



Appeal Decision

Site visit made on 4 June 2025

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/Q1153/W/25/3363373

East Bowerland Farm, Road to West Bowerland, Okehampton, 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 Miss L Langman against the decision of West Devon Borough Council.
 - The application Ref is 3667/24/FUL
 - The development proposed is erection of new stable and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of new stable and associated landscaping at East Bowerland Farm, Road to West Bowerland, Okehampton, EX20 4LZ in accordance with the terms of the application, Ref 3667/24/FUL, and the plans submitted with it, subject to the following 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 strictly in accordance with the approved documents submitted with the application and the following approved plans: Dwg Exe/1; Dwg Exe/2; Dwg Exe/4; Dwg Exe/5; Dwg Exe/6; Dwg Exe/7.
 - 3) The stables and land hereby permitted shall be used for private equestrian use only and shall not be used for any livery, commercial riding, horse breeding or commercial training purposes.
 - 4) There shall be no burning of waste at the site.
 - 5) At no time shall any external lighting be installed or used in association with the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority.
 - 6) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the approved plans and in the application form.
 - 7) All planting of trees, hedgerows and grassland shown on the approved landscaping details, Dwg Exe/5, shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees, hedgerows or grassland 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.

Preliminary Matters

2. I have adopted the address and description of development from the application form.
3. On 6 November 2024 an appeal against the refusal of planning permission for the erection of a new stable and arena with associated landscaping at East Bowerland Farm was dismissed (Ref APP/Q1153/W/24/3341918) (2024 Appeal). The appeal related to land included in the current appeal but also to a larger field to the north west. The new arena (sand school) was shown within the larger field with the new stables shown in the same position as in the current appeal.
4. The current proposal has, therefore, been submitted in response to and to address the objections raised in the 2024 Appeal. The principal change is that planning permission is no longer sought for the sand school with the field to the north west removed from the appeal site. I have had regard to that decision in determining this appeal and make reference to it where relevant below.
5. The second reason for refusal contends that it has not been demonstrated that the appeal proposal would deliver a 10% net gain in biodiversity, contrary to local and national policies. I understand that a Biodiversity Net Gain (BNG) metric together with a statement and plans was submitted to Devon County Council (DCC) after receipt of a consultation response but that the Council determined the application prior to DCC assessing this information. The Council's Statement of Case (CSOC) confirms that having reviewed this they are now satisfied that sufficient information is available to be confident that 10% BNG can be secured and that the statutory condition would be appropriate in this case.
6. There is no evidence that would lead me to reach a different finding in relation to BNG and therefore I concur with the Council's findings in this respect. For clarity, the statutory BNG condition is deemed to apply to any planning permission granted for development by virtue of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. In view of this, I have not considered this issue further.

Main Issues

7. The main issues are: (a) the effect of the development on the character and appearance of the area; and (b) whether the proposed development leads to the overdevelopment of the site.

Reasons

Character and appearance

8. The appeal site forms part of East Bowerland Farm (EBF) which includes a mixture of commercial, residential and agricultural uses. As well as the farmhouse there are a number of holiday lets and the commercial uses include dog training, with equine and other animal uses on the site. EBF is accessed from the A386, to the east, via a long lane that also serves a number of separate residential properties as well as West Bowerland Farm (WBF) with its collection of buildings.

9. The appeal site is accessed by a grassed track that enters the site via an existing five bar gate in its north eastern corner and then runs along the northern boundary of the site. From the gate the track skirts around the edge of a field used for dog training and back towards the main farmhouse. The appeal site tapers to the south east to a gated pedestrian access to a public bridleway. The latter runs along the route of a former railway line and whilst it adjoins the western boundary of the appeal site, this boundary is formed by an earth mound with a well-established hedgerow on top.
10. The evidence indicates that the appeal site is poor quality agricultural land. Both parties also refer to its being used historically to store stone, materials and spoil from other building works on EBF, with the remainder comprising scrub land.
11. The appeal proposal involves the construction of a single storey stable building with the internal layout showing five stables, a tack and vet meds room and an area of feed bedding and wash down. The elevations would comprise timber cladding with venting windows/shutters and a grey steel profiled roof with solar panels on one of the roof planes. The proposed plans show that the new building would be cut into the ground, that the existing track would be resurfaced in clean stone and that new hedgerow and tree planting is proposed, including a new deciduous hedge along the northern boundary of the site.
12. Within the above context, the proposed stable essentially infills a low lying area of untidy and spoiled land between the large dog training building/field to the east and the well landscaped earth bank on the western boundary. The scale and height of the building would be modest, albeit it would give the appearance of a traditional stable that you commonly find in countryside and rural locations. The ground would be excavated to accommodate the new building thus reducing its height, scale and visual prominence.
13. As I observed on my site visit, the boundaries to the appeal site, other than that to the north, already comprise well established hedging and/or mature trees that would largely screen the new building from public or long range views. That would be supplemented by new hedgerow planting to the southern and eastern elevations of the new building, with Birch trees planted beyond this. On the northern boundary a new deciduous hedge would be planted to provide a screen and physical barrier between the appeal site and the field to the north west.
14. I accept that the public bridleway is a popular route and runs along the western boundary of the appeal site. Even so, when I walked along this route I was only able to catch a glimpsed view into the appeal site from the pedestrian gate. The only other were glimpsed views into the field to its north. With the new building dug into the ground and with new hedgerows and trees, even the glimpsed view from the gate would be limited and would more than likely just be a view of its shallow grey profiled roof.
15. Whilst the proposed stable would introduce further built form into the countryside I am satisfied that the impact on the landscaped setting and rural character of the area would be modest. In principle, equine uses, as proposed, are commonly found in the open countryside where, due to their scale, height, siting and pallet of materials they are normally considered acceptable in visual terms. The latter applies to the proposed stable given its siting within an area that contains spoil and rubble and where there are well established mature boundaries.

16. Turning to the 2024 Appeal, there is some dispute between the parties as to whether the Inspector's concerns related to the whole development or mostly the sand school. Whilst it is clear that the Inspector considered the whole proposal, a number of the Inspector's references, to the change that would occur to the character and appearance of the site, do relate only to the proposed sand school. These include paragraph 11 of the decision where the Inspector states that the sand school would take up a large proportion of the site. Also, paragraph 12 where the Inspector states that the surfacing, features and fencing of the sand school would be much more visible than if the field were used for grazing.
17. In addition, at paragraph 14 where the Inspector found that the construction of the sand school would not enhance the appearance of the site. The removal of the sand school from the current appeal proposal has, therefore, addressed these concerns and as I have found the remaining element of the 2024 Appeal, the new stable, would have a modest impact on the character and appearance of the area and is, for the reasons given above, in my judgement, acceptable.
18. The Council contend that the proposal would lead to a precedent for further similar development on the site. I can only, of course, consider the proposal that is before me, but there is no substantive evidence to support that concern and my attention has not been drawn to any other proposals that the Appellant may bring forward in the future. Even so, as is accepted, each application should be considered on its individual merits having regard to local context and the circumstances of the case. That is the approach I have adopted here with particular regard to the 2024 Appeal. The grant of planning permission in this case would not undermine the ability of or prevent the Council from determining future proposals on their merits having regard to the prevailing development plan policies.
19. Accordingly, I find that the appeal proposal would not result in any harm to the landscape character of the site or to the surrounding area or to its character and appearance, and would be compliant with policies SPT1 (3v), SPT2 (10), DEV20 (2,4) and DEV23 (1,2,3,4,7) of the Plymouth & West Devon Joint Local Plan 2014 – 2034 (JLP) and policy EH1 of the Bridestowe & Sourton Neighbourhood Development Plan 2016 – 2034 (NDP). These policies require, amongst other matters, for new development to: secure a high standard of design and local distinctiveness; be located where they would prevent the erosion of the tranquillity and landscape character of the area; are designed to protect, respect and enhance the scenic beauty and visual landscape character of the area through consideration of scale, siting, form, height, design and materials; and protect public rights of way as an essential element of the enjoyment of the natural environment.

Overdevelopment

20. The Council contend that the additional land take of the appeal proposal, when considered in the context of the planning history of EBF, in a sparsely settled landscape, would result in the overdevelopment of the site. I do not agree. The proposal would result in a new single storey stable building that you would commonly expect to see in the open countryside. The land take and incursion into the open countryside would be modest and the new building would be screened by well-established earth mounds, hedging and mature trees. This would be supplemented by the proposed deciduous screen hedge on the northern boundary that would visually and physically separate the appeal site and existing track from the field to the north west.

21. The proposed building would be set into the ground within a low lying area and would not extend the built form beyond the existing access track that leads to the dog training area to the east and large dog training building. The scale, height and footprint of the new building would be modest in comparison to existing buildings on EBF and there would remain large open areas and fields within the wider site. As a consequence, the appeal proposal would have little, if any, impact on the openness and spaciousness of the EBF and would not result in its overdevelopment. In terms of sparsely settled landscape, the immediate context is provided by the wider EBF complex as well as a number of residential properties along the lane and the WBF with its cluster of buildings
22. In relation to the 2024 Appeal, the Inspector found that the proposed use would be complementary to the existing equine and other animal related activities within the wider site. Even so, the Inspector found that whilst the additional development 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 EBF in a manner that would harm the character and appearance of the area. As I found earlier, the scale, site coverage, visual impact and encroachment of the 2024 Appeal proposal has been significantly reduced through the removal of the sand school. As a consequence, the resulting visual impact and encroachment of the proposed stable would be significantly less and modest. The scale, height and siting of the proposed stable would not, in my judgement, intensify the development at EBF to a level that would be harmful to the character and appearance of the area.
23. Accordingly, I find that the appeal proposal would not result in an overdevelopment of the site and would be compliant with policies SPT1 (3v), SPT2 (10), DEV20 (2,4) and DEV23 (1,2,3,4,7) of the JLP and policy EH1 of the NDP.

Other matters

24. Concerns have been raised by interested parties in relation to the impact on living conditions, breaches of planning, potential commercial use and need for the stable, access and traffic, animal welfare and the lack of information on drainage, ecology and biodiversity. I note that these are not issues that the Council have raised in their objections to the appeal proposal and there is no substantive evidence before me to indicate that any of these issues would be likely to lead to material harm or conflict with development plan policies.
25. In relation to living conditions, I note from the Council's Delegated Report (CDR) that this issue was assessed by the Environmental Health Officer who raised no objection to the proposal. There is no evidence that would lead me to reach a different finding and as I observed on my visit there are no residential properties that share a common boundary with the appeal site. Any issues in relation to external lighting can be controlled by a condition.
26. In terms of access/traffic, the CDR confirms that Devon County Council Highways raised no objection to the proposal. As the local highway authority I attach significant weight to their response. The latter was subject to a restriction on the proposal being for private use, which is the basis on which I have considered this appeal and is a matter that I am satisfied can be controlled by a condition.
27. The proposal as submitted and referred to in the evidence is for private use by the Appellant and my attention has not been drawn to any requirement to show a need for the development. I note that the proposal was supported by assessments of

drainage, ecology and biodiversity, which the Council found acceptable and there is no evidence before me that would lead me to reach any different findings on those matters.

28. Similarly, there is no substantive evidence to suggest that the proposal would lead to any issues in relation to animal welfare. The Appellant indicates that the horses would be exercised and grazed on the open grassland around the proposed stables and that this may extend to using other land or facilities on EBF, such as the field to the north west. All of this land is in the Appellants control and ownership and I note that the horses would also be ridden out for road work or to use other facilities. As to any breaches of planning control, those are matters that should be taken up with the Council.

Conditions

29. The Council has suggested various conditions that I have considered against the advice in the National Planning Policy Framework and Planning Practice Guidance chapter on the 'Use of planning conditions'.
30. Conditions relating to compliance with the approved plans, to prevent any burning of waste on the site and the installation of any external lighting (unless approved by the Local Planning Authority), are necessary and reasonable in the interests of securing a high quality development, to reflect the application details, to reduce the potential impact on amenities and to safeguard ecological interests, protect dark sky nights and the rural character of the area.
31. I also consider that a condition restricting the proposal to private equestrian use and preventing any commercial use, is reasonable and necessary to reflect the basis on which the application was submitted and to avoid any adverse impacts on amenity, highway safety and the character and appearance of the area. Although not suggested by the Council, I have also added conditions that the development to be carried out in accordance with the materials shown on the approved plans and application form, and to ensure compliance with the landscaping details so as to reflect those submitted and secure a high quality development.

Conclusion

32. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR