



Appeal Decision

Site visit made on 11 September 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2024

Appeal Ref: APP/Q1153/W/24/3341918

**East Bowerland Farm, Road To West Bowerland, Okehampton, Devon
EX20 4LZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Rouse against the decision of West Devon Borough Council.
 - The application Ref is 3811/23/FUL.
 - The development proposed is for the erection of new stable and arena with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the final comments the appellant states that the Council has raised a new argument in their statement in respect of the planning history of the equine and commercial uses of the site. I do not consider that the Council's position has changed. They clarify the planning history of the site. The appellant is of the view that the Council consider that there are no equine or commercial uses on the site. It is important for the sake of this appeal to establish which areas are being referred to. The red line site location plan submitted with the application subject to this appeal is 'the site'.
3. I acknowledge that 'the site' is related to a wider area which has the benefit of other approvals for equine and dog training uses amongst other things. However, I have not been provided with any specific approvals relating to equine, dog or other non-agricultural uses specifically on the appeal site. Neither has any certificate of lawfulness been provided in respect of the appeal site. As such the site has been considered as undeveloped land.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - Whether the proposed development leads to intensification of the overall site.

Reasons

Character and Appearance

5. East Bowerland Farm (EBF) comprises a mix of residential and commercial uses include dog training and holiday lets as well as equine and other animal uses. The site is within a rural location although the town of Okehampton is a short distance to the north east.
6. Save for a nearby farm and sporadic housing, the prevailing character of the immediate surrounding area is open countryside. With fields enclosed by hedgerows. The bridleway running adjacent to the site provides public access to the tranquillity of the countryside.
7. Alongside the traditional buildings within EBF are newer barns, stables and other buildings which are all located in reasonably close proximity. The largest building on the site is used for dog agility training and has an associated outside training area and carpark adjacent. At the time of the site visit both were in active use.
8. The appeal site itself is located to the north west of where the existing buildings are located within the complex. The site is bounded by mature hedges of various thicknesses on all sides. At the time of the site visit it was not in active agricultural use, however, I have not been provided with any evidence that the use of the site has been lawfully changed at any point.
9. The site is away from the main centre of activity at EBF. A public bridleway runs along side the site which forms part of the Pegasus Trail and is a hard surfaced track suggesting frequent use.
10. The proposal seeks to construct a stable and an arena (also referred to as a sand school) for private use and would introduce a building and formally laid out equestrian area on a site which is currently free of any buildings or structures.
11. The site is separate from the wider complex and the construction of the arena would change the character and appearance of the site. The visual change would not be insignificant with the sand school taking up a large proportion of the site. It would create a formal area with a contrasting surface colour when compared to the existing field arrangement. Even with the existing hedges and proposed landscaping both sand school and the stable would be visible through gaps in the hedge and the gateway opening.
12. The surfacing of the sand school and features such as the fencing and paraphernalia, for example jumps, make it a much more visible feature than if the field were used for grazing.
13. The works are proposed on an undeveloped part of the wider site and further spread built form and hard standing into the open countryside. Although the site may currently contain piles of rubble they have minimal impact on the appearance of the site. The construction of the sand school and stable when considered with the other existing development within the wider site increase the scale of the built development in a manner which is detrimental to the character and appearance of the countryside. Whilst longer range views of the development would be more limited the change would be very noticeable to users of the bridlepath.

14. The construction of the sand school is not considered to enhance the appearance of the site which currently retains a green aesthetic. Whilst equine uses themselves are not in principle unacceptable in visual terms in the countryside the scale of this proposal would further expand the operations at EBF into the countryside. The appellant claims the site already forms part of the mixed use of the wider site. I have seen no specific approvals relating to this part of the site and even if there were this would not make the proposed building works acceptable in visual terms.
15. Which the development may not conflict visually with the existing development at EBF the impact on the open countryside in the wider area would be harmful.
16. Policy DEV23 of the Plymouth and South West Devon Joint Local Plan (JLP) requires development to conserve and enhance the landscape, avoiding adverse landscape or visual impacts. The development would fail to meet the requirements of this policy as it would not maintain the areas scenic quality, is not appropriate to the landscape and would erode the relative tranquillity of the area. The site is currently free from development in an area where there is already activity due to existing uses. Furthermore, the development would be contrary to Policy EH1 of the Bridstowe and Sourton Neighbourhood Plan 2016 – 2034 (BSNP) which also seeks to conserve the landscape and open countryside.
17. I find that the development would have a harmful effect on character and appearance and would be contrary to Policy DEV20 and DEV23 of the JLP and Policy EH1 of BSNP as the development would not have regard to the wider context and surroundings by virtue of the scale and materials and the harmful visual impact on the area's character.

Intensification

18. The Council consider the intensification of activity to be overdevelopment. This is seen as a separate matter to the visual impact on the landscape and no harm in respect of matters such as highway safety or noise have been raised by the Council.
19. Policy TTV1 of the JLP is referenced in the refusal reason and relates to the delivery of homes and jobs in the area. Given that the development is for neither I do not find that it is relevant in this instance.
20. TTV2 of the JLP relates to the delivery of sustainable development in towns and villages. It states how sustainable objectives will be supported. As a private equestrian use it does not neatly fall within any of the policy's objectives. The proposed development is not found to conflict with this policy.
21. Policy TTV26 of the JLP requires development to protect the special character of the countryside and set out a number of provisions. Part 2 section 3 of this policy sets out the need to be complementary to and not prejudice and viable operations on a farm and other existing viable uses. There is no indication that any operation outside of those within the applicants control would be affected by the proposals. Reference is made to the land being of low agricultural quality but could be potentially be used for grazing. I do not find that the use proposed would result in any loss in this regard.

22. At the time of the visit the site was not in active agricultural use and whilst it could be brought back into use at any time it is not considered that the loss of this field, given its size would impact on any viable operation of a farm. Furthermore, the use for equestrian purposes would be complementary to the existing equine and other animal related activities within the wider site area. I therefore find no conflict with this policy.
23. Policy TTV28 is more specific to horse related developments. The background text to the policy acknowledges that such developments are important countryside uses but need to be implemented in a way which protects the environment and local communities.
24. Part 1 of the policy requires there to be adequate land for the number of horses. The Council and interested parties reference the British Horse Society Standards in terms of space required. However, the Council acknowledges that this can only ever be a guide as there many factors involved. The appellant submits that stabled horses do not require large areas to turn out as long as they are exercised and have fresh air and that the horses have access to the arena and bridle way. The Council acknowledges that there is additional space within the wider site for grazing but that this would put increased pressure on the site. However, it is unclear what harm this additional pressure amounts to. If extra horses are using existing grazing land or the areas also used for dog agility it does not follow that this would necessarily have a harmful impact.
25. A further section of part 2 of policy TTV28 is that the size of the stables should be commensurate to the number of horses and the land available to those horses. The number of horses proposed to use the stables has not been specified. The stable includes five individual stable bays along with areas for feed, bedding, tack and vet meds. The stable itself and associated facilities are a reasonable size and its suitability is not disputed by the Council. As a result I find that there is insufficient evidence provided to demonstrate the additional horses at WBF would be contrary to this part of the policy.
26. Policy SPT1 focuses on economic, society and environment sustainability. With the proposals being refused on the basis of not complying with Part 3 section 5 which relates to local distinctiveness and sense of place being respected and strengthened through high standards of design. Policy SPT2 part 10 also relates to character and the protection and enhancement of the natural environment. In the above section I have identified that the proposals would have a harmful impact on the character of the area by virtue of further extending into the open countryside and would therefore be contrary to these policies.
27. I therefore find that whilst the additional development on the site may not lead to harm in respect of the use of the wider site, the encroachment into the countryside would further intensify the development at WBF in a manner which would harm the character and appearance of the area and therefore be contrary to policies SPT1 and SPT2 of the JLP.

Other Matters

28. Neighbouring parties have raised concerns in respect of their living conditions. The Council did not find harm on this basis and given the appeal is dismissed I have not assessed this further.

29. Interested parties have commented on the proposals being a business use. The application was assessed by the Council on the basis that the stable and arena would be for private use and I have considered the appeal on this basis.
30. The impact on the Dartmoor National Park has been raised within comments on the application. The site is not within the national park and therefore the policies that relate to that area do not have weight here. The visual impact of the proposals has been considered in the assessment of the scheme, including more distant views.
31. The Parish Council state that there are existing kennel buildings that could be used to accord with policy TTV28. I have not been provided with any information to demonstrate specifically which buildings they are referring to. The Council did not raise this in their rejection of the proposal and as the appeal is dismissed I find no reason to consider this further.
32. Other matters such as the access to the site, traffic, water quality, noise and disturbance, lighting, ecological matters, and animal welfare have not been considered in detail as the appeal is dismissed. These matters are not determinative in making this decision.

Conclusion

33. The proposed development would conflict with the development plan, when read as a whole and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

H Faulkner

INSPECTOR