



Appeal Decision

Site visit made on 29 November 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/B3030/W/22/3300572

Holme Farm, Maplebeck, Newark NG22 0BS

- 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 M Combellack against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02677/FUL, dated 21 December 2021, was refused by notice dated 25 February 2022.
 - The development proposed is the construction of a timber stable and manege for private use, including change of use of part of site from agricultural to recreational use.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a timber stable and manege for private use, including change of use of part of site from agricultural to recreational use at Holme Farm, Maplebeck, Newark NG22 0BS in accordance with the terms of the application, Ref 21/02677/FUL, dated 21 December 2021, and the plans submitted with it, 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: RHA2015-0140a Site Plan as Proposed, RHA2015-0141a Block Plan, RHA2015-0142a Ménage Plan as Proposed, RHA2015-0143a Stable Plans as Proposed, RHA2015-0145a Stable Elevations as Proposed, RHA2015-0146a Indicative Drainage Plan, RHA2015-0147a Menage Section as Proposed.
 - 3) The materials to be used on the development hereby approved shall accord with and be retained in accordance with the materials stated on the approved plans and within the application.
 - 4) There shall be no burning of used bedding or manure from the site on any part of the site.
 - 5) The development hereby permitted shall only be used for the personal/private use of the occupiers of Holme Farm only and shall not be used for any commercial purposes, schooling or for private livery.

Application for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. In the absence of a site address on the planning application form I have taken this from the planning appeal form.
4. A revised description of development was agreed by the Council and the appellant. This is reflected in the banner heading and I have determined the appeal on this basis.
5. Since the date of refusal, the appellant has received planning permission on the same site for the construction of a timber stable and manege for personal use, including change of use of part of site from agricultural to recreational use (re-submission of 21/02677/FUL). The approved development constitutes the appeal scheme with an amended stable plan comprising 4 stalls, a hay store and a tack room. The appeal scheme stable would comprise a building of the same form and scale but with 6 stalls. The Council considers that the appeal scheme would be materially different to that approved by virtue of increasing the number of stalls within the stable building, and thus the number of animals that could be accommodated. It considers that a greater number of animals would be beyond the scope of what could reasonably be considered to constitute domestic equestrian use on the site. The Council also considers that the appeal scheme would fail to provide space to store hay, tack and other paraphernalia for the animals which would lead to further applications for buildings that would add visual clutter into a valued landscape.

Main Issues

6. Taking the above into consideration, the main issues are: (i) whether the scale of the proposed development would constitute domestic equestrian use; and (ii) the effect of the proposed development on the area's landscape character.

Reasons

Scale of the proposal

7. Policy DM8 of the Newark & Sherwood Allocations & Development Management Development Plan Document 2013 (DPD) relates to development in the countryside and allows domestic equestrian uses and associated buildings provided that the design criteria in Policy DM5 (DPD) are met. The policy provides no guidance on what scale of equestrian use is acceptable for domestic equestrian use.
8. Although the size of the stable would remain the same between the approved scheme and the appeal scheme, the appellant wishes to have 6 stalls rather than the 4 which have been approved. The appellant is initially looking to house two animals for private use, but numbers may increase in the future. Although both parties discuss the number of animals in relation to the number of stables, there is no indication that the appellant would intend to have more animals than the number of stalls and I have no evidence as to why six stalls would exceed reasonable domestic use.
9. The proposal would replicate the stable development in the adjacent field which received planning permission for private use in 2021 and is in separate ownership. This stable building is of the same size as the appeal scheme and comprises six stalls, the same number as the appellant is now seeking.

10. It is unclear why the Council is treating the appeal scheme differently to the adjoining stable development which is almost identical. During the consideration of this application, there was an absence of details regarding the proposed use and number of animals. However, despite this, the Council considered that an appropriately worded condition would ensure that there would be no adverse impacts on the character of the area. There is insufficient evidence that the number of animals or stalls in this application was a concern in relation to the proposed private use.
11. The appellant wishes to have the same number of stalls as the adjoining development and there is nothing compelling before me to explain why I should treat the appeal scheme differently. In particular, the Council has presented no evidence why the extra 2 stalls within the building would go beyond reasonable domestic equestrian use.
12. The appellant has also drawn my attention to the High Court Decision *Davison v Elmbridge BC* [2019] EWHC 1409, which concluded that the Council should take a neighbouring development into account as a material consideration for consistency in decision making. In my view, the decision on the adjoining site is a material consideration as it is sufficiently closely related to the issues that regard should be had to it. It is apparent that the adjoining approval did not form part of the Council's consideration.
13. I therefore conclude that the scale of the proposed development would constitute domestic equestrian use. This would comply with Spatial Policy 3 of the Plan Review of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Policy (Amended Core Strategy) 2019 (CS) and DPD Policies DM5 and DM8. It would also accord with the National Planning Policy Framework (the Framework) which seeks to ensure that the countryside is protected from unsustainable development.

Effect on landscape character

14. The approved scheme would be located at the far end of an access track in the corner of a field and alongside the adjoining stable and manege. The site is part of the 'Mid Nottinghamshire Farmlands' Landscape Character Area and the 'Maplebeck Village Farmlands with Ancient Woodlands' policy zone identified in the Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (SPD). CS Policy 13 requires new development to positively address the implications of the relevant landscape policy zones. The SPD requires, amongst other things, that proposals conserve the character of Maplebeck Village Farmlands by limiting development in this area due to the likelihood of a high impact on the character of the policy zone. Horsey culture infringing into fields is listed as one of the drivers for change.
15. The Council has accepted through the approved scheme that the size and form of the stable is acceptable and complies with CS Policy 13. The Council is concerned, however, that in relation to the appeal scheme, the removal of the tack room and hay store from the stable building would result in future applications for buildings which along with other horse paraphernalia would add visual clutter to the landscape.
16. However, the appellant is currently only proposing to accommodate two animals and there would be adequate space within the stable building to house tack and feed if this was required. Alternatively, this could be brought onto the

site. Also, if more animals were to be accommodated in the building, and there was a need to provide additional storage, then the appellant would need to apply for planning permission for a separate building or extension, and the Council would reach a view on this matter at this time. Suggesting that permitting the appeal scheme would lead to further applications for buildings and that these would add visual clutter would be speculation. The Council has raised no concerns about the adjoining site which has 6 stalls and there is no identified tack room or hay store on its approved drawings. Again, there is a need for a consistent approach with the adjoining development.

17. I therefore consider that the proposed development would not have an adverse effect on the area's landscape character. It would comply with CS Policies 3, 9 and 13, and DPD Policies DM5 and DM8 and the SPD. It would also accord with the Framework which seeks to ensure that development is sympathetic to local character including the surrounding built environment and landscape setting.

Other Matters

18. Maplebeck Conservation Area is near to the appeal site. I am aware of my statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Part of the setting of the Conservation Area is the rural landscape immediately adjacent to it, of which the appeal site is part. The Council considers that the appeal scheme would have a neutral impact on the setting and significance of the Conservation Area, and I agree with that conclusion.
19. The Council refers to an application for the erection of an agricultural storage building on land adjacent to the appeal site which has recently been refused. However, this development would be unrelated to this appeal proposal and is not therefore relevant to the matters currently before me.

Conditions

20. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.
21. A Condition regarding materials is required in the interests of the visual amenity of the area. A condition relating to burning of bedding or manure is required to protect residential amenity. Finally, the condition restricting the use of the development is required in order to limit the impact on the open countryside.
22. I have made some changes to the Council's suggested conditions in the interests of clarity and consistency, and to ensure compliance with the Framework and Planning Practice Guidance.

Conclusion

23. For the reasons given above, having considered the development plan as a whole and taking into account all other matters raised, I conclude that the appeal is allowed.

G Bayliss

INSPECTOR