



Appeal Decision

Site visit made on 26 February 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2024

Appeal Ref: APP/K2420/W/23/3327765

Barncroft, Dadlington Lane, Stapleton, Leicestershire LE9 8JL

- 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 Wykes against the decision of Hinckley and Bosworth Borough Council.
- The application reference is 23/00356/FUL.
- The development proposed is a replacement stable block.

Decision

1. The appeal is allowed and planning permission is granted for a replacement stable block at Barncroft, Dadlington Lane, Stapleton, Leicester LE9 8JL in accordance with the terms of the application, Ref 23/00356/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans:
 - Location Plan and Block Plan; Drawing 22/60 06E
 - Proposed Stables – Scheme 2 (Elevations and Floor Plans); Drawing 22/60 05E
 - 3) The external surfaces of the stable block hereby permitted shall be constructed in the materials described on the planning application form and shown on Drawing 22/60 05E.
 - 4) The stable block hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in full accordance with the approved details.

The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
 - 5) The stable block hereby permitted shall be used for the private stabling of horses incidental to the enjoyment of the dwelling house known as Barncroft, and shall not be used for livery or any commercial purpose.

Preliminary Matters

2. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework.
3. The appellants submitted a revised location plan and block plan drawing as part of the appeal. The amended block plan showed an existing building on the appeal site which had not been shown on the original, as well as a proposed area of planting. It also included annotation describing which buildings on the site would be retained and which would be removed. This drawing did not amend the appeal scheme in any way, and I have therefore taken it into account in determining the appeal; I am satisfied that no party's interests are harmed by my having done so.

Main Issues

4. The main issues are:
 - Whether the appeal site would be an appropriate and sustainable location for the proposed development having regard to the development plan and national policy; and
 - The effect of the proposal on the character and appearance of the area, including landscape character.

Reasons

Appropriate location

5. The appeal site is a parcel of land, with an area of around 520m², currently occupied by four timber stable blocks and areas of hardstanding. From west to east Blocks 1 and 2 (using the numbering in the appellants' statement and revised block plan) are arranged back-to-back and provide respectively three and two loose boxes; at right angles to these, Block 3 incorporates one loose box and a hay store, and Block 4 is a smaller single stable. The proposed development is the demolition of Blocks 1 and 2, and the erection of a replacement six-bay stable block; the existing Blocks 3 and 4 would be retained.
6. The site is associated with the adjoining dwelling "Barncroft", the appellants' home; the house and garden lie immediately south-west of the existing stables, while to the east are other areas of land, also in the appellants' ownership, used for the keeping of chickens, and as grazing paddocks. Barncroft is part of a small group of dwellings extending a short distance along Dadlington Lane outside the village of Stapleton, within the open countryside. There is around 130m or so of open fields between the appeal site and the western edge of Stapleton, although the southern edge of those fields is marked by a large group of agricultural (or similar) buildings.
7. Policy DM4 of the 2016 Site Allocations and Development Management Policies Development Plan Document ("the SADM DPD") seeks to protect the "intrinsic value, beauty, open character, and landscape character" of the countryside

from unsustainable development. It describes a range of types of development likely to be considered sustainable; these include outdoor sport or recreation, where the use cannot be accommodated within or adjacent to settlement boundaries, and the change of use, re-use or extension of existing buildings "which lead to the enhancement of the immediate setting". Policy DM4 also sets out five criteria with which development should comply, including that it should not have a significant adverse effect on the countryside, undermine the physical or perceived separation between settlements, or create or exacerbate ribbon development.

8. In my experience stable blocks are not an uncommon sight in the countryside, and in general are probably more usually found there than within settlements. While I note the Council's statement that none of the existing stable blocks on the site has planning permission, the evidence before me is that they have been there for a considerable time, and there is nothing to suggest that they are not now the established lawful use of the site.
9. Notwithstanding the fairly restrictive terms in which Policy DM4 is couched, my reading of it does not support the Council's stance that a replacement for an existing stable block (or blocks) within the countryside should be unacceptable in principle. Indeed, the Council referred to another relatively recent case in which it had granted planning permission for the erection of stables and the use of land for equestrian purposes¹ on a site not previously in that use, having concluded that although it was not among "the categories of development specifically considered to be sustainable development that can be supported in the countryside", that scheme "[did] not give rise to any adverse impact on the appearance or character of the area", and timber-clad stables were "a typical and acceptable feature in the countryside".
10. I address matters of character and appearance, including the materials of the proposed development, in more detail in a moment. However, the four existing stable blocks can be clearly seen from Dadlington Lane, and while the proposed building would be larger in footprint and height than the two it would replace (and therefore more prominent in public views), this would not be to an extent which would make it harmfully intrusive or dominant. The new stable block would not narrow the existing gap between Barncroft (and its neighbouring dwellings, and their associated outbuildings and so on) and the settlement of Stapleton, nor would it enlarge that small built cluster of ribbon development.
11. I therefore conclude that the site would be an appropriate and sustainable location for the proposed development. There would be no conflict with Policy DM1 of the SADM DPD, which sets out the development plan's "presumption in favour of sustainable development", nor with Policy DM4 of the SADM DPD, the principal relevant provisions of which I have set out in paragraph 7 above. I also find no conflict with the provisions of Chapter 6 of the Framework, which among other things seeks to support a prosperous rural economy, nor with Chapter 15 of the Framework, which seeks to conserve and enhance the natural environment.

Character and appearance

12. The proposed stable would be just under 16m from the nearest point on Dadlington Lane. It would be partly set among, and screened by, areas of

¹ LPA Ref: 22/00499/FUL – Land to the rear of 10 Hill Close, Peckleton

landscaping including hedgerows and trees. It would measure around 13.7m by 8.7m, which would give it a larger footprint than that of the two blocks it would replace combined. Nevertheless, it would be contained in a part of the site already characterised by timber buildings and hardstandings, and so would not represent a harmful expansion of built form into the open countryside.

13. The ridge height would be in the region of 6m, so it would also be taller than the two existing blocks it would replace (which have a maximum ridge height of around 3.5m). The appellants explain that among their six horses are three large retired sports horses, and the height of the stable would be in line with British Horse Society advice that roofs should be high enough to provide adequate ventilation, including good air circulation. While the stable would be noticeably taller than the two retained stables it would stand alongside, the height and roof pitch would be in keeping with other outbuildings around Barncroft. In long views from the north-east from Dadlington Lane, the house of Barncroft itself, and the trees around it, would provide the backdrop for the stable; in closer views from the north it would be seen against the agricultural buildings in the distance. The proposed stable would not therefore be unduly prominent or obtrusive in the landscape.
14. The proposed external materials were specified on the planning application form as "timber with dark oak finish and details with dark brown finish" and shown as such on the submitted drawings. These would be in keeping with the two existing stable blocks to be retained, and would not be incongruous or otherwise unacceptable for a stable block in the countryside.
15. Taking these points together, I conclude that the proposed stable block would not have a significant adverse effect on the character or appearance of the surrounding area. It would therefore comply with Policies DM1, DM4 and DM10 of the SADM DPD; among other things, these policies seek to ensure that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, and complements the character of the surround area. I also find no conflict with the provisions of Chapters 6 or 15 of the Framework, the relevant objectives of which I have described above.

Other Matters

16. I understand the appeal scheme to have been a resubmission, albeit with alterations, of an earlier proposal described as the "replacement of existing stable block with new foaling boxes and offices associated to existing on-site businesses and storage over"² which was refused planning permission in February 2023. While the Council submitted a considerable amount of information relating to that previous application, and the subsequent evolution of this proposal, I have determined this appeal based on the planning merits of the appeal scheme in its own right.
17. The Council also drew my attention to discrepancies in the planning application material originally submitted by the appellants. Of particular note are that the block plan and location plan did not show the existing "Block 1" stable, and that the scheme was described to them as the replacement of "an existing stable block" rather than stable blocks. The appellants describe the mapping discrepancy as "unfortunate", and a consequence of Ordnance Survey data not

² LPA ref: 22/00912/FUL

being accurate or up-to-date. The Council, on the other hand, describes the combined discrepancies as unreasonable and suggest that they were a deliberate attempt to mislead.

18. It is not necessary for me to attempt to adjudicate on this matter in detail. The evidence which was put to me, including what I saw on my site visit, was more than adequate for me to determine the appeal, and the description of development is accurate (the wording used does not preclude the proposed stable block being a replacement for two blocks). The Council's suggestion that granting planning permission would not require both Blocks 1 and 2 to be removed is not borne out by facts on the ground, as the appeal scheme could not be carried out without the two existing stables being demolished. These "discrepancies", whatever their origin therefore, have not had a material bearing on my decision.

Conditions

19. I have considered the conditions suggested by the Council in the light of Paragraph 56 of the Framework, and advice in the Planning Practice Guidance, as well as the appellants' comments. Where necessary I have altered the proposed wording in the interests of clarity and effectiveness.
20. In addition to the standard time limit condition (1), I have specified the approved drawings so as to provide certainty (2). In order to protect the character and appearance of the area, conditions relating to the materials of external surfaces (3) and landscaping (4) are required.
21. A condition is also necessary to ensure that the stable is used only for domestic purposes and not for any commercial activity (5). I have not adopted the Council's suggested wording which would effectively make this a personal condition tied only to the appellants' family, as such a restriction would not be necessary or reasonable; instead it is clear that the stable is related to the dwelling, Barncroft. I have also not included the suggested stipulation which would require the building to be demolished and the site restored to grassland; as the appeal site already contains a mix of stable blocks and hardstanding, such a requirement would also be neither necessary nor reasonable.

Conclusion

22. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector