



Appeal Decision

Site visit made on 6 December 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/J0405/W/22/3303227

Land adjacent to Blackgrove Road, Quainton, Buckinghamshire

- 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 Mrs J Wicks against the decision of Buckinghamshire Council.
 - The application Ref 21/00347/APP, dated 26 January 2021, was refused by notice dated 19 January 2022.
 - The proposed development is the erection of equestrian stables.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the absence of a site address, the description of the site location on the planning application form is 'Land adjacent to Blackgrove Road'. Whilst this differs from the address on the Decision Notice, it appears to accurately describe the site location, as such I have used this address in the banner heading above.
3. The description of development on the planning application form includes reference to the fact the application is a resubmission of a previous application. Whilst I note this to be the case, I have deleted reference to this in the description of development in the banner heading above as the term 'resubmission' is not an act of development.
4. At the time of my site visit, a building had been constructed on the site, although not yet complete. However, I noted some differences between the submitted plans and the development that has taken place. Moreover, the appellant's submissions indicate that the proposed equestrian stables are no longer required, and that the building is to be used for agricultural purposes. These include accommodation for livestock, storage of hay/feed/agricultural equipment and machinery alongside stables for the appellant's two horses and a farm office at first floor level. The appellant's submissions state that they now seek permission on that basis, although amended plans have not been submitted as part of the appeal.
5. The Procedural Guide: Planning appeals – England is clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council and interested parties at the application stage. The revisions to the scheme, in particular the proposed use of the building, make fundamental changes to the proposal. I cannot be certain that an injustice to interested parties, including the Council, would not occur or new planning issues would not arise were I to

take the amendments into account. In these circumstances, it would not be appropriate to consider the revised proposals. Accordingly, I have determined the appeal based on the proposal that was before the Council when it made its decision.

Main Issue

6. In light of the above considerations the main issue is whether the site is suitable for the proposed equestrian stables having regard to local policies.

Reasons

7. The appeal site comprises an enclosed yard with several buildings including an existing timber stable block, a small, pitched roof ancillary building, a larger portal framed building, and a range of storage containers and car parking area which forms part of the agricultural and contracting business. The site is served by an existing vehicular access from Blackgrove Road.
8. The appeal site lies between an established commercial use on land to one side and a residential property and associated buildings to the other side. The group is located within an area of open countryside between the settlements of Berryfields and Quainton. The surrounding parcels of agricultural land and field boundaries, including trees and hedgerows, interspersed with scattered farmsteads, contribute to the pleasant rural character of the wider area.
9. Policy C2 of the Vale of Aylesbury Local Plan adopted September 2021 (VALP) sets out general criteria to be taken into account when considering proposals for such development, the aim of which, among other things, is to maintain the rural character of the area. The criteria listed include whether the site can support the number of animals proposed, having taken account of the arrangements for site management.
10. With regards to new stables to be used for private recreation or leisure use, such as the appeal proposal, Policy C2 lists additional criteria, including that the development should be of a scale that reflects the number of horses to be kept or grazed on site and should be built of material that is capable of being easily removed if the equestrian use ceases. The supporting text highlights that stables should normally be built of wood or other similar lightweight material, and new stables of stone, brick or block work will not generally be permitted for private use.
11. The proposal would consist of a single storey, rectangular shaped building with a hipped roof. It would incorporate 7 stables, a tack room and feed/hay store. Due to its position between the existing development on land to either side, the site benefits from a degree of containment within the wider rural landscape. Furthermore, due to its height, siting, and orientation, together with the existing boundary treatment, the building would not appear unduly prominent when viewed from the road or surrounding open countryside. As such, the stable building would be of an appropriate scale and design, commensurate with the size of the yard which forms the appeal site. Moreover, having regard to the context, it would not appear as a visually prominent feature or undermine the rural character and appearance of the area.
12. In that regard it would accord with Policy BE2 of the VALP which requires all new development proposals to respect and complement specific criteria, including the physical characteristics of the site and its surroundings and Policy

- NE4 of the VALP which requires, among other things, that development should consider the characteristics of the landscape character area by meeting specific criteria, including ensuring that the development is not visually prominent in the landscape. It would also accord with Policy WAD1 of the Waddesdon Parish Neighbourhood Plan 2013-2033, in so far as it supports development proposals outside settlement boundaries, including recreation uses, where they do not give rise to harm to the countryside.
13. It would also reflect advice at paragraph 174 of the National Planning Policy Framework which seeks to ensure new development should contribute to and enhance the natural and local environment, and section C1 of the National Design Guide which sets out that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary.
 14. The external materials, including vertical timber cladding above a brick plinth and a slate roof, would reflect those used in nearby rural buildings. My attention is also drawn to the Vale of Aylesbury Design Guide Supplementary Planning Document adopted 2023, which advocates the use of traditional materials such as slate and weatherboarding or brick for walls in the construction of equestrian buildings.
 15. Nevertheless, in the case of private equestrian development, Policy C2 of the VALP stipulates that materials should be used which would enable the easy removal of such development, if the use should cease. The proposed stables would be of a substantial construction, with a brickwork plinth and a large slate covered roof. Due to the permanency of the form and materials, it does not appear that the stables in this case would be capable of being easily removed if and when they are no longer needed. In that regard, the proposal would conflict with Policy C2 of the VALP and its aim to protect environmental quality and the rural character of Aylesbury Vale.
 16. The appeal submissions indicate that the site now forms part of a larger 45 acre agricultural holding, comprising 200 head of sheep, cattle, two horses, chickens, and hay production. The agricultural business also participates in the Countryside Stewardship and Sustainable Farming Incentive schemes which support, among other things, farming practices including the provision of low input grassland, lenient grazing supplements, and livestock exclusion.
 17. The appellant's two horses currently graze land alongside other livestock. However, it is unclear as to the extent of land that would be available for grazing of a greater number of horses as per the application submission and how the different elements of the enterprise would operate together. Even if the proposal was required to provide stabling solely for the appellant's existing two horses, this would result in conflict with Policy C2 of the VALP, in so far as it requires new stables to be of a scale that reflects the number of horses to be kept or grazed on site.
 18. I acknowledge that the stable building would replace the existing timber stables on the site, which the appellant indicates are in poor condition and no longer fit for purpose, and that the proposed stables would meet recognised standards for horse welfare. However, little detail has been provided in relation to issues associated with the existing stabling and why they cannot be resolved.

19. Furthermore, while I note the appellant's willingness to amend the design to remove the rooflights, which could be secured by a planning condition, this would not address my concerns regarding the permanence of the building.
20. I therefore conclude that, by virtue of the materials from which it would be constructed, the building would have a high degree of permanence and consequently would not be capable of being easily removed. In that regard the proposal would conflict with aims of Policy C2 of the VALP. The Council's refusal reason also alleges conflict with its guidance 'New Buildings in the Countryside, 1998' however it is unclear from the submissions as to how such conflict would arise.

Other Matters

21. My attention is drawn to two recent prior approvals granted by the Council for agricultural buildings on the holding¹. Planning permission was also granted recently at appeal² for the erection of an agricultural building at the site. Whilst I do not have full details of these developments, they differ from the appeal proposal as the buildings are described as being for agricultural use and were therefore assessed against different criteria and policy context.
22. I note the appellants willingness to accept a condition to prevent the construction of the agricultural building which is the subject of an earlier prior approval³. However, given the material differences between the proposals with regards to the use of the buildings, this would not justify the harm I have identified in relation to conflict with Policy C2 of the LP. In any case, such a condition would not take effect until the development, subject of this appeal is commenced, by which time the other development could have been carried out, and as such would not serve the intended purpose.
23. While it is suggested that features could be incorporated in the development to improve biodiversity, I do not have any specific information pertaining to the contribution these features would make, or that they would result in a tangible gain in biodiversity value over the pre-developed state of the site. I therefore attribute any such benefit very limited weight.
24. No objections have been raised to the proposals by consultees or interested parties. Nonetheless, the absence of objection does not in itself render the scheme acceptable. I understand that the appellant has tried to address the Council's concerns by submitting the revised scheme now before me. However, I must assess the proposal based on the planning policy and submitted evidence before me. Furthermore, the Council's handling of the application has little to do with the planning merits of the case.

Conclusion

25. The proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley INSPECTOR

¹ 21/03489/AGN and 23/00290/AGN

² APP/J0405/W/22/3306335

³ 23/00290/AGN