



Appeal Decision

Site visit made on 13 September 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/J0405/W/21/3286955

Lane End Stables, Brackley Road, Turweston NN13 5JB

- 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 Ms J Mould against the decision of Buckinghamshire Council.
 - The application Ref 21/02227/APP, dated 24 May 2021, was refused by notice dated 12 October 2021.
 - The development is described on the application form as 'Retrospective application for the erection of single storey buildings, partial change of use of land and other ancillary works'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey buildings, partial change of use of land and other ancillary works at Lane End Stables, Brackley Road, Turweston, NN13 5JB in accordance with the terms of the application, Ref 21/02227/APP, dated 24 May 2021, subject to the conditions on the attached schedule.

Preliminary Matters

2. At the time of my site visit the 8 buildings, as shown on drawing number M-048-001, had been substantially completed, albeit building 4 remained in a skeletal form. The appellant has described the scheme as retrospective, and I have approached the appeal with that in mind
3. The Council has interpreted the development as including the introduction of dog breeding onto the appeal site which results in a change of use from an equestrian facility and ancillary activities, to a mixed-use for equestrian related activities and a dog breeding business. I agree with this approach and have proceeded on the same basis.

Main Issue

4. The main issue, in this appeal, is the effect of the development on the character and appearance of the area.

Reasons

5. The area, which incorporates the appeal site, is characterised by fields enclosed by hedgerows and tree belts, with the land gently sloping towards the River Great Ouse which lies to the south. A number of the fields in the locality have been sub-divided, with temporary fences, to provide grazing for horses.
6. The Aylesbury Vale Landscape Character Assessment, which was prepared in connection with the preparation of the Vale of Aylesbury Local Plan 2021, notes

that 'The landscape in this area is assessed to be in very good condition. There is a coherent pattern of elements with a good hedgerow network and small woodlands and streams. There are few visual detractors in the area, as a whole the greatest visual intrusion tends to be associated with roads and road junctions just over the county boundary to the west'. Whilst the area has, for the most part, retained its attractive rural character equestrian activities are a prominent feature in the landscape.

7. A range of single storey non-traditional buildings, including those the subject of this appeal, are located towards the northern part of the appeal site. They are arranged around a central yard, which provides circulation space for horses and vehicles. A menage is located immediately to the south of the buildings with grazing land further to the south.
8. The New Buildings in the Countryside Design Guide 1998 (SPD) states that new buildings and paraphernalia, associated with stables and riding schools could contribute to clutter within the landscape with unsuitable forms. It indicates that ready-made stables tend to be constructed in cheap materials making them look out of place. Furthermore, it recognises the potential to design stable buildings in a more traditional form. In this regard the buildings, the subject of this appeal, are not of a traditional form, and the materials used are discouraged by the SPD.
9. Notwithstanding the above, the 'original permitted buildings', which were granted planning permission in 2009, have tanalised timber elevations and low mono pitch corrugated steel roofs. In this regard they do not conform with the advice provided within the SPD which seeks to avoid shallow pitched roofs and encourages the use of tiled or slated roofs and dark painted weatherboard.
10. The majority of the buildings the subject of this appeal are clad in wood with a natural finish, with a low pitch roof constructed from steel sheeting. The dog kennels, labelled as buildings 2 and 3 on the submitted plans, are clad in an artificial timber. At the time of my visit building 4 consisted of a skeletal wooden framework with no cladding or roof. Building 5 comprised of an enclosed area, with timber walls approximately 1.5m in height and no roof. It was being used for the storage of waste arising from the stables.
11. The external materials used in the construction of the buildings, the subject of this appeal, are not identical to the 'original permitted buildings', however the buildings are similar in terms in scale and design. Consequently, they do not stand out as being incongruous or alien features within their immediate context. Moreover, they are well screened from the surrounding countryside by mature hedges and boundary fencing. Therefore, whilst I accept that traditional forms of buildings, as sought by the SPD, can be appropriate in the countryside I find that the introduction of such buildings, in this instance, would not result in development that would be at ease with the 'original permitted buildings'.
12. Whilst I acknowledge that the resultant layout is irregular, and to a degree haphazard, it nonetheless results in a compact development in terms of the area of the appeal site that is occupied by buildings. This minimises the visual impact of the development on the area in which it is located. Consequently, I find that it does not have a harmful effect on the character and appearance of the area.

13. I have also taken into account concerns regarding views from a public right of way. In this regard I have considered the impact of the development from both the bridleway that lies to the southeast of the appeal site and the public footpath that lies to the north of the A422. In both instances I find that the development would not be readily visible from these locations, and as a consequence there would be no harmful impact on views from these vantage points.
14. It is acknowledged by the main parties that equestrian undertakings are an established activity on the site, and the Council do not contest the principle of the dog breeding element either, although there are concerns relating to its impact on the character and appearance of the area through intensification.
15. The dog rearing would not be ancillary to equestrian activities. This is because they are two distinct activities not intrinsically linked to one another. Moreover, in this regard, I agree that the proposal introduce some additional commercialisation to the site. That said, the dog rearing element of the development is confined to buildings 1, 2 and 3, and represent only a small part of the overall floorspace provided on the site. Furthermore, the accommodation provided is located in a discrete part of the site not clearly visible from outside its well defined confines. Hence the buildings impact on the character and appearance of the area is limited.
16. Furthermore, given the nature of dog rearing, vehicular movements associated with the use are likely to be limited. In this regard I saw on my site visit that traffic movements associated with the waterworks were the most prominent users of the access drive. I acknowledge that this only represents a snapshot in time, but I have no evidence before me to suggest that it is untypical of everyday circumstances. Therefore, the traffic movements associated with dog rearing are unlikely to represent a significant increase above and beyond those that existed prior to the introduction of the use.
17. The 3 stables provided within building 7 replace 2 stables that previously occupied this part of the appeal site. As a result, the increase in the number of stables provided on the site is small, and any intensification in equestrian activity would also be limited.
18. Therefore, whilst acknowledging that the development is located in an open rural location, I find that the level of additional activity on the site does not result in a significant harmful effect on the character and appearance of the area through intensification.
19. Taking the above matters together, I find that the appeal scheme is not harmful to the character and appearance of the area. Consequently, the development complies with Policies S1, BE2, C2 and DE4 of the AVLP. These policies seek, amongst other matters, sustainable development that respects and complements the physical characteristics of the site and its surroundings. They are consistent with paragraphs 84 and 85 of the Framework which supports, amongst other matters, the sustainable growth and expansion of all types of business in rural areas, through well-designed new buildings, and the development and diversification of rural businesses.

Other Matters

20. It is likely that the development will have resulted in a small increase in activity on the site, along the private vehicular access, and at the junction with the A422. At the time of my site visit, which was late in the morning, traffic on the A422 was light and free flowing. I acknowledge that this represents a snapshot in time however I have no evidence to indicate that it is not typical of normal road conditions. The limited number of additional traffic movements arising from the development, taken with the safe layout of the junction, preserves highway safety. In this regard I note that no objections were received from the Highway Authority with regard to the development.
21. I have also taken into account the concerns of a third party with regards dog barking. Whilst acknowledging that such noise can be intrusive, and can cause disturbance, given the separation of the site from the nearest residence, and in the absence of compelling evidence I give this matter very limited weight. With regard to this matter, I note that no objections were raised by the Council's Environmental Health Officer.
22. Reference has also been made to the status of the mobile home which is located on the appeal site. However, this is not a matter before me for consideration.

Conditions

23. I have had regard to the conditions that were included in the Council's appeal statement, and the appellant's response thereto. In this regard I am required to make some revisions to the suggested conditions to reflect the fact that development has commenced, with the majority of the buildings currently in use.
24. I have imposed a condition to specify the relevant drawings as this provides certainty.
25. The Council has requested a condition relating to materials for building 4. The appellant queries the need for such a condition indicating that it is likely that the building will be finished in timber to match the surrounding buildings. However, in order to ensure that the development is of a high quality design, that is sensitive to its surroundings, a condition requiring details of the external materials of building 4 should be agreed. This will provide precision and enforceability, in accordance with the tests set out in the Planning Practice Guidance.
26. Landscaping conditions are necessary in the interest of safeguarding the character and appearance of the area and to ensure that a landscaping scheme is submitted, agreed, and implemented in a timely manner.
27. In the interests of promoting sustainable transport, it is necessary to impose a condition requiring the installation of electric vehicle charging points, and their retention thereafter. I have made a change to the suggested condition to require details to be submitted and approved, prior to installation. This is in the interests of precision and enforceability.
28. Conditions are necessary to ensure that the development enhances biodiversity and manages light pollution.

29. The appellant has indicated that they would accept a suitably worded condition restricting the number of dogs. In this regard I find that the size of the buildings provided would impose limitations on the number of dogs permitted at any one time. Consequently, there would not be a need for a condition in this regard.

Conclusion

30. There are no relevant considerations, of sufficient weight, to indicate the application should be determined other than in accordance with the development plan, when taken as a whole. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the conditions set out below.

John Gunn

INSPECTOR

Schedule of conditions

1. The use hereby permitted shall cease and the buildings be demolished to ground level and all materials resulting from the demolition shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) Within 3 months of the date of this Decision, and notwithstanding the submitted details, a Site Development Scheme, hereafter referred to as the 'Scheme', for:
 - (a) hard and soft landscaping for the entire red line site area and screen planting including details of species, plant sizes and proposed numbers and planting densities;
 - (b) electric charging points;
 - (c) enhancement of the site for biodiversity purposes;
 - (d) a timetable for implementing all of the above.shall have been submitted for the written approval of the Local Planning Authority.
 - ii) If within 12 months of the date of this decision the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
 - iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
2. The development hereby permitted shall not be carried out except in accordance with the following approved plans:
 - site location plan, scale 1:2500
 - drawing number M-048-001, block plan
 - drawing number M-048-002, existing elevations – building 1
 - drawing number M-048-003, existing elevations – buildings 2 and 3
 - drawing number M-048-004, existing elevations – building 4
 - drawing number M-048-005, existing elevations – building 5
 - drawing number M-048-006, existing elevations – building 6
 - drawing number M-048-007, existing elevations – building 7

- drawing number M-048-008, existing elevations – building 8
3. No development shall take place on the buildings hereby permitted until samples of the materials proposed to be used on the external surfaces of building 4, as set out on drawing number M-048-004, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples and thereafter retained as such in perpetuity.
 4. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.
 5. Notwithstanding any details shown on the plans and supporting documents hereby approved, no external lighting shall be provided within the application site other than in accordance with a scheme for external lighting that has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be retained as such in perpetuity.

END OF SCHEDULE