



Appeal Decision

Site visit made on 23 January 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2023

Appeal Ref: APP/A3010/W/22/3306010

Paddock Land, Land to the North of Scotter Lane Road, Hayton Retford, Nottinghamshire DN22 9LH

- 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 Ms Sue Garrido against the decision of Bassetlaw District Council.
 - The application Ref 22/00727/FUL, dated 23 May 2022, was refused by notice dated 2 August 2022.
 - The development is the change of use of agricultural land to equestrian use (for personal use only) and the erection of a field shelter and separate hay store, with surrounding temporary mud control floor matting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed at my site visit that the field shelter and hay store, boundaries formed from post and rail fencing and post and tape fencing were already in situ. There was also paving slabs, water storage, vehicles parked on the site, garden furniture, solar equipment and numerous fences. However, for the purposes of this appeal, I have proceeded on the basis of the details shown on the submitted plans.

Main Issue

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

Reasons

4. The appeal site is located off Scotter Lane Road, which runs from the village of Hayton to the east and is located within the open countryside. The surrounding area comprises agricultural fields. Nearby fields have been subdivided in to smallholdings comprising paddocks, grazing land and accommodating other field shelters similar to the appeal development. The southern boundary, where it adjoins Scotter Lane Road, is defined by mature hedgerow interspersed with tree planting. The wider fields surrounding the site are visible from Scotter Lane Road, and nearby roads used for vehicular traffic.
5. Policy DM3 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD, adopted 2011 (CSDMP) seeks to permit domestic equine facilities. The terms of Policy DM3 sets out a requirement for proposals to explain why they are necessary in that particular

location having regard to the suitability of other sites. The Council does not contend that the principle is unacceptable.

6. I agree with the appellant that equestrian uses contribute to the rural economy and recreation. Such facilities are also necessary in terms of horse welfare. The appellant has explained that the field shelter is the minimum size required for the keeping of two horses, with the overall scale of the site providing an adequate size in which to graze them. However, it has not been clearly explained why this site is required over stables at another livery yard.
7. Policy DM3 also seeks to ensure such development is appropriate for its location, setting and compatibility with surrounding land uses. The wider character of the area is agricultural and interspersed with buildings. The site is within the open countryside, and within Bassetlaw Landscape Character Assessment (LCA) Idle Lowlands Policy Zone 08: Retford. Despite the fact that inevitably there will have been landscape changes and built development across the wider area, since the time of the publication of the LCA, to my mind the site contributes to the rural character and reflects the gently undulating arable farmland, pasture and field pattern which the LCA seeks to conserve. Thus, despite the age of the LCA the appeal site contributes positively to the character and appearance of the area.
8. Whilst the field shelter and hay store are simple timber designs, they are positioned away from the existing hedge field boundaries. Facing each other the structures appear as unduly extensive, bulky and dominant development. Rather than following the existing field boundaries closely, the development is set back from Scotter Lane Road and centrally positioned across the width of the field thus significantly and incongruously intruding into it. Therefore, whilst it does not remove existing landscape features it does encroach into the field and result in the appearance of in-depth development which harms the landscape character and appearance of the countryside. Whilst there are other structures in adjacent fields, I do not know whether these have planning permission.
9. I note an application is being made by the appellant to The Woodland Trust for funding for new planting, which will comprise fifty metres of mixed hedgerows and trees. Whilst providing additional ecological benefits, there are no further details of this before me and there is no certainty provided to me that funding would be granted. Whilst a landscape planting scheme can also be conditioned, I am not convinced additional planting on the existing site boundaries would be sufficient to mitigate the above effects on the immediate rural character given the wider visibility of the site, particularly around the access as planting would need to be sympathetic to the open field structure. Nor is it clear how the mitigation provided by mud control matting would reduce the above effects, as from my observations at my site visit the grass had not grown through it.
10. I acknowledge that features associated with the keeping of horses are commonplace in the countryside and that there is support in the Council's and national policy for such uses. However, it is also policy to respect the countryside and its character. Development of this scale and siting is harmful, and the operational need presented to me for the structures is outweighed by the harm.
11. I therefore conclude that the development harms the character and appearance of the area, contrary to CSDMP Policies DM3 and DM4. Combined, and insofar

as they are relevant to the proposal these seek to ensure development is appropriate for its setting taking into account local distinctiveness. The development is also contrary to the National Planning Policy Framework (the Framework) at paragraph 130 where it seeks to ensure development is sympathetic to local character and recognising the intrinsic character of the countryside as set out in paragraph 174. For similar reasons, the development therefore conflicts with the aims of the Bassetlaw Landscape Character Assessment.

Other Matters

12. My attention is drawn to other applications for similar equestrian buildings within the wider area. I have not been provided with the full details of these. Therefore, whilst the appellant has referred to these having been granted over many years I do not know if the policy requirement was the same, or indeed whether justification for these were put forward and accepted. I also note the site is within walking distance from the village. I note that there is local support for this development. However, the existence of other developments, the accessibility and local support does not justify allowing a development I have found to be harmful.
13. My attention has been drawn to a recent appeal decision¹ on the same site. This included change of use and an arena, and therefore is different to this development. However, my interpretation is consistent with the Inspector in respect of Policy DM3, requiring a demonstration of need for such proposals.

Conclusion

14. For the reasons set out above, the development conflicts with the development plan, when read as a whole. It also conflicts with the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan.
15. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR

¹ APP/A3010/W/21/3284965