



Appeal Decision

Site visit made on 19 September 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal Ref: APP/F1610/W/23/3319480

**Pebbly Barn Farm, Wells Folly Road, Evenlode, Morton In Marsh,
Oxfordshire GL56 0NL**

- 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 Mr Harry Beswick against the decision of Cotswold District Council.
 - The application Ref 23/00041/FUL, dated 1 January 2023, was refused by notice dated 15 March 2023.
 - The development proposed is described as 'Proposed Stables Building and Horse Walker.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a plot of land near the northern boundary of a relatively undeveloped, sloping field. This field is pastureland that rises to the north and as such the appeal site has an elevated position in this landscape. Existing development in the immediate vicinity of the site is largely limited to an access road and two barns with a hardstanding, and this development is close to the corner boundary of the field.
4. The field has trees and hedges on the northern boundary and a mature hedge to the east. The appeal site is also largely screened from the lane to the west by mature trees, and by properties and hedges on the lane to the south. However, given its elevated position, the site can be seen from the properties to the south and on its northern boundary.
5. The appeal site is in the Moreton-in-Marsh Surrounds Special Landscape Area (SLA). The key qualities and characteristics of this part of the SLA, described as Pastoral Lowland Vale, include gently undulating land defined by the rising farmed slopes and verdant landscape, which is predominantly improved and semi-improved pastures. The SLA also has a sparse settlement pattern dominated by scattered farmsteads and dwellings.¹ The above landscape qualities and characteristics are evident at the appeal site and in its immediate

¹ Ref: Special Landscape Areas Review Landscape Context and Physical Changes Final Report May 2017

- surroundings, and these positive features contribute to the character of this landscape and rural area.
6. The proposal would result in a barn and horse walker, with the proposed barn providing American barn style stabling for ten horses. There would also be ancillary rooms in the barn, which include a sizeable tack room, separate washroom and an office. Consequently, the proposed barn would be a substantial size. Indeed, it would be considerably larger than the respective footprints of existing barns to the west of the appeal site.
 7. The proposed barn would be near existing structures. However, those existing barns are largely confined to the corner of the field. This proposal, however, would result in a substantially sized building on the relatively undeveloped part of the field. As such, the proposed barn would considerably extend the built form beyond the corner of the field.
 8. Also, the sizeable horse walker would be positioned further east of the proposed barn and consequently this additional structure would have a fairly central location within this part of the field. While the horse walker may have meshed sides, it would have a corrugated roof such that it would have the appearance of a solid structure. This solid structure and the proposed large barn would be a significant encroachment of built form into the countryside. Moreover, in this relatively undeveloped parcel of land, the proposal would significantly erode the existing verdant quality of this land, which contributes positively to the landscape in this immediate area.
 9. The few existing properties in the area are generally close to the lane or form part of a distinct farmstead. While barns are not incongruent features in rural areas, in this case, the development would extend significantly into pastureland. In this regard, the proposal would be at odds with this existing pattern of limited development in the immediate vicinity of the appeal site.
 10. I note the equine facilities near the appeal site, including North Woodbine Farm and Pebbly Brook Farm. However, unlike those existing properties and other existing equine facilities in the wider area, this proposal would not form part of a distinct existing farmstead. Rather, this proposed development would significantly encroach into existing pastureland, and this would be out of keeping with the prevailing sparse and scattered pattern of development which characterises this rural area.
 11. Existing green features would limit views of the harmful development from the wider landscape. Be this as it may, even with improved landscaping around the structures, which could be secured by condition, the proposal would have a significant detrimental visual impact on the positive key qualities and characteristics in this area; and this harmful visual change would be discernible from the properties close to the site and from glimpsed views from the site's access and from the lane near this access.
 12. The Parish Council did not appear to object to the proposal, but it did raise concerns about the impact on the landscape. The Council's landscape officer did not raise an objection to this proposal subject to conditions. However, the Council is not bound by officer's comments and for the reasons already outlined I disagree with the officer's judgement on this matter. Consequently, my findings are not altered by this matter.

13. In light of the above, I find that the proposal would have a significant harmful effect on the character and appearance of the area. In this regard the proposal would be contrary to Policies EN4 and EN6 of the Cotswold District Local Plan 2011 - 2031. These Policies collectively require that development will be permitted where it does not have a significant detrimental impact on the natural landscape (including the tranquillity of the countryside) of the Cotswold District or neighbouring areas. These Policies also state that development in Special Landscape Areas will be permitted provided it does not have a significant detrimental impact upon the special characteristics and key landscape qualities of the area.
14. The proposal would also be inconsistent with the National Planning Policy Framework which seeks to protect valued landscapes.

Other Matters

15. The appellant states that the existing buildings near the appeal site are not available or suitable for stabling horses and that the proposal would be limited to personal enjoyment. I have also had regard to the appellant's Justification Statement and the requirements and guidance in respect of equine welfare and security². However, there is limited information about the existing equine shelters at the wider property. Also, I find nothing before me to indicate that the appellant's thoroughbred horses, which include youngsters and retired horses, lack safe and comfortable shelter or stable accommodation.
16. This aside, even if I was to accept the necessity for this facility at this location, the evidence does not indicate that this visually harmful proposal would be the only means of addressing the needs of the appellant. Nor does the evidence suggest that this would be the only way to ensure the well-being of the horses in a manner that is consistent with the five freedoms set out in the Animal Welfare Act 2006 and associated codes. Moreover, it has not been demonstrated in this case that the benefits, particularly those for the horses, arising from this development could not be achieved by a less harmful development. I attach limited weight to this matter for this reason and this matter would not outweigh the significant harm to the valued landscape.
17. The Council has not identified harm in respect of highways and on-site ecology, subject to conditions. However, development should not result in these harms and therefore these are neutral factors that do not weigh in favour of the proposal.

Conclusion

18. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR

² Ref: Department for Environment Food and Rural Affairs – Code of Practice for the Welfare of Horses, Ponies, Donkeys and Their Hybrids and British Horse Society Complete Manual of Stable Management.