very little remaining evidence of historic ridge and farrow agriculture, and in any event the vast majority of the site would remain undisturbed. Lastly, no lighting is proposed.
15. Some neighbouring residents have raised concern over the potential for the operation to expand. However I have no evidence before me to suggest that would be the case.

Conditions

16. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
17. The standard conditions relating to the commencement of development and identifying the approved plans are necessary in the interests of certainty. Three conditions relate to the access and are necessary in the interests of highway safety. Two conditions relating to site drainage are necessary to ensure the development does not increase flood risk, and the condition relating to the construction materials is imposed in the interests of preserving the character and appearance of the area.

Conclusion

18. The proposal would comply with the development plan as a whole and there are no other considerations which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, and taking account of all other matters, the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan at 1:5000 scale, RHT/SK1, HAS/20-033/01 Rev B, HAS/20-033/02 Rev B, HAS/20-033/03 Rev B, HAS/20-033/04 Rev B, HAS/20-033/05 Rev B, HAS/20-033/06 Rev B, HAS/20-033/07 Rev B and HAS/20-033/08 Rev B.
- 3) The stable shall be constructed in the materials as specified in the 'Stable Design Details' document.
- 4) No part of the development shall be brought into use until the means of access has been constructed in accordance with the approved plans. The access shall be retained as such thereafter.
- 5) No part of the development shall be brought into use until the access driveway, parking and turning areas have been provided and surfaced in a hard-bound material for a minimum distance of 5m to the rear of the highway boundary, and those spaces shall thereafter be kept available at all times for those purposes.
- 6) No part of the development shall be brought into use until the access driveway, parking and turning area has been constructed with provision to prevent the unregulated discharge of surface water from the site to the public highway in accordance with details first submitted to and approved in writing by the local planning authority. The works shall then be retained for the life of the development.
- 7) The development shall be carried out in accordance with the submitted flood risk assessment (ref WTRF-FRA-2020/02/Q35_Rev_F) and the following mitigation measures it details:
 - The water entry strategy for the buildings shall be in line with Section 9.1 and Figure 17 – Proposed Building Layout of the revised FRA.These mitigation measures shall be fully implemented prior to the development being brought into use. The measures detailed above shall be retained as such and maintained thereafter throughout the lifetime of the development.
- 8) The development shall not commence until a detailed surface water drainage scheme based on the principles set forward by the approved flood risk assessment has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the development being brought into use. The scheme to be submitted shall provide:
 - detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm

durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.