



Appeal Decision

Site visit made on 3 June 2025

by **K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/J3720/W/24/3353357

Dassett Field House, Dassett Road, Avon Dassett, Warwickshire CV47 2AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreements or approval to details required by conditions of a planning permission.
 - The appeal is made by P and L Rocher against the decision of Stratford-on-Avon District Council.
 - The application Ref: DISCN/00388/24 sought approval of details pursuant to condition 3 of planning permission Ref: 22/02564/FUL, allowed under appeal Ref APP/J3720/W/23/3321988 on 5 June 2024.
 - The development granted planning permission is described as: Construction of an indoor riding arena.
 - The application for approval of details was refused by notice dated 10 September 2024.
 - Condition 3 states: *No development above ground level shall take place until a landscaping scheme for the proposal has been submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:*
 - a) *existing landscape features such as trees, hedges and shrubs that are to be retained and/or removed, accurately plotted (where appropriate), together with necessary protection measures.*
 - b) *scaled planting plans and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting.*
 - c) *the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.*
 - d) *written specifications including cultivation and other operations associated with tree, plant and grass establishment.*
 - e) *existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform).*
 - f) *the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates or ramps).*
 - g) *location, type and materials to be used for hard surfacing, including specifications, sample photographs and details of type and design, colour and bonding pattern where appropriate.*
 - h) *the position, design, materials, means of construction of any site enclosures and boundary treatments.*
 - i) *a timetable for the implementation of the landscaping scheme.**There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority. The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.*
 - The reason given for the condition in the appeal decision is having regard to the character and appearance of the area.
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Decision

1. The appeal is allowed and Condition 3 of planning Ref 22/02564/FUL (allowed under appeal Ref APP/J3720/W/23/3321988 on 5 June 2024) is hereby discharged in accordance with the terms of the application DISCN/00388/24 and the details

submitted with it, including the amended plan EDD002, and without the use of the non-native Japanese rose in the horse-friendly hedge.

Applications for costs

2. An application for costs was made by P and L Rocher against Stratford-on-Avon District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Whilst the indoor riding arena may not have been in place when the discharge of condition application was submitted to the Council, I saw on my visit that the building had been erected and a riding lesson was taking place. Some trees had also been planted in front of the gable end of the building but not in the manner indicated on the submitted landscape plan. I also saw that the elevations of the building had not yet been completed in full accordance with the approved plans allowed on appeal¹. The south elevation had been made partially open, not timber clad, similar to the north elevation facing the stream. On the front and south (pen side) elevations there was timber ranch-style fencing. Hence at the time of my visit the building had 3 open sides, compared to the 2 in the approved plans.
4. Notwithstanding what has been implemented to date, my remit in this appeal is to determine whether the submitted landscaping scheme addresses the requirements of Condition 3 based on the submitted details – not what has been built or planted on site. It is also not for me to reconsider the planning permission or discuss whether the condition is necessary (the appeal before me is not one against the imposition of the condition).
5. The landscaping drawing no. EDD001 (Event Space Screening) was submitted to discharge Condition 3 and is replicated at Figure 1 in the appellant's appeal statement. However, a revised drawing EDD002 (Event Space Screening) has also been submitted with the appeal documentation. The only difference I can see is that the material to be used for the access area into the building. On drawing EDD001 this is annotated as 'Grass/Bark', whereas on the revised plan it is annotated to read "Handstanding to match access". The appellant's appeal statement makes reference to an enclosed v2 of Landscape Plan to correspond with submitted photographs showing the access area having been laid with aggregate and plainings, which I saw had been done. In the appellant's statement there are photographs of the amended access surface before the indoor arena building had been erected. The Council will have seen this revised plan in the appeal documentation. I am satisfied that the revised landscape plan EDD002 does not fundamentally change the application or the landscaping scheme and does not result in procedural unfairness. Therefore, I am inclined to accept drawing EDD002 as the submitted landscaping plan for the discharge of Condition 3 for the purposes of this appeal.
6. In determining the application for costs, the council has referred to the Rosa rugosa 'Rubra' / 'Alba' White/red Japanese rose, intended for use in the proposed horse-friendly hedge, as a banned invasive non-native species. The appellant accepts and concedes the use of this species would be unsuitable. The parties have been asked to confirm that the plant will not be used in any of the planting schedules. I have that reassurance in writing.

¹ Appeal ref: APP/J3720/W/23/3321988 dated 5 June 2024

7. The proposed landscaping and the indoor riding arena building both lie within the grounds of the Grade II* listed Dasset Field Farmhouse and two pavilion blocks². In the exercise of planning functions section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I am required to have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

8. The main issue is whether approval should be granted for the submitted details having regard to the character and appearance of the area and the historic environment.

Reasons

9. The indoor riding arena is a large rectangular building with a pitched roof. The submitted landscaping scheme shows four evergreen Magnolia Grandiflora 'Little Gem' trees would be planted in a line across the front gable elevation, symmetrically placed with two trees either side of a hardstanding access area. In front of the trees there would be a hedge of Salix Integra, a decorative deciduous willow.
10. Around the other three sides of the building a horse-friendly mixed native hedge would be planted close to the sides of the building. This would comprise 50% hawthorn and 50% other species such as hornbeam, hazel, common dogwood and other plants, including some non-native species. The submitted planting details indicate the Magnolia trees would reach up to 8 metres in height within 10-20 years, the Salix hedge would reach 2.5 metres in 10-20 years and the horse-friendly hedging would reach up to 4 metres in height within 5 years.
11. From my reading of the Council's reason for refusal, its concerns rest with the 4 trees and low hedge to be planted across the front gable end as it they are not native species, and as such would not screen the building but draw attention to it instead. The Council wants a significant locally native tree belt "to the tune" of 15 metres wide, as the proposed landscaping does not sufficiently mitigate the building in the landscape.
12. Without annotated plans, from my site observations there would not be enough space for a 15 metre-wide tree belt in front of the building. Such a tree belt would encroach on the access track that passes in front of the approved building, which also gives access to the other open-air arenas, that were in use during my visit and later horses were ridden past the building when the lesson had finished. Nor is there enough space around the sides of the building to plant such a wide belt of trees. Hence I find a 15-metre tree belt would be impractical.
13. Whilst the Council's SDC Conservation officer may have advised of a 15-metre wide tree belt for the application for the indoor riding arena, the previous appeal Inspector did not share the same concerns and did not refer to the need for such a significant landscaping belt. The Landscape Officer who commented on the scheme submitted for the discharge of Condition 3 makes no reference for the need for a 15-metre tree belt or that any landscaping feature should be of that scale. The Council has not submitted an appeal statement so there is no

² National Heritage List for England: list entry number 1024247

explanation as to why the Council has insisted on a requirement from a previous application, in light of the previous appeal Inspector's comments.

14. The previous appeal Inspector when considering the equestrian building did not appear unduly concerned about the appearance of the building in its landscape setting, nor did they discuss the need for a 15 metre-wide tree belt. The appeal decision refers to the *"visual impact [of the proposed arena building] would be softened by the use of timber boarding in its elevations and it being partly open on its east and north sides, while it would not sit in isolation but be seen in the context of the adjacent equestrian centre. It would also be located down the slope within the stream's steep-sided valley with its boundary trees, so I am not satisfied there would be extensive medium and long-range views of the building. Therefore, when the above factors are taken together, I consider that the proposal would not dominate the landscape or be particularly prominent....and would not be a discordant element"*.
15. The indoor riding arena building is far enough away from the listed farmhouse and viewed against the equestrian setting of buildings and areas, rather than as part of the farmhouse, such that the landscaping of the building would not affect the setting of the listed building and not harm its significance. My observations are reinforced by the previous appeal Inspector who found the indoor riding arena building would not affect the setting and hence significance of these heritage assets as *"From the north views of the development would be limited as the land rises sharply on the other side of the valley"* and *"From the south the proposal would be largely concealed and from the west any views would be no more harmful than those discussed above to the north and east"*. Furthermore, the building *"would be a style of building that is not uncommon in the countryside and would be located within a valley....some distance across the fields and paddocks...concealed by the folds of the land"*.
16. All these comments lead me to conclude that the previous appeal Inspector was satisfied that the indoor riding arena building would not need to be totally screened or hidden from view - indeed they found that it would protect the high landscape value of the Special landscape Area. This indicates to me that any landscaping scheme the subject of Condition 3 would only need be a light touch to further soften the building.
17. From my site visit observations of the surrounding undulating countryside, albeit not from all the same locations as the previous appeal Inspector, I saw the building nestles into its surroundings, is not visible from Dasset Road, and the partially open-sided elevation means that there are 'borrowed' views of existing trees and hedges that help soften the building's setting. There are also mature trees, taller than the building, already well established along the stream valley that provide significant screening to the building. The wider equestrian site is also well landscaped with trees.
18. Whilst the use of native species is generally preferable, particularly in rural areas, I saw that the building is not in an isolated location in open countryside but nestles in the landscape as part of an existing equestrian complex. The proposed evergreen trees and hedge along the shortest elevation of the building, albeit more decorative, would continue to provide some additional screening to a building that is already well sited, as described above. This elevation faces towards the other open-air arenas and other well-maintained areas around the equestrian complex.

As a result, I find the proposed non-native trees and hedge would not necessarily draw undue attention to the building when considering the site's context and existing mature surrounding landscaping.

19. The proposed horse-friendly hedge would be half native with some non-native amenity planting and would be sited close up to the building in a built-up context, not across an open field. Nor would it be readily seen from outside the wider equestrian complex. I am satisfied that it would provide sufficient screening in the context of the site. The appellant has agreed not to use the Japanese rose species. Its omission from the planting mix would not make a material difference.
20. Drawing all the above points together, I find the Council's requirement for a 15-metre wide tree belt to be unnecessary and excessive for the scale and nature of the development. I am also satisfied that the proposed landscaping scheme, shown on submitted amended drawing EDD002 (showing the access as hardstanding to match access) with the submitted planting schedules and timetables, minus the use of the Japanese rose, would be acceptable.
21. Accordingly, the proposed landscaping would be in general compliance with Policies CS.5, CS.6, CS8, CS9 and CS12 of the Stratford-on-Avon District Core Strategy. These seek, amongst other things, to ensure that development takes place in a manner that minimises and mitigate its impact on the landscape, that landscaping and trees are appropriate to the site including where appropriate the use of native space, although in some instances non-native species will be considered and accepted where appropriate, and that development does not damage or destroy features that positively contribute to local distinctiveness, including in Special Landscape Areas with a high quality landscape.

Conclusion

22. For the reasons above, the appeal is allowed and Condition 3 is hereby discharged in accordance with details set out in paragraph 1 of this decision.

K. Stephens
INSPECTOR