



Appeal Decision

Hearing held on 14 November 2023

Site visit made on 14 November 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 24th November 2023

Appeal Ref: APP/K3415/W/23/3322258

Land west of the Mill House, Haunton Road, Harlaston, Tamworth B79 9HS

- 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 O Sargent against the decision of Lichfield District Council.
 - The application Ref 22/01433/FUL, dated 3 October 2022, was refused by notice dated 24 November 2022.
 - The development proposed is described as 'retention of storage container necessary for the safe and secure storage of equestrian sporting materials and land maintenance. Retention of siting of caravan necessary for safe and secure welfare for equestrian sporting activities. Full coverage of wooden clad to blend in with surrounding stable block of much larger scale. Full coverage of wooden fencing surrounding caravan to blend with surrounding stable block of much larger scale to provide full coverage from the road of any unsightly appearance'.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a storage container in relation to equestrian use and maintenance of the land, the siting of a caravan for welfare purposes associated with equestrian use, the cladding of the storage container in timber and the erection of wooden fencing on land west of the Mill House, Haunton Road, Harlaston, Tamworth B79 9HS in accordance with the terms of the application, Ref 22/01433/FUL, dated 3 October 2022, and the plans referenced 72604 Proposed Site Block Plan, Location Plan 1:1250 A4, 40' High Cube Container, Elevations Containers Caravan & Stables, subject to the following conditions:
 - 1) The development hereby approved shall be used for storage and welfare facilities ancillary to the equestrian use of the land and for maintenance of the land as set out in the application only.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no external lighting shall be provided within the application site.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

3. In the decision I have deleted superfluous wording from the description of development. I have also deleted reference to 'retention' as section 55 of the Town and Country Planning Act 1990 defines development as the carrying out of certain activities, such as building or the making of a material change of use, and not the continuation or retention of such activities. Furthermore, as the storage container, in the same way as the caravan, has been transported onto the site and rests on it, it is a movable structure rather than a building. I have therefore also altered the description of development to reflect this.
4. The proposed development, other than for the wood cladding and timber fencing, has been carried out. The development that has taken place differs from that which has been applied for in that the caravan is far shorter in length than that shown on the submitted 'Location Plan' and 'Proposed Site Block Plan'. I clarified at the site visit with the appellant that in relation to a caravan, which is marked as 'proposed welfare' on the submitted plans, he was seeking permission for the modest touring caravan present on the site and not for a larger caravan shown on the submitted plans as the same length as the storage container. I have dealt with the appeal on this basis.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the area, having regard to the development plan and the National Planning Policy Framework ('the Framework').

Reasons

6. The development plan for the district includes the Lichfield District Local Plan Strategy ('Local Plan'). Policy NR1 of the Local Plan advises that proposals that assist in delivering countryside based activities which promote recreation and enjoyment of the countryside, such as equestrian activities, will be supported. It is therefore not a matter in dispute that the principle of the development is acceptable, subject to other planning considerations. I agree with that position.
7. The appeal site is located within the open countryside between Haunton Road and the river Mease which is characterised by hedged fields of pasture. The appeal site forms part of a large field owned by the appellant that has been subdivided into paddocks for the keeping of horses and other animals.
8. The container is the closest part of the contested development to Haunton Road. Located so that the ends of the container line up with the sides of the timber stables, and with its upper surface lower than the ridge line of that building, it has been carefully placed so as to minimise its prominence and massing effect. The tall roadside hedges, even when not in leaf, form an effective screen in public views due to the density of their branches. A second line of planting within the site along the road facing elevation of the container further enhances screening.
9. By virtue of these two lines of screening, whether coloured green or clad in timber as proposed, the container is not visible in public views along the site access or from the road. As a result, it does not have a material adverse effect on the character and appearance of the countryside.
10. The caravan is located between the stables and the container, and is shorter in height and far shorter in length. Consequently, it is completely hidden from public view and causes no harm in relation to the visual amenity of the area. In this context, the wooden fence proposed to enclose the caravan and the gap between the container and stables would therefore also be acceptable.

11. Taking all these matters into account, I therefore conclude that the development compliments the character and appearance of the countryside in compliance with policies CP3 and BE1 of the Local Plan. Amongst other matters these policies seek high quality development which protects the character and distinctiveness of the District. The development would also comply with paragraphs 126, 130 and 174 of the Framework which seek well designed places and that the intrinsic character and beauty of the countryside should be recognised in decision taking.

Other Matters

12. The appeal site is located within the River Mease Special Area of Conservation which is a European Site protected under the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Regulations'). As the development does not have a foul water connection or hardstanding the Habitat Regulation Assessment carried out by the Council concluded that the development would not result in a significant impact on the European site. Consequently, it determined that an Appropriate Assessment would not need to be carried out in accordance with Regulation 63 of the Regulations. I agree with that assessment.
13. Although the appeal site is relatively close to the river, it is located within Flood Zone 1. This means that it has a low risk of flooding and suitable for development.

Conditions

14. In planning policy terms the use of land for the stationing of the container and caravan are only acceptable because they relate to the equestrian use of the wider site and maintenance of the land. As a result, their use needs to be restricted to this purpose. In order to protect the countryside and wildlife from light pollution, permitted development rights in relation to external lighting need to be withdrawn. This means that the applicant needs to apply to the Council for permission for the lighting that has been placed on the storage container. I have required these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
15. Other than for the short length of wooden fencing enclosing the caravan and cladding of the container in wood, the development has been carried out. Given that in design terms these features are not required for the scheme to complement the character and appearance of the area, the condition suggested by the Council requiring that the development is carried out in complete accordance with the plans is unnecessary and I have not attached it. Instead, in the interests of clarity, I have listed the relevant plans in the wording of the permission.

Conclusion

16. For the reasons given above, I therefore conclude that the appeal should be allowed.

Ian Radcliffe

Inspector