



Appeal Decision

Site visit made on 27 March 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2018

Appeal Ref: APP/R3325/W/17/3185621

Higher Farm, Corton Denham Road, Corton Denham, Yeovil DT9 4LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Ira Madan against the decision of South Somerset District Council.
 - The application Ref 17/00792/FUL, dated 14 December 2016, was refused by notice dated 15 September 2017.
 - The development proposed is the erection of a new stable area.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new stable area at Higher Farm, Corton Denham Road, Corton Denham, Yeovil DT9 4LR, in accordance with the terms of the application, Ref 17/00792/FUL, dated 14 December 2016, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of its surroundings, having particular regard to the setting of Corton Denham Conservation Area (CDCA).

Reasons

3. The appeal site forms part of a large field and is located on the side of a hill at the edge of the village of Corton Denham. The site is positioned close to but outside of the CDCA and is to the south of Higher Farm, which is currently being redeveloped to provide a large detached dwelling.
4. Given the existing hedge and trees along the roadside and that the ridgeline of the stable would be below road level, the proposal would have a limited effect on any views from the east. Due to the size and siting of the Higher Farm dwelling, as well as the extent of natural screening in its vicinity, it is unlikely to significantly feature in any views directly from the north. Moreover, as a result of the undulating topography, it is unlikely that the proposal would be particularly prominent in longer approaching views from the south.
5. The main effects would likely be experienced in views from the west, north-west and south west, including those from properties along Middle Ridge Lane and at Queen's Court. I accept that the Higher Farm dwelling benefits from a greater extent of natural visual containment than the proposed position of the

-
- stables. Nevertheless, a number of the trees to the rear of that dwelling and other mature trees in the wider area of the field would significantly filter views of it, particularly from Queen's Court. Given also the degree of separation to Queens Court, no unacceptable visual harm would arise from this location.
6. From a number of properties along Middle Ridge Lane the development would clearly be visible and would consolidate a ridge of development at this high point of the field. However, in doing so the stables would relate more closely to the existing settlement in accordance with one of the requirements of South Somerset Local Plan (LP) Policy EQ8. Moreover, the development would relate well to the site's eastern boundary and would be viewed against a backdrop of the upper part of the field and the roadside hedging.
 7. I appreciate that the backdrop would also include the higher part of the hillside beyond, which forms part of the CDCA and which makes a notable contribution towards the rural setting and character of the village. However, by its very nature, equine development requires a countryside location and the proposed design is typical of its function and is not industrial in appearance. I agree that the stable block would be relatively wide but against the rural backdrop of the CDCA, it would not appear unusual or harmful or out of keeping with its landscape character and context. Moreover, precise details of all external finishes which reflect this context could be controlled by way of condition.
 8. Given the siting of the development in the south east corner of the field, other views of the stable block together with the CDCA are likely to be relatively limited. Even where combined views would be achieved, the rural characteristics of the development would not result in material harm in this case.
 9. I accept that the wider field within which the appeal site is situated also makes a positive contribution to the setting of the CDCA and that much of the village is positioned around it. However, the stables would be largely in keeping with this pattern of development, being peripheral to the edges of the field. I do not consider that the siting could reasonably be described as being shoehorned into the site or materially contributing to infilling at Corton Denham. Nor do I consider that allowing an appeal for a stable block in this location would be a precursor to the granting of planning permission for the development of the whole of the field.
 10. The cross sections details show that the PV panels would be positioned at ground level. The PV panels to the rear of the stable would also be largely screened by the same in views from the west. Due to the orientation of the PV panels positioned to the north of the stable block, views of them would be restricted and in the main confined to closer views around the stable block. For these reasons the panels would not be an obvious feature of the landscape and would not result in undue glare or any other material harm. I appreciate that PV tiles could be used instead but that is not what is before me and in any event I have found the ground level panels to be acceptable. Similarly, whilst there may be other alternative siting options for the development, I have been appointed to determine its acceptability and layout in the location currently proposed.
 11. The proposal will clearly require engineering intervention to create the level ground for the stables and its associated hardstanding. However, much of the proposed cut and fill would be to the rear of the stables, and as such would be

largely screened in views from the west. Furthermore, given the profile of the land it is unlikely that the ground levels aspects such as the concrete apron, would be particularly visible in these views. In these circumstances I do not consider that the engineering operations would have an unduly artificial or incongruous appearance. The existing natural landscape character would not therefore be unacceptably harmed.

12. The proposed landscaping will in time further assist assimilating the engineering operations from the south and west as well as screening the stable block. Full details of this and all other aspects of the landscaping can be satisfactorily resolved by way of condition.
13. I recognise local concerns regarding the potential effects of lighting. However, I do not envisage that the nature of the development is such that it would require prolonged periods of lighting whilst the type and extent of external lighting is a matter which could also be satisfactorily resolved by way of condition.
14. Therefore, although the development would be visible, particularly in views from the west, given the nature of the development and the significant separation from the rear of the properties along Middle Ridge Lane as well as the landscaping opportunities, I do not envisage that the proposal would result in an unacceptable visual impact to the occupants of those properties.
15. Subject to appropriate conditions I find that the design, scale, siting and materials would respect the landscape character of the locality whilst the siting would closely relate to the existing settlement. The proposal would therefore accord with the relevant criteria of equine development LP Policy EQ8. Moreover, in overall terms that the proposal would have a neutral effect on the setting of the CDCA as a whole and as such would preserve its character and appearance in accordance with the expectations of LP Policy EQ3.
16. Accordingly, I conclude that the proposal would not result in unacceptable harm to the character and appearance of the area and would not result in conflict with LP Policies EQ2, EQ3 and EQ8. These policies state, amongst other matters and in addition to that set out above, that development will be designed to achieve a high quality, which promotes local distinctiveness and preserves or enhances the character and appearance of the district. It follows that I do not find conflict with paragraph 109 of the National Planning Policy Framework (the Framework) which seeks to protect and enhance valued landscapes.

Other matters

17. I have noted the concerns expressed regarding the siting of manure heaps, animal bedding and any other waste arising from the stables. However, the separation to the nearest neighbouring property is such that I do not envisage material harm in terms of odour. Moreover, as it is the appellant who occupies the nearest residential property to the proposed stables, it is reasonable to assume that she would not wish her own living conditions to be diminished by odour. Accordingly, it is in her interests that matters relating to manure and bedding are well managed. Any nuisance issues arising would also be controlled by other legislation. Concerns relating to drainage and liquid run-off can be satisfactorily resolved by way of condition. This is largely consistent with the views of the Council's Environmental Health Officer.

-
18. I'm not convinced that given the separation and intervening features that the proposal would have any material effect on the operation of the Queens Arms Public House. In any case, the current occupiers of the same are in support of the proposals.
 19. The separation to the nearest neighbouring property and the nature of the proposal is such that there would be no material harm to living conditions in terms of noise or loss of privacy. I accept that there may be noise from construction works but this is an inevitable short period and would not be significant or unacceptable.
 20. I have no substantive evidence to suggest that the proposal would not be overseen and executed safely or that the appellant would not properly adhere to any conditions applied to a planning permission. In any event, it would remain open to the Council to take enforcement action against any breach of planning control. Moreover, I have no evidence to suggest that the nature of the land is such that a reasonable engineering solution could not be achieved to prevent subsidence or a destabilisation of the road.
 21. I have no substantive evidence that the proposal would result in harm to protected species or technical evidence to demonstrate that the proposal would increase flood risk or cause harm to underground water courses.
 22. I have noted the concerns regarding the plans but I am satisfied the details presented in conjunction with my site visit have enabled me to make a thorough and well informed decision. These plans also confirm that the existing entrance to the field would be utilised with the position of the horse lorry parking adjacent to it. The plans also explain that that the horse lorry would turn around on the public road and reverse into position and as such there would be no requirement for an additional hard standing or turning facilities. Moreover, notwithstanding that the existing access does not form part of the appeal site, any works which may or may not be required can be resolved by way of condition, whilst land ownership is a private matter between the parties.
 23. The scale of the development would not justify a transport assessment and the Highway Authority raise no highway safety concerns provided that the proposal is for the appellant's own personal use. Based on the evidence before me I find no reason to take a contrary position on this issue.
 24. I have noted the concerns expressed regarding the access and hedging, which appeared to be related to the ongoing construction works for the replacement dwelling. However, this and issues relating to the planning permission for the redevelopment of the house and any previous burning of waste are not matters which are currently before me.
 25. I have no evidence to suggest that approval of the appeal proposal would lead to further demand for equestrian development and even if it does, such proposals should be treated on their own merits, as I have done in this case. I acknowledge the sloping nature of the wider field but I am not persuaded that it is wholly unsuitable for grazing horses.

Conditions

26. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and

in the interests of proper planning. Landscaping, external lighting and materials conditions are also necessary in order to protect the character and appearance of the area.

27. A condition preventing a commercial use of the stable block is necessary in the interests of highway safety and to protect the living conditions of the occupiers of the nearest residential properties. A condition is also necessary to ensure satisfactory drainage of the site. In the event that a parking hardstanding is required, a condition requiring details of the same to be agreed is necessary to control surface water run-off and its effect on the character and appearance of the area.
28. The Planning Practice Guidance advises that care should be taken when using pre-commencement conditions. In my view there is sufficient scope in this case to delay agreement of the external materials of the stable block and I have amended the trigger accordingly. Nevertheless, in the interests of proper planning and to avoid any potentially abortive works, it is appropriate in this case that the conditions relating to drainage and landscaping are resolved prior to the commencement of any works.
29. For a number of the conditions I have amended the wording to ensure compliance with the provisions of paragraph 206 of the Framework.

Conclusion

30. I fully appreciate the strength and extent of local opposition to this proposal but for the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; F-01 Revision D, F-03 Revision B; F-04; F-05 Revision A; F-06; and F-10.
- 3) No work to the stable block shall take place until samples of all external facing materials, including the roof covering, have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until details of a landscaping scheme have been submitted to and approved in writing by the local planning authority. These details shall include, all new planting and seeding, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of the development, as well as details of the proposed functional services above and below ground, all means of enclosure, earthworks showing existing and proposed finished levels and contours and retaining structures as well an implementation programme for all aspects of the landscaping scheme. The landscaping scheme shall be carried out in accordance with approved details and the agreed implementation programme and maintained thereafter. Where any trees or plants which within a period of five 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, unless the local planning authority gives written agreement to any variation.
- 5) No means of external illumination/lighting shall be installed without the prior written approval of the local planning authority.
- 6) The development hereby permitted shall be used for private and domestic equestrian purposes only and shall not be used for any business or commercial use.
- 7) Prior to the laying of any hardstanding for the parking area, details of the surfacing materials shall be submitted to and approved in writing by the local planning authority. The hardstanding for the parking area shall be carried out in accordance with the approved details and retained thereafter.
- 8) No development shall commence until details of liquid run-off and surface water drainage have been submitted to and approved in writing by the local planning authority. The approved drainage details shall be completed before the development hereby permitted is first brought into use. The agreed measures shall be retained thereafter.