

Appeal Decision

Site visit made on 22 November 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/A3010/W/22/3303498

Land at Mill Lane, Rockley DN22 0QP

- 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 Francis Flannagan against the decision of Bassetlaw District Council.
 - The application Ref 22/00064/FUL, dated 8 February 2022, was refused by notice dated 17 May 2022.
 - The development proposed is erection of a stable block containing 7 stables, tack storage, shower and WCs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would preserve the setting of nearby heritage assets;
 - The effect of the proposal on highway safety; and
 - Whether the appeal site is an appropriate location for the proposed development.

Reasons

Character and Appearance

3. The appeal site comprises part of an agricultural field located to the south of buildings at Rockley Farm. There is a field gate opposite the farm entrance off Mill Lane, while the site is also bound by two other open fields and the A638 road to the east. Mill Lane has a junction with the A638 and includes terraced and detached dwellings which are of traditional red brick construction with pantile roofs.
4. The appeal proposal seeks to erect an 'L' shaped stable building of some 15 x 21 meters (m) dimensions with a height of 5m. The stable would be built of red brick with a roof of red pantiles, while doors and window frames would be timber. The stable block would include seven individual stables for the keeping of horses as well as a tack room, showers and toilets.
5. The local area is predominantly rural and has an open, verdant and undeveloped character, with development generally sporadic and limited to

individual and small groups of buildings such as those along Mill Lane and Holme Lane surrounded by expanses of open countryside in all directions.

6. The proposal would introduce a substantial structure covering some 191m² of floor space with a significant height. This would constitute a significant built incursion into the open fields south of Mill Lane and erode part of the openness of the field which makes a significant contribution to the local character of the area. This would be compounded by the materials chosen, which would create a building of solid and permanent construction. Although red brick and pantiles may be reflective of adjacent buildings, they are dwellings and the materials and design of the stables would combine to create a building with a distinctly residential appearance, adding a significant urbanising element to the open field. Moreover, due to the proposed size and height of the stable block, this would be visible from a significant local area, including from along the A638 road, houses along Mill Lane and from the road itself. Whilst the existing hedgerows may offer some screening, this would be limited.
7. I understand there may be no specific guidance from the Council on stable design. To that end my attention is drawn to guidance¹ from another Local Authority. This is of limited relevance to an appeal relating to different Council area where the landscape and character would in all likelihood differ significantly. However, this document advises that buildings should be of an attractive design and use appropriate materials, among other things. From my observations and the evidence before me, the proposal would not meet either requirement.
8. I am also informed stables are common in the local area. I have no specific examples in the evidence before me, although the adjacent field did have what appeared to be a stable building. However, this was of timber construction and much smaller in scale. As such, this does not convince me the proposal is acceptable on this basis.
9. Based on the foregoing, the proposal would harm the character and appearance of the area. This would be contrary to Policy DM4 of the Bassetlaw Core Strategy and Development Management Policies DPD (CS) (adopted December 2011) which seeks to ensure development proposals should respect wider surroundings, in relation to historic development patterns and landscape character, among other things. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which advises through paragraph 130 that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Heritage Assets

10. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, in considering whether to grant permission for development which affects a listed building or its setting, that special regard should be had to the desirability of preserving the building or its setting.
11. Evidently, there are five Listed Buildings close to the appeal site. The nearest are 'Rockley House and Attached Outbuildings', 'Rockley Lodge', 'Barn at Rockley House' and 'Icehouse at Rockley House', all of which are Grade II. Further afield, the 'Old Water Mill' (Grade II) located over the River Maun to

¹ Swale Borough Council – 'The Erection of Stables and Keeping of Horses'.

the west and 'Church of St. Paul' (Grade II*) in West Drayton are also identified.

12. Rockley Farm and its outbuildings are highlighted as Non-Designated Heritage Assets (NDHA) and are within close proximity to the appeal site, while to the east, further along Mill Lane, the former Wesleyan Church building, and the long row of terraced dwellings are also NDHAs.
13. I have had regard to the Heritage Assessment (HMS Town Planning & Urban Design), although there is little explanation of the significance of the Listed Buildings or NDHAs. However, I note the assessment does agree that the appeal site and its open nature as part of the wider rural area forms an important part of the setting of these heritage assets.
14. From my own observations, and the listing descriptions provided, the significance of the Listed Buildings and NDHAs derive in part from their historic association with the development of the area, in particular its agricultural heritage. Therefore, the open, undeveloped and rural character of the area, including the appeal site, forms an important part of the setting of the Listed Buildings and NDHAs and makes a significant contribution to their significance.
15. As I have concluded with regards to character and appearance, there would be harm from the erosion of openness and the design of the stables. Although I have no reason to doubt the capabilities of the appellant as a builder, or their desire to construct the proposal sympathetically, for the above reasons the proposal would not preserve the setting of the Listed Buildings and would not meet the statutory requirements of the Act. The setting of the NDHAs would also be harmed. I note the appellant concurs that there would be minimal heritage harm, although in that case the Framework is clear in paragraph 200 that any harm should require clear and convincing justification.
16. In terms of the approach of the Framework, I agree that the harm would be less than substantial. In line with the requirements of paragraph 202, this degree of harm needs to be weighed against the public benefits of the proposal.
17. Although the heritage assessment advises the benefits would include providing stabling facilities and horse welfare, these would be private in nature rather than public and therefore do not represent clear justification to outweigh the harm.
18. To conclude on this main issue, the proposal would fail to preserve the setting of the Listed Buildings and as such would not meet the statutory requirements of the Act. The proposal would also harm the setting of the identified NDHAs. Furthermore, the development would be contrary to Policy DM8 of the CS, which states that the setting of an asset is an important aspect of its special architectural or historic interest and proposals that fail to preserve or enhance the setting of a heritage asset will not be supported. The proposal would also be contrary to the advice in the Framework, which requires development to sustain and enhance the significance of heritage assets, including their setting.

Highway Safety

19. The proposal includes a new vehicular access through an existing field gate. Mill Lane is a short road running from the junction with the A638 to the houses west of the appeal site and is relatively straight. Its width varies from 3.1m to

- 5.6m. As such, this would not allow two vehicles to safely pass one another were they to meet in the road.
20. The submitted Transport Note (Local Transport Projects – April 2022) advises that approximately 66 daily two-way trips currently take place along Mill Lane which serves 17 dwellings in total. It would be expected that an additional six would occur daily as a result of people travelling to tend to the horses at the stables. Moving the horses, and therefore involving attached horse boxes, would likely be limited to twice per year.
21. As part of the proposals, the 'Proposed Highway Details' plan (TLC/21/205/HML01.A) includes provision for a passing place located approximately halfway between the appeal site and the junction of the A638. This would allow one vehicle travelling towards the stables to wait for any approaching to pass before resuming their journey. The transport note concludes that the passing place would allow the safe passage of two vehicles in this manner while it would also represent a significant improvement for existing users of Mill Lane and would also provide a suitable location for vehicles to pass other road users, such as equestrians, pedestrians and cyclists.
22. The Council does not address the suggestion of a passing place in their appeal statement, although I note it has suggested this plan be part of the approved plans condition were the appeal to be allowed. The number of additional trips may be significant at a 10% increase, although these are likely to take place outside of the morning and late afternoon rush hours. From my observations on the site visit, and based on the evidence before me, the passing place would be a suitable means of ensuring two vehicles could pass and I agree this could be secured by a Grampian Condition.
23. The highway plan also includes visibility splays, set at a distance of 43m in either direction of the access with a setback of 2.4m. However, to achieve this visibility would require the cutting back and ongoing maintenance of hedges lining Mill Lane to the east, which are evidently not under the ownership of the appellant. To guarantee that the hedge would be maintained to allow this visibility to remain, an agreement with the neighbouring landowner in perpetuity would be needed. I do not have such an agreement before me and although it is suggested this could also be secured by condition, the cutting back of the hedge is fundamental to the required visibility and would therefore not be reasonable to secure by condition. The lack of visibility would therefore cause an increased risk of collision with vehicles, as well as pedestrians and cyclists, travelling along Mill Lane. This risk would be compounded by the increased number of movements as a result of the proposal.
24. Although I am informed that there have been no collisions along Mill Lane from 2006-2021, the proposal would change the circumstances in the vicinity, and this does not mean the road would remain safe. Therefore, I am not persuaded that an acceptable visibility splay to the east of the access would be available at all times in the future. In the absence of a splay as set out above, visibility would be impaired, which would be harmful to highway safety.
25. To conclude, the proposal would not ensure highway safety with regards to the lack of adequate visibility splays. This would be contrary to Policies DM3 and DM4 of the CS, which seek to ensure proposals for new equine facilities will not create or exacerbate highway safety problems. The proposal would also be

contrary to the highway safety requirements of the Framework, which advises in paragraph 110 that development should ensure safe and suitable access to the site can be achieved for all users.

Whether Suitable Location

26. The appeal site is located adjacent the small hamlet of Rockley. Policy CS1 of the CS identifies a settlement hierarchy for the development plan area, with Rockley not identified as any of the settlement typologies. As such, it falls to be classified as an 'other settlement' in the countryside which has limited or no services and facilities or access to public transport and which are unsuitable for growth.
27. Policy DM3 of the CS advises the development types which could be considered acceptable in these smaller settlements. This includes at section DM3(C), domestic equine facilities where they can demonstrate that; (i) they are necessary in the specific location proposed and other more suitable sites are unavailable; (ii) the scale, design, and form of the proposal, in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses; and (iii) they will not create or exacerbate environmental or highway safety problems.
28. As I have already concluded, the proposal would harm the character and appearance of the area and would increase collision risk due to visibility concerns therefore not ensuring highway safety is maintained. This would therefore not meet the requirements of sections (ii) & (iii).
29. The appellant has provided some evidence with regards to availability of other sites in a 10-mile radius. This includes a list of land for sale at the time of the search. However, there is little supporting information as to why these sites are not suitable other than the appellant owning the land subject to appeal and housing supply. Although I understand that another site may require planning permission, there is nothing substantive to demonstrate why the appeal location is necessary or why other sites are not suitable.
30. As such, based on the evidence before me the appeal site would not represent a suitable location for the proposal. This would be contrary to Policy DM3 of the CS due to the lack of compliance with the criteria outlined above.

Other Matters

31. The appellant states that the proposal would align with the aims of paragraph 87 of the Framework. However, this relates to main town centre uses. As such, the appeal site location adjacent a small hamlet carries little relevance here. It is also argued that the Framework seeks to promote an effective use of land in meeting the need for homes and other uses. This approach is particularly prudent where land supply is constrained, and available sites could be used more effectively. However, there is nothing before me to indicate that the supply of land for stabling is constrained or why erecting a stable would mean the site is being used more effectively, particularly given its significant contribution to the character and appearance of the area.

Conclusion

32. I have identified harm to the character and appearance of the area, the setting of heritage assets, highway safety and the suitability of the location. As a

result, the proposal would conflict with the development plan taken as a whole. Although it is argued that the material considerations outweigh any harm, I have not been made aware of any specific details on these matters and from my reading of the evidence, any benefits would be private in nature. Therefore, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR