



Appeal Decision

Site visit made on 3 April 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st May 2025

Appeal Ref: APP/Y2430/W/24/3356964

Land off Rotherby Lane, Frisby on the Wreake, Leicestershire

- 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 E Yeandle against the decision of Melton Borough Council.
 - The application Ref is 24/00396/FUL.
 - The development proposed is construction of a two storey and single storey 3 bedroom house under a tiled roof, situated in the middle of the horse yard.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework and have received comments which I have taken into account in my determination of the appeal. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.

Main Issue

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

Reasons

4. The appeal site lies to the south of Rotherby Lane in a rural location, outside the nearest settlement, Frisby on the Wreake. There are a number of stables and a barn on the site. Adjacent is a manege located outside the appeal site which, together with fields to the south, are within the appellant's ownership (blue line).
5. The stables can accommodate 10 horses and the appellant rears foals. The original planning permission for a pole barn and manege including change of use of land for equestrian purposes is subject to a condition allowing the use of the building and manege for personal use only. No trade or business is permitted (Ref: 12/00564/FUL).
6. The proposal is to erect a detached dwelling sited within the yard. It has been specifically designed to accommodate the appellant's wife, who has suffered a severe injury which has left her restricted to a motorised wheelchair, and her full time carers who are required 24 hours per day. The proposed house would provide wheelchair accessible ground floor accommodation including a bedroom

and en-suite bathroom together with living/kitchen/dining rooms plus two bedrooms, a living room and bathrooms on the first floor for the carers. The house would be a substantially large property, part single and part two-storeys high and located almost centrally within the yard.

7. Local Plan¹ Policy SS2 states that in open countryside, outside the identified settlements, new development will be restricted to that which is necessary and appropriate in the open countryside. Paragraph 84 of the Framework indicates that development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker; the development would represent the optimal viable use of a heritage asset; the development would re-use redundant or disused buildings; or the design is of exceptional quality, in that it is truly outstanding and would significantly enhance its immediate setting.
8. The appellant claims that the accommodation is necessary for him and his wife to reside on the site due to the need to be present for rearing the foals. Finding a house to accommodate their needs in the area has proved difficult. I appreciate that the appellant's wife wishes to live close to the horses and her restricted mobility would certainly make access to the horses easier if she were living close by. However, whilst understandable, this a personal requirement and relates to an equestrian use that is for personal use only. The appellant or his wife cannot claim to be rural workers when there is specifically a condition preventing the equestrian use to be used for a trade or business. I have no evidence to demonstrate that this is not the case. The house would not be an isolated building as it would be surrounded by the stables and barn but it is within the open countryside where the development plan sets out specific restrictions in order to secure sustainable development that meets identified housing needs whilst safeguarding the countryside. Section 15 of the Framework recognises the intrinsic character and beauty of the countryside and aims to ensure development contributes to and enhances the natural local environment.
9. The proposal would not meet any of the criteria in Policy SS2 or in paragraph 84 of the Framework. Also, Neighbourhood Plan² Policy H3 limits development to the built up area of Frisby on the Wreake and specified areas around it. The appeal site does not fall within any of these.
10. The proposed dwelling would be relatively well screened from the road by existing vegetation and buildings but it would relate poorly to the stables on the site. The relationship between the equestrian facilities and the proposed dwelling would be extremely cramped. Whilst this arrangement may suit the personal requirements of the appellant, it would create a very poor living environment with the proximity of buildings giving a cramped and overdeveloped appearance. The juxtaposition of the dwelling and the stables and barn would represent a poor standard of design that would not be sympathetic to the rural character of the area. This would conflict with the design objectives set out in Local Plan Policy D1 and Neighbourhood Plan Policy H4 which seek to ensure that development is sympathetic to, and has regard to, the characteristics of the surrounding area. Local Plan Policy D2 is referred to but as it relates to equestrian development and this proposal is for a house, the policy is not relevant.

¹¹ Melton Borough Council Melton Borough Local Plan 2011-2036 Adopted Development Plan Document and Appendices October 2018.

² Frisby on the Wreake Neighbourhood Plan 2017-2036, Date: 17 May 2017.

11. The proposal would therefore have a harmful effect on the character and appearance of the area in conflict with Local Plan Policies SS2 and D1 and Neighbourhood Plan Policies H3 and H4 together with the Framework. Whilst I appreciate the personal circumstances that require the proposed house, this does not outweigh the harm I have identified.

Conclusion

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR