



Appeal Decision

Site visit made on 12 April 2025

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/Q3305/W/24/3357776

Foxleigh Stables, Budge Lane, Blatchbridge, Frome, Somerset, BA11 5EH

- 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 Carl Pitman against the decision of Somerset Council.
 - The application Ref is 2024/0604/FUL.
 - The development proposed is Retention of 4 stables/tack room and outdoor menage and construction of hay store.
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Decision

1. The appeal is dismissed insofar as it relates retrospectively to the retention of entrance gates, associated walling and signage or to any material change of use of the land or for use as a riding school, for horse training or in connection with any commercial equine activity. The appeal is allowed insofar as it relates to the retention of 4 stables/tack room and menage and the construction of hay store at Foxleigh Stables Budge Lane, Blatchbridge, Frome, Somerset in accordance with the terms of the application, Ref 2024/0604/FUL, and the plans submitted with it so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The construction of the hay store hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be completed in accordance with the following approved plans: PL5069 / 3D. PL 5069 / 5A, PL 5069 / 6A.
 - 3) Notwithstanding the requirements of Condition 2 of this decision, prior to the first use of the Hay Store hereby permitted, a scheme of hard and soft landscaping for the entire site shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include details of (i) all hard surfaces and non-grassed areas, (ii) parking and manoeuvring areas being limited to those strictly necessary for private use of the development, together with (iii) planting and soft landscape/grass areas, and (iv) all boundary treatments including gates and other fencing and enclosures within the appeal site perimeter. Other than planting, seeding or turfing, the approved scheme shall be completed prior to the first use of the Hay Barn hereby approved and thereafter retained for the life of the development.
 - 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first

use of the Hay Barn, or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) Details of the arrangements for the storage and disposal of animal waste and sewage shall be submitted to and approved in writing by the Local Planning Authority before the first use of the menage, the completion of which being hereby approved. The storage and disposal of animal waste and sewage shall thereafter be undertaken only in accordance with the approved details.
- 6) No new external lighting shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed, operated and maintained in accordance with the approved details.

Applications for costs

2. Applications for costs were made by Mr Carl Pitman against Somerset Council and by Somerset Council against Mr Carl Pitman; these are the subject of separate Decisions.

Preliminary and Procedural Matters

3. Neither the postcode appearing on the application form (BA11 2XG) nor that on the appeal form reflect the true location of the development which is approximately 500m distant from the latter (BA11 5EH) and accessed from a different point on the road network. I have therefore, in the interests of clarity, removed reference to the postcode provided.
4. The appellant's submitted documents and drawings, including those provided after the decision of the Council, make reference to elements of work¹ which may require planning permission or are otherwise material to the determination of this appeal but do not appear in the appellant's description of development. It is not before me to determine any matter of lawfulness as to the original use of the land or the effect of works upon a public right of way, however I find it necessary in the interests of clarity as to the limits of any grant of planning permission to address a number of matters which do not appear in the appellant's description of development and, therefore, to refer to these in the Decision.
5. Prior to the Council's decision which is the subject of this appeal, the appellant sought to re-define (limit) the proposed use of the land from that appearing in the original planning application which stated, in terms, that "(the appellant) *will relocate and expand his equine business from Brickchimney Barn site to the application site*". In which regard it is evident that the appellant originally intended an intensification of use of otherwise private equine facilities at the site² and the Council determined the application on that basis. However, an email communication from the appellant dated 20 June 2024 sent to the Council prior to determination states: "*I have received instructions....that the 4 stables and menage subject of this application are solely for the Applicant's extended family use*". Whilst

¹ such as walls and gates now found on site and other engineering operations in the formation of hardstanding and retaining walls

² LPA officer report

the appeal statement confirms that the business use is no longer to be part of the proposal, it has not been made clear how, against the background of the original submission, the development would be restricted to private use by the appellants extended family, there being no planning-legal agreement before me or conditions suggested that would be apt to that purpose. On that basis I find it necessary to consider both the effects and suitability of the development as originally submitted but also whether the development is/would be otherwise acceptable in non-commercial use.

Main Issues

6. Accordingly, the Main Issue is whether the development is, or would be, suitably located having regard to the relevant policies of the development plan, and if so, whether the development is, or would be, afforded safe and suitable access.

Reasons

Location of the development

7. The appeal site comprises part of a larger area of land used for pasture³ and included at the time of my visit an incomplete manege and four stables, but also extensive areas of incomplete groundwork and subdivided with post and rail fencing. It is not disputed that the site is suitable for private, and therefore limited, equine activity.
8. The site is well screened from the main road and the existing stable block and part-finished manege is not prominent due to a substantial boundary hedge. A small building such as that proposed as a Hay Barn would be similarly unobtrusive in a green rural setting. However, the appellant has submitted an amended landscape plan (PL5069/ 3D) from which the extent of hard or soft surface areas, and therefore the resulting visual character of the appeal site, is not clear. In addition the development is/would be in an open countryside location which does not have the benefit of public transport and where there are no footways to the site access point. Given the nature of the use and its location, users will rely, substantially if not entirely, on private transport. A significant increase in numbers of people attending the site which would arise from activities such as horse training and riding lessons and could also require the frequent transport of horses in addition to those owned or ridden by the appellant. Taken together these activities would change the character of the private equine use of the land and undermine the rural character of the location by the increased use and presence of users and their vehicles. Retention of the existing entrance gates, walling and signage apparent at the site visit would add to that harm in that they appear to signify the presence of commercial activity whereas timber field gates and hedging do not.
9. I therefore conclude that whilst private equine recreation is an appropriate use of the appeal site, this should not be undermined by inappropriate works to the land and entrance. In addition the provision of services such as horse training and riding lessons would represent a commercial intensification which, taken together, would undermine the intrinsic value of the countryside. Consequently conflict arises with Core Policies 1 and 4 of the Mendip District Local Plan Part I: Strategy and Policies (2014) (MLP Part 1) which supports economic development in the rural areas but

³ Including for grazing by horses

requires that the scale and nature of such must be appropriate to the location and constraints upon it.

Access

10. The site is located on the A361 in its approach to the traffic island junction with the B3092 and close to its junction with East Woodland Road, almost directly opposite the site's entrance. The appellant and Council both refer to the access to the appeal site being from a bridleway known as Budge Lane, a designated Public Right of Way (PROW) which runs around the south and west sides of the appeal site. The appellant indicates Budge Lane as having served the 'previous equestrian use of the land', however, at the time of my visit there was a substantial set of high solid gates with masonry pillars⁴ and a side panel incorporating a prominent sign: 'Foxleigh Stables'. These structures, which included a low wall within the site and appear on the submitted plans⁵ lie adjacent to the A361 Frome bypass with a short visibility splay, have replaced an agricultural field gate and by their height and appearance generate an expectation of commercial rather than personal activity within. Drawings appear to indicate a significant extent of the site would be laid to surfaces other than grass⁶ such that in addition to the number of parking spaces indicated there would appear to be room for many vehicles of various sizes to be parked. At this point the centre of the A361 has diagonal hatching over a red background which is indicative of hazard for southbound traffic approaching junctions. Consequently, negotiation of access through gates which appear to have the capacity to be locked⁷ could risk conflict between the larger vehicles associated with equine activity⁸ and the main road's faster traffic. Such risks are significantly exacerbated by increased use especially where members of the public or others unfamiliar with the access attempt to use it.
11. For the reasons set out, I consider the intensification of use of the access that would arise from commercial use of the land would present a risk to highway safety such that the development is not/would not be provided with a safe and secure access. In addition there would be conflict with Policy DP9 of the MLP Part1 which seeks that development should avoid direct access from County Roads and maximise the sustainable use of transport.

Conclusion

12. I have concluded that whilst the appeal site is suitably located when used for private equine recreation, any intensification of that use for commercial purposes would not accord with the Core Policies of the development plan, and, further, that such intensification would not be afforded a suitable and safe access. I have concluded that the retained Stables and Manege together with the proposed Hay Barn would retain a rural character but also indicated that the design of the site entrance and restricting the seemingly uncertain extent of hard surfacing within the site is material to retaining a rural character and thereby, levels of activity that accord with private use. The development does/would conflict with the development plan as a whole to the extent that it cannot be made acceptable by the application

⁴ These gates were partly open at the time of my visit, there was also a small pedestrian field gate at the side although this did not appear suitable to give access to a bridleway. PL5069/1A

⁵ PL5069/1A and 3D

⁶ PL5069/3D has many notes but no key as to what is represented by the differing graphic treatments.

⁷ Although partly open, the gates were equipped with a padlocked bolt

⁸ Horse boxes or vehicles with trailers

of suitable conditions to prevent commercial use and protect the rural character of the site, matters to which I now turn.

13. My decision, therefore, requires that whilst the Stables and Manege should receive retrospective permission and the Hay Barn be permitted, it is necessary to impose conditions that ensure the extent of parking and manoeuvring area within the site is no more than necessary for personal use of the appellant and that other built features of the site are appropriate to that use. The Council have suggested conditions including one which seeks to restrict the development '*... for the private use only*' however neither this nor the Appellant's reference to use by an 'extended family' offer sufficient precision in the context of the tests set out in the Framework which include a test of enforceability. Conditions suggested as to external lighting and waste disposal are reasonable and necessary. In addition to the usual plans and timing conditions, a condition requiring details of the site layout, surface treatments together with planting and all boundary treatments is necessary to accord with the reasoning of this Decision.

Andrew Boughton

INSPECTOR