



Appeal Decision

Site visit made on 11 July 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/M3645/W/22/3312070

Land at Steeple Farm, Church Road, Burstow RH6 9RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Carey against the decision of Tandridge District Council.
 - The application Ref TA/2022/132, dated 26 January 2022, was refused by notice dated 7 September 2022.
 - The application sought planning permission for the extension of stables to provide an area for storage of a trotting cart, without complying with a condition attached to planning permission Ref TA/2018/2178, dated 13 September 2019.
 - The condition in dispute is No. 2 which states that: the development hereby permitted shall be carried out in accordance with the following approved plans: 1, 2, 3, 4, 05.
 - The reason given for the condition is: in the interest of certainty and to enable submission of minor material amendments should this be expedient.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The stable block was previously allowed at appeal¹ in September 2019. On my site visit, I observed that the development was being used to house horses. It appeared to be complete except for the fact that the internal walls and barn doors seemed to be a temporary solution at present, and the timber framed windows that are shown on the plans have not been fitted. However, the external appearance and internal layout of the stables differs from that permitted by the previous appeal. The appellant is seeking to amend the standard plans condition to refer to updated plans that accurately reflect the current appearance of the building.
3. Therefore, the main issues are: (i) the effect of the development on the character and appearance of the area; (ii) the effect of the internal layout on horse welfare.

Reasons

Character and appearance

4. The appeal site is located just outside of the small village of Burstow. It is an area of bare ground adjacent to open agricultural fields and land used for pasture. The immediate area is therefore extremely verdant and rural in character and appearance.

¹ APP/M3645/W/19/3224431

5. The approved plans related to the previous planning permission are reproduced as part of both the Council's and the appellant's statements. As part of those plans, the stable block was shown to be of wooden construction, with traditional stable doors, small windows and a clay tile roof with an overhang. As such, the building would have been a traditional looking stables which would have complemented the rural surroundings of the immediate area. The current appearance of the development varies from the approved plans by being of brick construction, with large barn style doors, bigger windows and a slate tile roof with no overhang.
6. In this instance the materials used ensure that the building does not have the appearance of a traditional looking stable block. Indeed, the brick exterior and pitched slate roof are much more akin to a residential dwelling. The lack of a roof overhang, and the larger timber framed windows which are not yet installed, reinforce this perception. Indeed, when viewed from any sort of distance, including from the nearby public rights of way, it is difficult to ascertain that the building is a stable block rather than a house.
7. While the brick and slate construction does conform to some degree with the appearance of some of the dwellings in the nearby village, the fact that this is a stable block, separated from the village, and within very rural surroundings, makes the context very different. Indeed, a residential dwelling in this location would likely represent inappropriate development in the Green Belt, and it is therefore difficult to conclude how the appearance of the stables is not harmful. Overall, it's general appearance is in stark contrast to the very rural surroundings, and it stands out as being overly prominent, unusual and incongruous with the character of the area.
8. The appeal site lies just outside of the Burstow Conservation Area. It is characterised by large, detached dwellings, on spacious plots, surrounded by mature trees and other vegetation. The verdant and rural character of the village and its surrounds provides its significance. For the reasons given above, the appearance of the stable block would also harm the rural setting of the Conservation Area.
9. As a result, I conclude that the development does cause harm to the character and appearance of the area and is therefore contrary to Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies, 2014 (LP) and Policies CSP18 and CSP21 of the Tandridge District Core Strategy, 2008. Taken together, the relevant aspects of these policies require new development to be of a good design and to conform with existing character and appearance.

Horse welfare

10. The internal layout of the stable block differs from the previously permitted scheme by providing four stalls rather than six. This enables part of the building to be used as a carriage store. The internal doors are also arranged differently from the previous plans.
11. The Council has suggested that the size of the stalls does not conform with the guidance produced by the British Horse Council. However, even if this is the case, the guidance only sets out a series of recommendations and the size of the stalls does not differ significantly from the layout that was previously allowed at appeal. Moreover, during my site visit, two horses were housed in the stable block. The horses appeared to have sufficient room to enable them

to lie down, move around within the stalls and access food and water. The floor didn't appear to have a slope to enable drainage, although this can be mitigated through regular cleaning. With the barn doors open, the horses in the middle stalls have a view to the outside, and all four stalls have windows to provide light and air flow. In addition, the height of the roof does not cause horses to appear cramped when standing, and the layout would not make accessing or exiting the stables difficult.

12. I therefore conclude that the internal layout of the development does not cause harm to horse welfare and is therefore in conformity with LP Policy DP17, which among other things, requires equestrian facilities to be of a suitable size and scale.

Conclusion

13. While I have not found harm in relation to horse welfare, this does not overcome the harm I have identified to character and appearance. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR