



Appeal Decision

Site visit made on 12 August 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/K2420/W/24/3341198

65A Newbold Road, Barlestone, Leicestershire CV13 0DY

- 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 and Mrs A Gibson against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 24/00054/FUL.
 - The development proposed is described as 'new stable block with associated storage area, fence and landscaping (Resubmission 23/00392/FUL)'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has come from the decision notice as this more accurately describes the proposal. This has also been used in the appeal form.
3. The Council's Statement of Case acknowledges that the relevant policies of the Development Plan were adopted prior to the publication of the National Planning Policy Framework (the Framework) and suggests that paragraph 11 (d) of the Framework is engaged. However, paragraph 225 of the Framework confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
4. The appellant has not contested the appeal on the grounds that the Development Plan should be considered out-of-date. There is a strong level of consistency between the Council's policies in the decision notice and the Framework in terms of consideration of the character and appearance of the countryside and the landscape. Therefore, I attach full weight to Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP) in determining this appeal.
5. Policy DM4 of the SADMP considers development in the countryside sustainable where it meets a number of criteria. The appeal proposal does not meet any of this criteria. However, the appeal site was subject to a recently approved single stable block. In light of this, the Local Planning Authority (LPA) consider the principle of a stable block is acceptable, despite not according with the requirements of Policy DM4. The LPA consider that Policy DM4(i) is the principal policy consideration in determining the development's compliance with Policy

DM4 in these site-specific circumstances. I have no reason to take an alternative view and I note the appellant also agrees with this approach.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area.

Reasons

7. The appeal site lies just outside of the defined settlement boundary, and thus in the countryside. It forms part of a paddock adjacent to 65A Newbold Road, a two storey property which is within the settlement boundary. The paddock contains a row of existing low profile stables that are located opposite the proposed development and a small open fronted shed. The effect of the proposal would be to replace a modest and discreet shed with an overly large and unduly prominent structure.
8. Owing to the topography, the appeal site within the paddock is in an elevated position, with the land gradually sloping down towards 63 Newbold Road (No 63). The southern boundary of the site is next to the highway, screened in part by mature landscaping and the banking. However, there is a noticeable break in the landscaping, adjacent to No 63 which affords views up towards the open paddock, alongside the existing limited, modest sized non-residential buildings, which contributes positively to the rural landscape character of the countryside in this location.
9. The proposal measuring 14.5 metres long by 16.6 metres wide, with a ridge height of 5.4 metres at the highest point, would represent a substantial increase in scale over a recently approved stable at the site¹. That scheme appeared to be more commensurate in size to the nearby equestrian building and storage shed which it was replacing. This proposal would be significantly larger and taller than both of these.
10. While the positioning of the stables would maintain long-range views into the site, given the footprint, height and width, it would result in a building with an incongruously excessive scale. This would dominate and be significantly at odds with the character of nearby modest non-residential built form and the rural character of the site. This harmful impact would be exacerbated by the topography. The elevated position of the appeal site would make the proposal highly visible from Newbold Road, adjacent to No 63, and would emphasise the height as one would be looking up towards the proposal. While I note the main dwelling would be taller than the proposal, the main dwelling is a residential property, materially different to a structure for equine and storage use which one would expect to be subservient to the main property, and as such it does not alter my findings. In coming to this view, I have also been mindful of The Good Design Guide (2020), which states development should recognise the character and beauty of the countryside and care should be taken to design to the right scale and form.
11. I acknowledge that views of the proposal from the road immediately behind the proposed stables are likely to be restricted by the existing vegetation. However, such screening cannot be guaranteed in perpetuity, and notwithstanding the Council's view on landscaping in the previously approved

¹ Ref: 23/00392/FUL

scheme, given the proposal's substantial height, width, elevated position and close proximity to the boundary with the footway, the stable would appear unduly prominent during winter months when it would be visible through the vegetation from the road. I note that additional landscaping is proposed immediately west of the proposal and across the southern boundary of the paddock, which would help to screen the proposed building. However, I consider that such planting would take a number of years to adequately screen the proposal and as such would not mitigate against the harm in the interim.

12. For the reasons above, the proposed development would harm the character and appearance of the area, conflicting with Policies DM4(i) and DM10(c) of the SADMP. Collectively, these seek, among other things, to ensure development complements or enhances the character of the surrounding area with regards to scale and massing, and that development does not have a significant adverse effect on the landscape character of the countryside. It would also conflict with the Good Design Guide (2020) and would be contrary to the Framework. This seeks to ensure development is sympathetic to local character, including the surrounding built environment and landscape setting and that decisions contribute to and enhance the natural and local environment.
13. Whilst conflict was cited with Policy H2 of the Barlestone Neighbourhood Plan (2022), I consider this policy is related to the principle of development which has not been disputed. I therefore find no conflict in this case.

Other Matters

14. I have been directed to an appeal decision that was allowed for the erection of a stable block and agricultural barn². Whilst noting the Inspectors comments on the height of that scheme, it appears that the proposal was sited in close proximity to existing agricultural barns and behind existing built form, away from the road. I thus do not find the context directly comparable and neither that it automatically follows that this scheme can be described as extremely modest. In any case, each appeal is decided on its own merits.
15. The Officer report refers to the proposed roof material as slate tiles but the elevation drawings detail the material as metal. Notwithstanding this and irrespective of the use of timber cladding, I find a slate roof would give the proposal a more domesticated and substantial appearance, more akin to a domestic outbuilding. However, had I been minded to allow the appeal then a suitably worded planning condition could have overcome these concerns.
16. I note no objections were raised by the Parish council. I am required to assess the proposal on its merits and the absence of objections does not in itself mean the proposal is acceptable and does not alter my findings with regards to the harm identified.

Conclusion

17. 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. The appeal is therefore dismissed.

T Bennett INSPECTOR

² Ref: APP/K2420/W/23/3321728