



Appeal Decision

Site visit made on 8 February 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal A Ref: APP/C1570/W/22/3303304

Eastfield Stables, May Walk, Stansted, CM24 8SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by NB Investments UK Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1170/FUL, dated 26 April 2022, was refused by notice dated 5 July 2022.
 - The application sought planning permission for erection of three agricultural buildings (for rabbit breeding) and construction of access to highway without complying with a condition attached to planning permission Ref UTT/1282/93/FUL, dated 28 January 1994.
 - The condition in dispute is No C.2.1 which states that: "The development hereby approved shall be carried out in all respects strictly in accordance with the submitted plans contained in the application."
 - The reason given for the condition is: "To ensure the development will be carried out as approved".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two of the three agricultural buildings permitted in 1994 have been erected. One has been converted to a dwelling following a permission in 2018. The second building was constructed in 2021 and permission for a change of use to residential was given at appeal (Ref: APP/C1570/W/21/3277858). The original permission is extant. It is proposed to erect the third agricultural building to the east of its permitted location.
3. The application form states that the current use of the site is as residential dwellings, store buildings, paddock and menage although the plans show the menage to be removed. Permission was given for a commercial livery in 2016. An application has been made for a stable block for private use. Whilst equestrian use at the site may not have entirely ceased there is no evidence that the livery business is still operating.
4. The appellant states that the internal access road is not included within the appeal as it will serve the other two permitted buildings which are in use. However, the access road falls within the original description of development from 1994 and is shown in the plans supporting the application. It is therefore part of the proposal to be considered.

Main Issues

5. Whether the proposal would be an appropriate form of development in the countryside and its effect on the character and appearance of the area.

Reasons

6. As the 1994 permission is extant, the originally permitted building could, in theory, be erected immediately to the south of the other two. However, that area is now part of the gardens of Plots 7 and 8 and a parking area for Plots 3 and 4. The likelihood of this occurring is therefore very low. Furthermore, it is evident that the site has changed considerably over the years with further buildings erected and residential uses introduced. The plan accompanying the 1994 permission does not show any other buildings to be in existence at that time. Therefore, the appeal should be assessed against the current planning circumstances rather than simply on the basis that the quantum of permitted buildings would not increase.

Appropriate form of development

7. The proposed development would be in the countryside for planning policy purposes. Policy S7 of the Uttlesford Local Plan of 2005 says that the countryside will be protected for its own sake and establishes that new building will be strictly controlled. Planning permission will only be given for development that needs to take place there or is appropriate to a rural area.
8. Agricultural buildings are generally appropriate in a rural area. The proposal would be available to supplement the use of the main store which houses the large machinery required to maintain the wider holding. It would not be used to house livestock. However, it is unclear what its precise purpose would be, what additional items would be stored there and why a building of the size proposed is required. Furthermore, its design includes single leaf doors which do not lend themselves well to agricultural use. Therefore, whether or not the building would be sited on agricultural land, there is insufficient evidence that development needs to take place here. As such, based on the information provided, the agricultural building proposed would not be an appropriate form of development in the countryside.

Character and appearance

9. The proposal would extend the existing cluster of buildings at Eastfield Stables. However, the spread of development in an easterly direction has been accepted by the planning permission given for a block of garages that are under construction. The building would be low in height and would have a simple appearance with a gable end roof. It would be finished in weatherboarding and brick with a concrete tiled roof to match the design and materials of the adjacent buildings within the complex. As such, it would be compatible with the scale, form, layout, appearance and materials of surrounding buildings in line with the design expectations of Local Plan Policy GEN2.
10. There is already a hard surfaced track across the field to the south and its completion would have no material impact. The proposed building would be well screened from view by virtue of the existing buildings and the banking along the boundaries. The practical implications are therefore that the effect on the appearance of the countryside would be insignificant. However, just because new development in the countryside would be well hidden from public

gaze does not make it acceptable. Although appropriately designed, the proposal would nonetheless detract from the rural character of the area by intruding into undeveloped and open land. It would therefore be at odds with Policy S7 which stipulates that the appearance of development should protect or enhance the particular character of the part of the countryside within which it is set. However, the level of harm is limited because of the policy acceptance that certain types of development can take place in the countryside.

Other Matters

11. The proposal would be quite close to residential units. However, the Council is satisfied that the scale and location of the building would not result in any loss of privacy or daylight or have an overbearing impact or lead to overshadowing. The use of an agricultural building would potentially be disruptive but the keeping of livestock could be precluded by condition and the main access would be from the south-east so any vehicles need not pass the dwellings.
12. A planning officer may have tacitly agreed that the proposed location for the building would be the most suitable but that informal advice does not mean the application would ultimately succeed. This is consequently of little weight.
13. The absence of objections in respect of transport, amenity, biodiversity and flooding does not count in favour of the proposal. It is expected that all development should be satisfactory in these respects.

Planning Balance

14. The proposed development would cause harm, albeit limited, to the character of the countryside and there are no special reasons why the development in the form proposed needs to be there. Therefore, it would conflict with Policy S7 and would not accord with the development plan as a whole. However, the provisions of Policy S7 do not fully reflect the approach to development in rural areas contained in the National Planning Policy Framework. This means that the weight to be given to this conflict is less than significant. Furthermore, the policies which are most important for determining this appeal are out-of-date. Paragraph 11 d) of the Framework is therefore engaged.
15. No specific benefits of the proposal are put forward. At best, it would facilitate the on-going maintenance of the overall site. Set against this, the Framework provides that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. Therefore, the adverse impacts identified would significantly and demonstrably outweigh the limited benefits and so the presumption in favour of sustainable development does not apply.

Conclusion

16. There are no material considerations that warrant reaching a decision other than in accordance with the development plan. Therefore, for the reasons given, the appeal should fail.

David Smith

INSPECTOR