



Appeal Decision

Site visit made on 1 June 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2022

Appeal Ref: APP/P1133/W/21/3289886

Zeal Farm, Road past Zeal Farm, Dunsford EX6 7AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Peter Robinson against Teignbridge District Council.
 - The application Ref 21/01419/FUL, is dated 15 June 2021.
 - The development proposed is the erection of a timber stable block on the site of a redundant cattle/sheep handling system for the private use by Zeal Farm. The building to consist of tack room, 3 stables and a haystore, and is in close proximity to the pre-existing all weather riding manège.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber stable block on the site of a redundant cattle/sheep handling system for the private use by Zeal Farm, the building to consist of tack room, 3 stables and a haystore, and is in close proximity to the pre-existing all weather riding manège at Zeal Farm, Road past Zeal Farm, Dunsford EX6 7AE in accordance with the terms of the application, Ref 21/01419/FUL, dated 15 June 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 1:1250@A4 date produced 10 Jun 2021, Block Plan 1:500@A4 date produced 10 Jun 2021, Elevation/base plan/roof plan date 09.06.2021, Floor plan date 09.06.2021 and Cross section and datum plan.
 - 3) The stables hereby approved shall only be used in association with the property known as Zeal Farm and shall not be used, let, leased or otherwise disposed of for any commercial purpose.

Preliminary Matters

2. The appeal is made against the non-determination of the application within the statutory period. The Council has confirmed that had it made the decision the proposal would have been approved. It therefore does not wish to defend the appeal and has recommended planning conditions in the event of an approval.

Main Issue

3. In the light of the information confirming that the Council do not wish to contest the appeal, the main issue is whether there are other considerations that might indicate that the proposal would not be acceptable.

Reasons

4. The proposed stables would be located on a level section of land, would be reasonably well grouped with the other buildings at Zeal Farm and would be fairly well screened by established vegetation. It would not appear out of place in the landscape and the size and form of the building would not harm the character and appearance of this section of countryside. There is sufficient surrounding grazing land to support the number of horses that could be stabled in the structure. The Parish Council and the Council's Biodiversity Officer did not raise an objection.
5. Taking all these matters together, and my considerations following the site visit, I conclude that the proposed equestrian building in this countryside location would comply with the development plan and there are no considerations that indicate otherwise. The development would be acceptable and, in particular, would not conflict with Policies S1A, S1, S2, S22, EC5, EN2A and EN8 of the Teignbridge Local Plan 2013-2033 which, amongst other things, sets the policy framework for development in the countryside.

Conditions

6. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
7. The external materials for the building, including the roof material, are specified on the application form and on the Elevation/base plan/roof plan. The Council have confirmed in its statement that the proposed materials are typical for the purpose of the building and would not appear out of keeping with the rural character. I agree and in these circumstances a condition requiring the submission of roof materials for approval is not reasonable or necessary. I will therefore not attach this suggested condition to the approval.
8. A condition is necessary to link the use of the stables to Zeal Farm so as to accord with the terms of the application and in the interests of the amenities of this adjoining property and highway safety.

Conclusion

9. For the reasons given above, I conclude the appeal should be allowed and planning permission granted.

David Wyborn

INSPECTOR