



---

## Appeal Decision

Site Visit made on 9 November 2021

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 December 2021**

---

**Appeal Ref: APP/E3715/W/21/3276383**

**Land off Heath Lane, Brinklow, Rugby CV23 0NX**

- 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 D-Drill Trust against the decision of Rugby Borough Council.
  - The application Ref R20/0335, dated 6 April 2020, was refused by notice dated 10 December 2020.
  - The development proposed is the erection of a stable block.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a stable block at land off Heath Lane, Brinklow, Rugby CV23 0NX in accordance with the terms of the application, Ref R20/0335, dated 6 April 2020, subject to the following 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: 1922-02B, 1922-03A and 1922-04
  - 3) No external lighting shall be installed until details of its type, design and location have first been submitted to and approved in writing by the local planning authority. Any lighting shall then be installed in accordance with the approved details.
  - 4) The development hereby permitted shall only be used for the stabling of animals for private purposes and shall not be used for the holding of competitions, exhibitions, hiring of horses or other business activities.

### Main Issues

2. There are two main issues, these are a) whether the proposal would be inappropriate development in the Green Belt; and b) the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Whether Inappropriate Development*

3. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations.

4. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The list of exceptions includes the provision of appropriate facilities for outdoor recreation and engineering operations, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy GP2 of the Rugby Borough Council Local Plan (the LP) resists development within the Green Belt other than where allowed by the Framework.
5. The appeal site is a field used for equestrian purposes that is accessed via Heath Lane. I find such an equestrian use to meet the definition of outdoor recreation for the purposes of Paragraph 149 of the Framework. The proposal includes the erection of a stable block and the laying of hardstanding to create a drive and yard for the stable. The stable building would provide stalls for two horses and a storage room. I find that the size of the rooms within the building are commensurate with the stabling of two horses and that as such the building as a whole is appropriate for the existing equestrian use.
6. The field is bounded by mature hedgerows to the front and sides while to the rear is a low fence which separates it from a neighbouring field where I noted horses and what appeared to be another stable building. To either side of the field I noted dwellings with substantial driveways and gardens. Given the mature hedgerows and the nearby residential development the appeal site is somewhat detached from the open fields of the wider area and its contribution to the visual openness of the Green Belt is limited in this way.
7. The proposed stable would be a relatively small and low building set within the corner of the field where views from neighbouring properties and the wider area are partially screened by the existing mature hedgerow. By running parallel with, and staying close to, this hedgerow the drive and yard area would be similarly screened from views. Moreover, the positioning of the development as a whole would ensure the main body of the field remains visually and spatially open. The additional hedge proposed along the drive would further soften the development. In this way the stable and its associated works would be read in a similar context as the nearby buildings and would not materially affect the appreciation of openness.
8. The nature and scale of the proposed development would not conflict with the five purposes of including land within the Green Belt as they are set out by paragraph 138 of the Framework. With this and the above in mind, the appeal scheme would not be inappropriate development in the Green Belt. In accordance with the Green Belt aims of Policy GP2 and section 13 of the Framework as I have referred to them above.

#### *Character and Appearance*

9. While the wider area is characterised by large undeveloped fields, the appeal site is part of a group of small paddocks and large gardens serving nearby dwellings. I find that the site is read within this immediate setting rather than in the context of the larger fields.

10. As outlined above, the proposal would result in a small stable and associated hardstanding. The stable would be of a simple linear design and faced in timber cladding. Whilst two options for the roofing material have been submitted, I find that given the above, either suggestion would ensure that the building would have an equestrian appearance appropriate for such a rural location. Therefore, and given its location within an area of sporadic development, I find that the proposal would not unacceptably affect the character or appearance of the site or its surroundings. It would accordingly comply with Policy SDC1 of the LP which seeks to ensure, amongst other things, that development is of a high quality that responds to the character of the surrounding area.

### **Other Matters**

11. I note the concerns raised regarding the number of horses to be stabled at the site. However, and as I have identified in my findings, the appeal scheme would accommodate up to two horses. This does not, to my mind, seem excessive. In addition, I have imposed a condition to limit the use of the proposed development to not include commercial operations or competitions.

### **Conditions**

12. I have had regard to the conditions suggested by the Council and the advice on such set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording. For certainty, I have set out the timescale for the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
13. In the interest of protecting the character and appearance of the building and the living conditions of neighbouring occupiers, I find it necessary to impose a condition requiring that no external lighting shall be installed unless details are first approved. I find it is also necessary, in the interests of the living conditions of neighbouring occupiers that a condition is imposed restricting the use of the stable for purposes other than private use.
14. However, as I have attached a condition requiring the development is carried out in accordance with the approved plans, which also show the proposed materials, a further condition requiring external materials to be as shown on the plans would be unnecessary. Moreover, as no temporary container would be granted permission by this appeal, a condition requiring its removal would not be necessary or relevant and so I have not attached it.
15. Under current legislation, any future conversion of the building would be subject to the grant of planning permission and as such, the local planning authority retain control over such a conversion. It is therefore not necessary to attach a condition restricting the conversion of the stable to residential use.

### **Conclusion**

16. I have found that the appeal scheme would accord with the development plan. There are no material considerations worthy of sufficient weight that would indicate that the application should be determined other than in accordance therewith. The appeal should therefore be allowed.

*Samuel Watson*

INSPECTOR