



Appeal Decision

Site visit made on 2 February 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/P3040/W/22/3305906

Land North of The Spinney, Sutton Lane, Elton, Nottinghamshire NG13 9LA

- 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 Mrs Ann Clarke against the decision of Rushcliffe Borough Council.
 - The application Ref 22/00596/FUL, dated 21 March 2022, was refused by notice dated 1 June 2022.
 - The development proposed is described as 'Erection of a stable building with storage (retrospective)'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a stable building with storage at Land North of The Spinney, Sutton Lane, Elton, Nottinghamshire NG13 9LA in accordance with the terms of the application, Ref 22/00596/FUL, dated 21 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: OTB.E/2021/PE1.
 - 2) The stable building and site curtilage area shall not be used for commercial livery purposes, riding school activities or made available for visiting members of the public at any time.
 - 3) Within 6 months of the date of this decision, measures for the storage and disposal of manure shall have been submitted to and approved by the local planning authority in writing. Thereafter, the approved measures shall be implemented and retained for the lifetime of the development.

Preliminary Matters

2. I have taken the description of development from the application form which is the same as that included on the appeal form. In doing so I have removed the word 'retrospective' as it is not an act of development. The application is clear that planning permission is sought for the structure as it has been built. It is described as a stable, although there are currently no internal loose boxes.
3. The building was erected following a grant of planning permission at appeal¹ for a '*stable building with storage*' after refusal of the original application by the Council². The planning permission was for a building similar to that which has

¹ Ref APP/P3040/W/16/3158363

² Ref 15/02908

been constructed, albeit slightly smaller in footprint with a lower roof height. The original approval also included more openings than have been installed.

4. Whilst the application was submitted retrospectively, I have determined the appeal on the basis of the submitted plans.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The stable is located in a relatively narrow parcel of land that lies adjacent to Sutton Lane and includes a number of mature trees. Open fields lie to three sides, with the buildings in the village of Elton located further north. I saw that there were other equestrian developments along this part of Sutton Lane which nonetheless has a rural character.
7. Views of the appeal building from the road are broken up by the mature trees whilst the timber exterior is reflective of nearby buildings and, having weathered somewhat, helps to minimise the prominence of the structure. The building is also lower than road level and set back from it which also helps to ensure it does not appear unduly prominent.
8. Given the orientation to the road, and the prevalence of trees along the site boundaries, the pantile roof is also not prominent from outside of the site. Nevertheless, I note that pantiles were the approved roof covering at the previous appeal, and that they are a traditional material that is used in the buildings in Elton. As such, the roof does not appear discordant, nor does it have undue visual prominence.
9. Whilst the building would be 0.05 metres wider and 0.25 metres longer than approved, given the overall scale of the building, the increase is very small and would barely be noticeable from outside of the appeal site. However, there would be a greater increase in height relative to the approved building, at 0.7 metres (around 12 per cent). Nonetheless, given the building's relative seclusion, the ground levels of the appeal site and its setback from the road, the building does not stand out in this setting as being overtly tall. Moreover, it does not appear significantly taller than similar equestrian buildings nearby.
10. Policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (the LP2) supports new equestrian development where the character and appearance of the landscape is conserved and enhanced. As highlighted by the previous Inspector, paragraph 84 of the National Planning Policy Framework (the Framework) supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Leisure developments are supported which respect the character of the countryside. For the above reasons, I am satisfied that the building is well-designed, would conserve the landscape and would respect the character of the countryside.
11. I therefore conclude that the development preserves the character and appearance of the area. The development therefore complies with Policy 1 of the LP2 which seeks to ensure new development is sympathetic to character and appearance. No conflict would occur with Policy 22 of the LP2 as described

above. There would also be compliance with paragraph 84 of the Framework, also described above.

Other Matters

12. Although not forming part of its reason for refusal, the Council has set out in its delegated report that the building is not currently being used for stabling horses. Comments from the Parish Council and local residents at the application stage are concerned that the building could be used in the future as a dwelling. There was no evidence of any alternative use on my site visit and the building, although predominantly empty, contained some straw and equine related paraphernalia. In this regard, I am mindful of the description of development of the grant of permission at the previous appeal, which included storage.
13. If the appellant does not use the building for the use for which permission is sought, this would potentially constitute a breach of that permission which would be a matter for the Council. However, I am required to make a decision on the development for which permission is sought. As set out above, it is clear that the appellant is seeking planning permission for a stable building. It is on this basis that I have assessed the application. Alternative uses, such as a dwelling, would need to be subject to a separate planning application which would be assessed against the development plan policies at that time. I am satisfied that allowing this appeal would not make future applications for a new dwelling more difficult to refuse.
14. The Parish Council states that the site is often waterlogged. It also sets out that drainage pipes have been installed in an attempt to address this problem. However, there is no evidence before me that the development has resulted in an increase in flood risk, particularly when taking into account the previous grant of planning permission for a similar building at the site.

Conditions

15. I have had regard to the conditions suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance, making such amendments as necessary to comply with those documents. Having regard to the retrospective nature of the appeal, I have not imposed a time limit for commencement.
16. A condition relating to compliance with approved plans and restricting the use are necessary in the interests of certainty and to protect the rural location from future use for livery or riding school purposes. I have not included the full text suggested by the Council as prohibiting alternative commercial uses is not necessary. This is because a change of use to another commercial use would, likely in itself, require planning permission.
17. A condition requiring details of manure disposal is necessary in the interests of protecting water quality. Given that there is a degree of uncertainty over when the building has been brought into use, I have included a time limit for submission of these details rather than requiring them upon the first use of the building.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

Paul Martinson

INSPECTOR