



Appeal Decision

Site visit made on 22 November 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/A2470/W/22/3295674

Land East of Cemetery Lane, Manton, Rutland LE15 8SU

Easting (x) 487936, Northing (y) 304756

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Wray (CKC Projects Ltd) against the decision of Rutland County Council.
 - The application Ref 2021/1405/FUL, dated 30 November 2021, was refused by notice dated 14 February 2022.
 - The development proposed is described as 'Proposed Change of Use from Stable Building to Artist's Studio'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description on the Council's decision notice reads 'Retention of existing building for use as an Artist's Studio'. However, I have used the description of the proposal on the planning application form for the purposes of my banner heading. I have considered the status of the building further as part of my reasoning.

Main Issue

3. The main issue is whether the appeal site is a suitable location for the proposal including the effect of the proposal on the character and appearance of the landscape.

Reasons

4. There is no dispute between the main parties that the appeal site is located outside the 'Planned Limits of Development' for Manton. As such, the site is within the countryside for decision making purposes.
5. Policy CS4 (The location of development) of the Rutland Core Strategy (2011) (CS) confirms amongst other things that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs. Policy CS4 also supports the conversion and re-use of appropriately located and suitably constructed rural buildings for residential and employment-generating uses in the countryside.

6. Policy SP7 (Non-residential development in the countryside) of the Rutland Local Plan Site Allocations and Policies Development Plan Document (2014) (LPSAP) sets out the instances where sustainable development in the countryside will be supported. This includes amongst other things development which is essential for the provision of sport, recreation and visitors facilities for which the countryside is the only appropriate location.
7. Development is also subject to the criteria at SP7 criteria i) to v) which in summary require demonstration that the development cannot be reasonably located within the Planned Limits of Development of towns and villages, that the amount of new build or alteration is kept to a minimum and that existing buildings are not available or suitable for the purpose, that development is not detrimental to the character and appearance of the landscape and that the development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.
8. The objectives of the above policies are consistent with the Framework which amongst other things seeks to protect the intrinsic character and beauty of the countryside and endorses a plan-led system.
9. No detailed evidence has been provided to demonstrate that an artist's studio could not be reasonably accommodated within the Planned Limits of Development of towns and villages. There is nothing before me to suggest that the appellant could only create drawings and paintings of the rural landscape or design and upholster furniture if they had an artist's studio in the countryside particularly one of the scale that would be provided. Therefore, it has not been demonstrated that there is an essential need for the proposal. Furthermore, as the proposal would be exclusively for their private use it would not contribute to the rural economy. Therefore, there would be clear conflict with some of the locational criteria in Policies CS4 and SP7.
10. In terms of whether the proposal would constitute a conversion and re-use, there is a dispute between the parties as to whether a previous planning permission¹ on the site for 'the erection of stable block and change of use of land to allow horses to graze' has been lawfully implemented. However, I have no remit to ascertain the lawful position on the site for an appeal made under s78 of the Act. In this regard, the appellant would need to apply for a s191 Lawful Development Certificate (LDC) and both parties should note that whether the planning permission has been implemented will be a question of fact and degree for the decision-maker.
11. Notwithstanding the above, from what I have seen, there is no dispute between the parties that the previously approved development commenced in accordance with the approved timescales for implementation. The only issue between the parties is whether or not it has or has not yet been used as a stables. I have been provided with photographs of a horse in the building. Regardless, even if an LDC confirmed that the building has not lawfully been used as a stables there is no evidence that the planning permission could not still be fully implemented. This represents a strong fallback position to which I attach substantial weight.
12. While the windows are not entirely characteristic of a stable building, the Council does not dispute that the external appearance of the building matches

¹ Appeal Ref APP/A2470/W/18/3198301

the previously permitted building. The evidence before me also indicates that the external facing materials on the building were approved by the Council under a discharge of condition application relating to the previous planning permission. Consequently, the building would be perceived within the landscape in a very similar way to the previously approved stables.

13. In any case, from my own observations within the site and from the nearest public vantage points, the building's single storey scale, pitched roof covered in green corrugated metal sheeting, timber boarding to the upper sections of the walls and timber split stable-style doors give it the overriding appearance of a stables. The Inspector that dealt with the previous appeal found that the building in that instance would be typical of a rural landscape. I also find this would also be the case in respect of the appearance of the building subject of this appeal.
14. The above factors indicate that whether I base my assessment on a new-build or conversion, the proposal would accord with the character and appearance requirements of Policies CS4 and SP7. In these respects, the proposal would also comply with the design and landscape requirements of Policy CS19 (Promoting good design) of the CS and Policies SP15 (Design and amenity) and SP23 (Landscape character in the countryside) of the LPSAP.
15. However, having regard to the wider requirements of the development plan, the acceptable appearance of the building does not on its own justify locating uses in the countryside that would be more appropriately located in the built-up area. When taken as a whole, Policies CS4 and SP7 do not indicate that other uses beyond those specified would be acceptable, particularly where it has not been demonstrated that there is an essential need or that it could not be located more sustainably.
16. I conclude, the appeal site is not a suitable location for the development having regard to the requirements of Policy CS4 (Location of development) of the CS and Policy SP7 (Non-residential development in the open countryside) of the LPSAP and the plan-led system endorsed by the Framework.
17. The Council's decision also refers to Policies SP6 (Housing in the countryside) and SP13 (Agricultural, horticultural, equestrian and forestry development) of the LPSAP. As the proposal before me is for an artist's studio, these policies have not been material to my conclusion.

Other Matters

18. The appellant suggests that the use of the building as an art studio would make a significant contribution to their health and well-being. However, there is no detailed evidence before me to suggest that the appellant could only pursue their hobbies from the appeal building.
19. I accept that the private use of the building as an artist's studio would be unlikely to result in any material intensification of use or activity on the site beyond that which would occur under the fallback position. However, this does not override the sustainable objectives of the development plan to direct development which does not require a countryside location to within the built-up area.
20. With regards to the future management of the site, I understand that the previous planning permission on the site was subject to management plans and

details including in respect of ecology and landscaping. Therefore, I see no reason why the site could not be effectively managed without the proposed change of use. Therefore, this attracts only limited weight as a material consideration.

Conclusion

21. The proposal would not be a suitable location for the development and conflicts with the development plan taken as a whole. The other material considerations, including the fallback position, do not indicate that the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR