



Appeal Decision

Site visit made on 15 October 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/T3725/W/24/3342372

Highfields, The Stables, Mill Lane, Cubbington, Warwickshire CV32 7UD

- 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 Ms. Halina Tombs against the decision of Warwick District Council.
 - The application Ref is W/23/1275.
 - The development proposed is the change of use of existing building (currently comprising physiotherapist office, consulting, waiting and treatment rooms) to a bungalow (Class C3 dwelling).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing building (currently comprising physiotherapist office, consulting, waiting and treatment rooms) to a bungalow (Class C3 dwelling) at Highfields, The Stables, Cubbington, Warwickshire CV32 7UD in accordance with the terms of the application, Ref W/23/1275, subject to the conditions in the attached schedule.

Costs

2. An application for costs was made by Ms. Halina Tombs against Warwick District Council. This application is the subject of a separate decision.

Preliminary Matters and Main Issue

3. Since the time of the Council's decision the Net Zero Carbon Development Plan Document has been adopted. Both parties have made reference to this document and have provided comments on any impact it would have on the appeal. I have been mindful of this document in my considerations of the appeal.
4. The Council originally refused the planning application on two grounds, namely that the proposal would not comply with the policies for new housing within the countryside and, would not provide a suitable standard of living conditions. However, as part of the appeal the Council have decided they no longer wish to defend the first reason for refusal and, as there are no other relevant objections, I have not considered this matter further.
5. In light of the above, the main issue is whether the proposal would provide a suitable standard of living conditions for future occupiers with regard to its relationship to the existing horse stable.

Reasons

6. The appeal site comprises a portion of land associated with an existing dwelling, Highfields, it contains a physiotherapist's office and a U-shaped stable block. I understand that both buildings and the land within the appeal site are ancillary to Highfields. At the time of my visit the stable was being used for various purposes more akin to a domestic shed than a stable. However, the stable block could easily be returned to an equestrian use without seeking planning permission. I have therefore considered this possibility below.
7. I note concerns that should the stable block be used separately from the proposed dwelling it would cause harm to the living conditions of future occupiers. In particular, should horses be stabled at the building they will generate noise and odours and additional noise would further arise from visitors to the stable and any equestrian activities. People visiting the stable and tending to the horses would pass close to the windows serving the proposed dwelling. While they may not actively look into the windows it would still generate the perception of a loss of privacy for future occupiers. Collectively, should the stable building be used separate from the proposed dwelling it would be detrimental to the living conditions of future occupiers.
8. Should the stable continue to be used in the existing way, similar to a shed, it would lessen the risk of any noise or odour concerns. However, it would nevertheless still maintain an adverse impact on the privacy of future occupiers.
9. Should the stable block be tied, in ownership and use, to the proposed dwelling any noise and odours would be under the control of the future occupiers through their management and use of the stable block. The use of the stable block, whether for equestrian or domestic purposes, would also no longer cause any overlooking as it would be for the use of the future occupiers only.
10. I find that with a suitably worded condition it would be possible to secure a tie between the buildings that restricts the use so as to protect the living conditions of future occupiers.
11. Although the stable block is large in comparison to the proposed dwelling, I do not consider the size to be so significant as to prevent it from being ancillary to the dwelling. Indeed, I find that the existing relationship between Highfields and the stable and appeal building to be comparable to that between the appeal building and stable.
12. By keeping the stable under the control of the future occupiers, the proposal would provide a suitable standard of accommodation for future occupiers. The proposal therefore complies with Policy BE3 of the Warwick District Local Plan which requires developments to provide an acceptable standard of amenity for future occupiers and users. It would also comply with Paragraph 135 of the National Planning Policy Framework (the Framework) which similarly requires developments create places that promote well-being with a high standard of amenity for future users.

Conditions

13. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
14. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
15. To ensure that the proposal would protect the character and appearance of the host building and surrounding area a condition is necessary requiring proposed materials to match the existing ones. In the interest of living conditions of the character and appearance of the surrounding area, a condition requiring details for, and the provision of, boundary treatments would be necessary.
16. Although there are significant areas of land associated with both the existing and proposed dwellings, bicycle and car parking for both dwellings may take up a substantial area. I find that to ensure suitable off-road parking is provided and that highway safety is not harmed, a condition is necessary requiring its provision.
17. In the interests of sustainability and ensuring the development complies with LP Policy FW3 a condition is necessary to limit the amount of water used at the proposed dwelling. I note that the proposal is for the conversion of an existing building with plumbing but the change in use would also have the potential to substantially change the amount of water usage.
18. In order to ensure the living conditions of future occupiers are suitable, a condition is necessary tying the stable to the proposed dwelling and limiting its use to ancillary only. Giving the stable block is already in an ancillary use, to Highfields, I have broadened the wording of the Council's proposed condition.
19. I consider that waste and recycling bins can easily be secured from the local waste collection service. A condition requiring their provision prior to the first occupation of the proposed dwelling is overly onerous.

Conclusion

20. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with drawing nos PL-01A, PL-03A, PL-05
- 3) All external facing materials for the development hereby permitted, including any windows, shall be of the same type, texture and colour as those of the existing building.
- 4) Prior to the first occupation of the dwelling hereby permitted, boundary treatments shall be erected in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 5) Prior to the first occupation of the dwelling hereby permitted, car and cycle parking shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. Once provided the parking shall thereafter be permanently retained for no other purpose.
- 6) The development hereby permitted shall not be occupied until a scheme showing how a water efficiency standard of 110 litres per person per day (based on an assumed occupancy rate of 2.4 people per household, or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the works within the approved scheme have been completed. Thereafter, the works shall be retained at all times and shall be maintained strictly in accordance with the manufacturer's specifications.
- 7) The retained stable within the application site, as identified on drawing no PL-03A shall be for the personal use of the occupiers of the dwelling hereby permitted and only for purposes incidental to the enjoyment of the dwelling.