



Appeal Decision

Site visit made on 26 August 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Appeal Ref: APP/F1610/W/22/3290591

**Acres View, Road from Oakeys Cottage to Church Farm, Little Rissington
GL54 2ND**

- 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 Nick Smith against the decision of Cotswold District Council.
 - The application Ref 21/03601/FUL, dated 9 August 2021, was refused by notice dated 17 November 2021.
 - The development proposed is described as proposed stables and hay barn.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed stables and hay barn at Acres View, Road from Oakeys Cottage to Church Farm, Little Rissington GL54 2ND in accordance with the terms of the application, Ref 21/03601/FUL, dated 9 August 2021, 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 plan: New Stables and Hay Barn, Drawing No: 7279-02.
 - 3) Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.
 - 4) No external lighting shall be installed on the site other than in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority, which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The lighting shall be implemented and retained in accordance with the approved details.
 - 5) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, walls, gates, gate piers or other means of enclosure shall be erected, constructed or sited in the application site other than those expressly authorised by this permission.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including its setting within the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site comprises a pastoral field located off Church Lane on the northern edge of the village of Little Rissington. Church Lane is a rather narrow country lane that leads from the village to Church Farm, to the north of the site, and continues into a public right of way.
4. The site is gently undulating in nature. A mature hedgerow defines the western boundary of the site, with further hedgerow present along its northern boundary. The site is open to wider paddock land to its east, which eventually climbs to a hill crest containing mature trees and vegetation. To the south of the site lies a dwelling 'Acres View' that is within the appellant's ownership. Further residential development lies beyond to the south leading towards the core of the village.
5. At the time of my site visit development activity was taking place on the adjoining site to the north. I understand from the appeal evidence that planning permission has relatively recently been granted for a commercial stable complex on the adjoining site.
6. The appeal site is located within the Cotswolds AONB and falls within the Landscape Character Area (LCA) 15A: Vale of Bourton Farmed Slopes, as defined within the Cotswold AONB Landscape Strategy and Guidelines (the Landscape Strategy).
7. Under Paragraph 176 of the Framework great weight should be given to conserving the landscape and scenic beauty of AONBs. Additionally, Section 85 of the Countryside and Rights of Way Act 2000 places a general duty on public bodies to have regard to the purpose of conserving or enhancing the natural beauty of an AONB. The effect on the landscape is therefore an important consideration.
8. The Landscape Strategy broadly assesses the Farmed Slopes as being highly visible features that are sensitive to change, particularly where this would introduce built elements to the otherwise agricultural landscapes. However, in my view, this does not closely reflect the site-specific character of the appeal site, which due to its topography and the nature of surrounding development, is not a prominent feature within an expansive landscape. Instead, in the context of the AONB, I consider that the location of the site is less sensitive to change given its small scale, its relationship with existing built development, and the lack of wide-ranging views.
9. From public vantage points the site is largely screened either through mature boundary vegetation or wider built development, such that the full extent of the land cannot be appreciated. Where views of the site are available, they are highly localised, predominantly along a nearby short section of Church Lane.
10. The proposed stable block would be located in the north-west corner of the site, alongside existing boundary hedges. Given its single storey nature, its position within the site, and the presence of dense boundary vegetation it

would be rather inconspicuous in nature. The hay store meanwhile would be located further within the site towards its more open eastern boundary. However, the store building would also not be particularly prominent in the public realm. This is due to its overall scale, and because of its position relative to Acre Views (and emerging development to the north) which would hinder views of the proposal.

11. Where limited views of the development proposals would be available, they are likely to be transient and fleeting in nature. Furthermore, the proposed buildings would primarily be seen alongside either a backdrop of existing built development in the form of Church Farm and its associated buildings to the north, or residential development to the south. The scale and design of the proposed buildings, including the indicated finishing materials are also of a rural character that would not be inherently out of keeping with the character of the surrounding area. Consequently, the proposed stable block and store would not appear dominant or visually obtrusive within the landscape.
12. The Council's decision notice and officer report also raised concerns regarding the proposed access arrangements that were deemed to contribute to diminishing the rural character of the site and surroundings. However, I note that permission (ref: 22/00386/FUL) has subsequently been granted for the creation of a vehicle access, including porous hardstanding, and erection of a gate and fencing, that would align with the access arrangement proposed as part of the appeal. Furthermore, it was evident that these works have already been commenced on site. In any case, I find the nature of the access proposals, that are stated to include a traditional five-bar gate, would be reflective of the rural surroundings including similar arrangements found nearby.
13. The proposal would introduce built form onto a parcel of land that is currently undeveloped, which would result in the current gap between Acres View and development to the north being eroded. However, from my observations on site this visual gap was not highly appreciable and therefore provided little meaningful separation between the various elements of built form in the landscape. An element of ribbon development has already occurred along Church Lane in the past and the proposal would not meaningfully exacerbate this or result in development sprawl.
14. The proposed stables are for private use and of a generally modest size, such that the development is unlikely to attract a considerable extent of associated paraphernalia. Likewise, the level of activity and vehicle movements that the development would result in is unlikely to be significant. As such, I deem that the proposal will not have an appreciable detrimental impact on the tranquillity of the area. Notably, no external lighting is proposed as part of the application and therefore the dark sky qualities of the area are also unlikely to be adversely affected. An appropriate planning condition could be attached to a grant of permission to control the use of external lighting, which the appellant has indicated a willingness to accept.
15. It is recognised that the proliferation of equestrian establishments is highlighted within the Landscape Strategy as a local force for change that has several potential landscape implications. The production of a related position statement by the Cotswold Conservation Board further reflects that equine developments are a specific issue that is having to be managed in the wider

area. Nevertheless, due to the overall scale of the proposal and the site-specific circumstances highlighted above, I do not consider that the development proposed would detract from the character and appearance of the surrounding area, and the special qualities of the AONB would also be conserved.

16. Accordingly, the proposal accords with the objectives of Policies EN1, EN2, EN4 and EN5 of the Cotswold District Local Plan 2011 – 2031 (adopted 2018). Together these policies, amongst other matters, seek for development to be of a suitable quality of design that respects local character and distinctiveness, including conserving the natural beauty and special qualities of the Cotswolds AONB. I also find no conflict with the aims of the Framework in respect of conserving the landscape and scenic beauty of the AONB.

Other Matters

17. The appeal site is in close proximity to, but outside of, the Little Rissington Conservation Area (CA). It is also within the setting of the Grade II* Church of St Peters, which is located approximately 180m to the west of the site. The CA has a pleasant, verdant, and tranquil quality which contributes positively to its significance, whilst the significance of the Church lies in its architectural quality, stature, and historic associations with the village. The Council do not object to the proposed development based on any harm to these heritage assets and, given my above findings that the proposals would not cause harm to the character and appearance of the area, I am inclined to agree. The character or appearance of the CA and setting of the listed building would therefore be preserved.
18. Concerns have been raised regarding animal welfare, with my attention having been drawn by a third party to guidelines¹ for pasture and grazing of horses. In response, the appellant has highlighted that immediately adjoining land (within the appellants ownership) is to be used for grazing. It is unclear whether this would be sufficient to meet the suggested area of pasture for horses to be accommodated at the site. However, I note that the guidance on the size of pasture land is set out as an approximate rule, on the basis no supplementary feeding is provided. Additionally, the guidance also indicates that the area of pasture land required is dependent on several variables (e.g. types of horse, types of grass, ground conditions and pasture management practices).
19. It has also been suggested that the absence of lighting on site further demonstrates a lack of consideration for the welfare of horses and is indicative that the appellant does not intend to use the site for its intended purposes. The code of practice² provided by the interested party also indicates that while lighting to enable inspection and safe handling of horses is always recommended, this can include portable lighting. As such, my decision does not turn on the animal welfare matters that have been raised.
20. The appeal scheme has been determined against the submitted plans and application proposals, namely for use as private stables and an associated hay store. Should the use of the site deviate from this and a breach of planning permission take place, it would be within the Council's gift as to whether to take any action.

¹ As outlined in the Department for Environment and Rural Affairs Code of Practice for the welfare of Horses, Ponies, Donkeys and their Hybrids, December 2017.

² Ibid.

Conditions

21. I have considered the conditions suggested by the Council should the appeal be allowed. For clarity and precision, and to ensure compliance with the Framework, I have undertaken some minor editing of the suggested conditions where necessary.
22. In addition to the standard time limit for commencement of development, a condition to ensure compliance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. Conditions relating to the approval of external materials, the approval of any external lighting, and the removal of permitted development rights in relation to the erection of means of enclosure, are all considered necessary in the interest of the character and appearance of the area.

Conclusion

23. For the reasons outlined above and having regard to the development plan, as a whole, and all other material considerations, the appeal should be allowed.

Lewis Condé

INSPECTOR