

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

**WRITTEN STATEMENT ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

PLANNING APPEAL BY MR AND MRS WYKES

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE REPLACEMENT OF
EXISTING STABLE BLOCK**

AT:

BARNCROFT, DADLINGTON LANE, STAPLETON

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE:
23/00356/FUL**

**THE PLANNING INSPECTORATE REFERENCE:
APP/K2420/W/23/3327765**

CONTENTS:

<u>Section 1: Introduction.....</u>	<u>03</u>
<u>Section 2: Description of the Appeal Site, the Surrounding Area, and the Proposal..</u>	<u>03</u>
<u>Section 3: Site History.....</u>	<u>03</u>
<u>Section 4: National Policies.....</u>	<u>04</u>
<u>Section 5: Local Policies.....</u>	<u>04</u>
<u>Section 6: The Case for the Local Planning Authority.....</u>	<u>05</u>
<u>Section 7: Conclusions.....</u>	<u>12</u>
<u>Section 8: Conditions.....</u>	<u>13</u>
<u>Section 9: Appendices.....</u>	<u>15</u>

1. **INTRODUCTION**

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the erection of a replacement stable block at Barncroft, Dadlington Lane, Stapleton.

2. **DESCRIPTION OF THE APPEAL SITE, THE SURROUNDING AREA, AND THE PROPOSAL**

Description of the Appeal Site and the Surrounding Area

- 2.1. The 520.4sqm appeal site is on Dadlington Lane to the west of, and outside of the identified settlement boundary of the rural hamlet, Stapleton. Dadlington Lane is a single track, adopted, but unclassified, public highway that is subject to the National Speed Limit adjacent to the appeal site.
- 2.2. The existing stables accommodate three stables, which are associated with the large two-storey residential dwelling, Barncroft. The existing structure externally measures 3.7m in width x 9.8m in depth with a total footprint of 35.6sqm. The stable has a pitched roof that has a ridge height of 3.3m and an eaves height of 2.4m. The materials of the existing building were not specified within the planning application; however, the stable appears to be constructed with timber and grey steel roofing sheets.
- 2.3. The appeal site is the closest structure along a string of residential ribbon development to the settlement boundary of Stapleton alongside the residential properties within it. The residential ribbon development extends to the west of the appeal site and the properties are of a substantial scale, which utilise brick finishes and slate roofs. The appeal site is separated from the settlement boundary by 130m of open agricultural fields. There are also open agricultural fields to the north of the site. There are farms 80m to the east, 75m to the south, and 80m to the northwest of Barncroft with several residential dwellings extending to the west of the site. Beyond these farms and residences is open countryside.
- 2.4. It is considered that the existing stables are readily viewed from the public highway.

Description of the Appeal Proposal

- 2.5. The appeal proposal seeks permission for the provision of a replacement six-bay stable block that externally measures 13.7m in width x 8.7m in depth, with a total footprint of 119.5sqm. The scheme utilises a dual pitched roof that has a ridge height of 5.8m, and an eaves height of 2.2m. Within this roof, three 0.8m x 1.2m rooflights are provided on the front and rear elevations.
- 2.6. The proposal is constructed with timber in a dark oak finish.

3. **SITE HISTORY**

3.1. **22/00912/FUL**

- Replacement of existing stable block with new foaling boxes and offices associated to existing on-site businesses and storage over
- Refused
- 03.02.2023

The previous planning application for a replacement stable block was refused for the following reasons:

1. The location of the development is in a very prominent position on the end of a row of residential development along Dadlington Lane, which has notably limited landscaping. The scheme exacerbates ribbon development, and by virtue of its size, scale, massing, volume, and use of materials, the proposal does not protect or enhance the rural vernacular of the existing stables or the surrounding area. As a result of these factors, the application is considered to result in a significantly detrimental adverse impact on the intrinsic value, beauty and open character and landscape character of the countryside, which is in conflict with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).
2. The application is not considered sustainable development and it does not deliver any economic, social or environmental benefits that significantly and demonstrably outweigh the adverse impacts of this scheme. Therefore, the principle of the development is in conflict with Policies DM1, and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).

3.2. **20/00617/FUL**

- Agricultural barn and new hardstanding – part retrospective
- Permitted
- 24.08.2022

3.3. **19/00994/GDO**

- Agricultural building to store machinery, hay and straw
- General Development Order
- 15.10.2019

3.4. **16/00200/HOU**

- Single storey front extension.
- Permitted
- 09.05.2016

4. **NATIONAL POLICIES**

4.1 National Planning Policy Framework (NPPF) (2023).

4.2 National Planning Practice Guidance (NPPG).

4.3 National Design Guide (NDG) (2019).

5. **LOCAL POLICIES**

5.1 The Development Plan policies referred to for the purposes of the application were:

5.2 Core Strategy (2009):

- Policy 13: Rural Hamlets

5.3 Site Allocations and Development Management Policies (SADMP) DPD (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highway and Transportation
- Policy DM18: Vehicle Parking Standards

5.4 Other Relevant Guidance:

- Good Design Guide (GDG) (2020)
- Leicestershire Highways Design Guide (LHDG) (2022)

6. **THE CASE FOR THE LOCAL PLANNING AUTHORITY**

6.1 The planning application was refused on 07 June 2023 under delegated powers for the following reasons:

1. The location of the development is in a very prominent position on the end of a row of residential development along Dadlington Lane, which has notably limited landscaping. The scheme exacerbates ribbon development, and by virtue of its size, scale, massing, and volume, the proposal does not protect or enhance the rural vernacular of the existing stables or the surrounding area. As a result of these factors, the application is considered to result in a significantly detrimental adverse impact on the intrinsic value, beauty and open character and landscape character of the countryside, which is in conflict with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).
2. The application is not considered sustainable development and it does not deliver any economic, social or environmental benefits that significantly and demonstrably outweigh the adverse impacts of this scheme. Therefore, the principle of the development is in conflict with Policies DM1, and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Sections 6 and 15 of the National Planning Policy Framework (2021).

6.2 It is considered that the main planning issues in relation to this appeal are the effects of the proposed development on the intrinsic value, beauty, open character, and landscape character of the countryside.

6.3 The Appellant suggests that the Council's refusal of the application fails to address, or give significant weight to:

- Procedural matters.
- National planning policy.
- The impact of the development proposals on the character and the appearance on the countryside.

These concerns are addressed within this Statement of Case.

Procedural Matters

6.4 The Appellants intimate that the Local Planning Authority have misunderstood the appeal proposal and that this error has clouded the allocated Planning Officer's assessment of the development.

- 6.5 On the contrary, the appeal description in which the Appellants have provided within Paragraphs 5.2 and 5.3 of their Statement of Case is misleading and does not accurately represent the Appellants' development proposal within planning application 23/00356/FUL, nor how the planning application was determined.
- 6.6 For clarity, the Appellants have sought planning permission for the replacement of one existing stable block with another stable block via two planning applications: 22/00912/FUL and 23/00356/FUL.
- 6.7 Within the first planning application 22/00912/FUL, the Appellants described their proposal within their submitted Application Form as the, "*Replacement of existing stable block with new foaling boxes with offices associated to existing on-site businesses and storage over,*" on 22 September 2022 (c.f. Appendix 01). The Appellants then subsequently agreed in writing to amendments to the description of the development, which referred to the scheme as the, "*Replacement of existing stable block,*" on 03 October 2022 (c.f. Appendix 02). It is noted that the proposal has been described by the Appellants as the replacement of a singular stable block and there is no mention of the removal of any further structures.
- 6.8 Furthermore, following the Planning Officer's request, the Appellants submitted the existing floor plans and elevations of the stable block subject to demolition on 03 November 2022. As per Appendix 02 of the Appellants' Statement of Case, the floor plans appear to relate to Stable 01 within the appeal site. However, it is noted that Stable 01 was not featured within any of the submitted Site Plans for this development, which were submitted on 22 September 2022, 18 November 2022, and 24 November 2022 (c.f. Appendix 01). Moreover, at no point was it mentioned during this planning application that more than one stable was being demolished within the proposal.
- 6.9 During the determination of this original application, the Local Planning Authority discussed their concerns with the development with the Appellants in great detail. At no point within the Appellants' responses to the Local Planning Authority's concerns on 28 November 2022, 14 December 2022, 17 January 2023, nor 24 January 2023 (c.f. Appendix 02) did they make any claims that: there was more than one structure within the appeal site that was utilised for the keeping of horses; the Appellants had more than six horses within the site; nor that more than one structure was being demolished within their proposal.
- 6.10 Whilst there are material differences between the appeal proposal and the original scheme, planning application 22/00912/FUL was subsequently refused without the Appellants highlighting at any point any of the justification that they are now relying on within their Statement of Case within this Appeal.
- 6.11 Following this refused planning permission, the Appellants submitted a revised proposal under planning application 23/00356/FUL. Within the Application Form for this planning application, that was submitted by the Appellants on 12 April 2023, the Appellants described the development as a, "*Replacement stable block.*" Once again, it is noted that the proposal has been described as the replacement of a single stable block. In addition, the Appellants made no indication that the appeal site featured more than one stable block, nor that the scheme involved the demolition of two structures rather than one.
- 6.12 During the determination of the planning application 23/00356/FUL, the Local Planning Authority once more openly expressed their concerns with the development with the Appellants in great detail.

- 6.13 Despite the efforts of the Local Planning Authority, the Appellants yet again failed to refer to the number of horses and stables within the appeal site, nor the number of stables that were proposed to be demolished on 30 May 2023 (c.f. Appendix 02).
- 6.14 In light of the above, the Appellants have claimed within their Statement of Case that the absence of the additional stables, their removal within the proposal and the alleged capacity of the appeal site from any submitted plans or discussion with the Local Planning Authority between 22 September 2022 and 07 June 2023 was, “*Unfortunate.*”
- 6.15 On the contrary, these discrepancies are not considered to be simply, “*Unfortunate.*” It is undeniable that the Appellants have deliberately not referred to them in the entire planning process and it is unreasonable for them to base their entire Statement of Case on their use in spite of the extensive conversations that have been undertaken with the Local Planning Authority over ten months via two separate planning applications.
- 6.16 As a result, the Local Planning Authority acknowledge that they did not reference the other structures within the appeal site, or the fact that more than one structure was being removed, as the Appellants had unequivocally stated that only a single structure was being demolished and there was no indication from the Appellants that more than one structure was removed from the site, nor that there was more than one structure within the site that accommodated horses. If the proposal had received planning permission, there would have been no planning requirement for both structures to be removed.
- 6.17 Given the information and conversations with the Appellants, the allocated Planning Officer considered the additional structures to be ancillary storage buildings to Stable 01 and the main dwelling upon conducting their visit to the appeal site.
- 6.18 Notwithstanding this, it is noted that none of the existing structures within the appeal site have been constructed with planning permission. Based on historic satellite imagery (c.f. Appendix 03), Stable 02 was constructed between 2011 and 2015, whereas Stable 03 and Stable 04 and the associated hardstanding yard were erected between 2015 and 2018.
- 6.19 As per Paragraph 4.3 of the Appellants’ Statement of Case, “*The stables and the associated yard are accessed directly from the curtilage of Bancroft via a footpath link.*” The Local Planning Authority agree with the Appellants that the appeal site is not within the residential curtilage of the dwellinghouse, Barncroft. This can also be clearly seen via the fencing and hedging that distinguish the residential garden of Barncroft from the appeal site.
- 6.20 Therefore, the appeal site does not benefit from Permitted Development Rights and the structures, and the associated hardstanding, have been constructed unlawfully. Whilst the structures have existed within the appeal site for longer than four years, it is considered that the Appellants have detrimentally altered the character of the appeal site.
- 6.21 Nevertheless, the presence of additional structures within the appeal site does not diminish the fact that the development is unacceptable in its current design and form which results in significant harm to the intrinsic value, beauty, open character, and landscape character of the designated countryside.

Impact upon the Character of the Countryside

- 6.22 Paragraph 134 of the NPPF states that, *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”*
- 6.23 Section 12 of the NPPF advises that, *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve,”* and, *“Good design is a key aspect to sustainable development.”*
- 6.24 To achieve this, Paragraph 130(a) and (c) of the NPPF requires that planning policies and decisions should ensure that developments, *“Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development,”* and that they, *“Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change,”* respectively.
- 6.25 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials, and architectural features.
- 6.26 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 6.27 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- 6.28 Ultimately, the Appellants have failed to demonstrate that the development is not in conflict, or contrary to criteria (a) to (e) of Policy DM4 of the SADMP within their Statement of Case.
- 6.29 Nevertheless, the Appellants have attempted to justify their appeal proposal by suggesting that the development is required for private outdoor, leisure, and recreational purposes incidental to the residential dwelling.
- 6.30 The Local Planning Authority strongly disputes this assertion.

- 6.31 As per the Paragraph 7.5 of the Appellants' Statement of Case, horse riding such as, "*Dressage, eventing and jumping*," is generally considered to be an outdoor or recreational sport, whereas, "*The keeping of horses (as distinct from their use) falls within the sui generis group*." Therefore, as demonstrated by the Appellants, the purpose of stables is for the shelter and keeping of horses. Whilst the keeping of horses may, when horses are ridden, entail a recreational activity undertaken by the rider, the principal use of the land remains as grazing and for the keeping of horses, which involves no recreational activity.
- 6.32 In essence, stables are not ancillary to recreational use of land; they are provided for the welfare of horses that are kept on the land.
- 6.33 Although the Appellants claim that Policy DM4 of the SADMP is, "*Silent in respect to replacement buildings*," the Local Planning Authority have never suggested within their discussion with the Appellants, nor within their Delegated Report that an appropriate replacement building would not be acceptable in these site-specific circumstances. On the contrary, on 31 January 2023 and 30 May 2023 (c.f. Appendix 02), the allocated Planning Officer offered design alterations to make the scheme acceptable, which were ignored by the Appellants.
- 6.34 Other examples of the provision of stables in the countryside can be seen via the determination of planning application 22/00449/FUL (c.f. Appendix 04), which was for the construction of stables and the change of use to equestrian land. At Paragraph 8.5 of the Delegated Report of this planning application, it states that the provision of shelter for horses is not considered to be a recreational use that complies with Policy DM4 of the SADMP. Furthermore, at Paragraph 8.6, the report points out that the principle of stables being a typical rural building generally seen within the countryside is acknowledged and the desire for horse owners to provide shelter and a secure storage and fodder area is similarly understood. Application 22/00499/FUL was approved on 24 March 2023.
- 6.35 Additionally, at Appendix 05 there is an Officer Report from application 22/00828/FUL, which was for the proposed change of use from agricultural to equestrian use along with the construction of two stable buildings and a manège. At Paragraph 8.4, the Report states that, while the use of the manège is for outdoor recreation purposes, the keeping of horses is not considered to be a recreational use that complies with Policy DM4 of the SADMP. The application was approved, following significant reductions in the size of the stables, on 20 January 2023.
- 6.36 As demonstrated above, whilst the Appellants may disagree with the approach of the Local Planning Authority, stables patently do not fall within the categories of development considered sustainable within Policy DM4 of the SADMP, and there is no evidence in this instance that there is a recreational use involved with the development of this replacement stable block. However, the provision of stables can be approved where their size and siting are such that harm to the countryside is minimised.
- 6.37 Ultimately, the LPA does not consider this to be the case in this instance because the stables are of a considerable size that results in significant harm to the countryside.

- 6.38 Policy DM4 of the SADMP requires that development meets five further requirements to be considered as sustainable development, which are:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 6.39 The Appellants have attempted to justify the scale of their development by asserting that the proposal is for their, *“Private enjoyment,”* as suggested within Paragraph 5.6 of their Statement of Case.
- 6.40 Whilst the development results in the loss of two structures that accommodate five horses, the appeal site retains a further stable and a structure that can be utilised for a further stable. Therefore, the development is likely to increase the capacity of the site to accommodate a minimum of eight horses. This is a considerable number of horses, and the scale of the development required to accommodate this capacity is not considered to be acceptable for a single residential use.
- 6.41 Furthermore, the Appellants have highlighted that the, *“Existing surrounding landscape is a working agricultural one.”* However, this appeal proposal is for private residential use. Therefore, the size and scale of this development is not warranted, or justified, unlike the existing agricultural buildings to the south of the site.
- 6.42 The Appellants have also referred to the recommended internal dimensions for foaling, as seen within Paragraph 5.6 of their Statement of Case. It is noted that, based on the Proposed Site Plan, none of the existing stables within the site meet these requirements. In addition, this appeal proposal is for the provision of a replacement stable block and not for planning permission to utilise the site for the purpose of breeding horses.
- 6.43 The breeding of horses is not an activity that is associated with a private, single residential dwelling, it is a commercial use. Ultimately, utilising the appeal site for the breeding of horses represents a significant intensification of the use of the appeal site above that of a single private residential use, which results in further harm to the character of the surrounding area and the countryside.
- 6.44 As per Paragraph 7.8 of their Statement of Case, the Appellants accept that, *“The new building is larger than the two timber structures it seeks to replace.”*
- 6.45 Based on the revised Proposed Site Plan that has been provided within this appeal, the proposal is twice the footprint of the existing two stables. Notwithstanding this, whilst the scheme results in the loss of these two stables, the proposal has a larger footprint than all the existing structures within the appeal site combined. This increase in size and scale can be clearly seen from Dadlington Lane to the north, northeast, and northwest, which is evidenced by Google Street View Images within Appendix 06. This increase in development within the appeal site ultimately has a significant detrimental impact on the intrinsic value, beauty, open character, and landscape character of the countryside.

- 6.46 Furthermore, the ridge height of the development is almost twice the height of the existing structures within the site. Consequently, it is evident that, due to its size, scale, height, and volume, the scheme is not 'infill' development, nor one that retains the rural vernacular of the appeal site and the wider countryside. This increase in height also increases the prominence of the development from Dadlington Lane and exacerbates the scheme's detrimental impact on the character of the protected countryside. The impact of this development can ultimately be seen via a comparison to the adjacent residential property, Barncroft.
- 6.47 As per Figures 01 and 03 of Appendix 06, Barncroft is visually prominent in views from Dadlington Lane despite being over 30m southwest of the appeal proposal. Based on the approved floorplans and elevations for the residential dwelling via 16/00200/HOU (c.f. Appendix 07), the appeal proposal is only 0.6m lower in ridge height than the residential property. In addition, the two storey elements of the residential property are only 0.8m wider and 1.2m deeper than the appeal proposal. This clearly demonstrates that the development is an inappropriate size, height, scale, and volume for a structure in this location that overdevelops the site.
- 6.48 Given the prominent position of the new development and its height, the proposal is highly visible from Dadlington Lane. As a consequence of the proposal's size, height, and scale, this scheme introduces excessive built form into the open countryside that exacerbates the ribbon of built residential development that leads towards, and is separated from, the settlement edge of Stapleton. This results in significant harm to the character of the countryside and the surrounding area.
- 6.49 Whilst the Appellants have suggested that the planting in front of the development is maintained, there isn't any landscaping on the scheme's northern side elevation that could reduce its impact on these wider views. Ultimately, the lack of landscaping on this elevation increases the prominent position of the development from the settlement edge of Stapleton.
- 6.50 Nevertheless, planting and landscaping to the north and west elevations of the appeal site are unlikely to provide a sufficient visual buffer due to the height of the proposed development. Furthermore, extensive tree planting would, in any event, alter the existing open character of the site. Fundamentally, new planting cannot be relied upon to provide permanent or substantial buffers to views because planting initially takes time to become properly established, it is susceptible to disease, and it is ever evolving and reliant on regular maintenance to retain a consistent form.
- 6.51 In light of the above, and by virtue of its size, scale, height, and volume, the appeal proposal over develops the appeal site and it does not protect or enhance the rural vernacular of the existing stables or the surrounding area. This is exacerbated by the highly visible and prominent location of the appeal site and its siting at the end of a row of residential ribbon development. Therefore, the development results in significant adverse harm to the intrinsic value, beauty, open character, and landscape character of the countryside. This harm is contrary to, and in conflict with, Policies DM4 and DM10 of the SADMP, and Sections 12 and 15 of the NPPF, and is considered to significant and demonstrably outweigh the benefits of the scheme when assessed against the NPPF taken as a whole in accordance with Paragraph 134 of the NPPF.

Assessment of the Application as Sustainable Development

- 6.52 Sustainable development has three overarching objectives, which are: economic, social, and environmental, as specified within Paragraph 8 of the NPPF.

- 6.53 The development is for the private use of the Appellant, which is considered to provide very little social and economic benefits. Ultimately, the scheme is likely to result in a detrimental impact to the intrinsic value, beauty, open character, and landscape character of the countryside.
- 6.54 Consequently, it is not considered that the appeal proposal constitutes sustainable development because it does not meet any of the three overarching principles of the NPPF. Whilst there may be some very limited economic and social gains from this proposal, these are regarded in the main as limited benefits that do not outweigh the significant adverse harm that the development has on the intrinsic value and beauty of the open character and landscape character of the countryside.
7. **CONCLUSION**
- 7.1 To summarise, Section 38(6) of the Planning and Compensation Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 indicates that planning permission should be granted for development proposals that accord with the Development Plan unless material considerations indicate otherwise.
- 7.2 Whilst it is acknowledged that the Development Plan was adopted prior to the publication of the latest NPPF, as a result of the strong consistency with the wording of the NPPF, due weight should be given to the policies within the Development Plan, such as Policies DM1, DM4, and DM10 of the SADMP, in accordance with Paragraph 219 of the NPPF.
- 7.3 The appeal proposal is for the provision of a replacement stable block outside of any defined settlement boundaries within the open countryside.
- 7.4 Ultimately, the keeping of horses is not considered to be a recreational use, nor for outdoor sport activities. This is because the provision of stables is intended to support the welfare of the horses, as demonstrated by the Appellants' justification for the development at Paragraphs 5.4 and 5.5 of their Statement Case. Therefore, stables are not a use incidental to the enjoyment of a residential property. Moreover, the breeding of horses is not a private residential use and the appeal site's ability to accommodate over eight horses is considered to be an inappropriate capacity for a single private use.
- 7.5 Importantly, the Appellants have not denied that the development is in conflict, or contrary to, criteria (a) to (e) of Policy DM4 of the SADMP and they have confirmed that the development is larger than the existing structures within the site and it is visible from Dadlington Lane. Whilst the development is near large farmsteads, this proposal is for a private stable block that is associated with the adjacent dwellinghouse and a structure of this scale and use causes significant harm to the character of the surrounding area in these site-specific circumstances.
- 7.6 It is a fact that the appeal proposal has a larger footprint than all existing structures within the appeal site and is almost twice the height of these structures. Furthermore, the scheme is almost the same width, depth, and height of the main two-storey elements of the host dwelling. This is clearly out of character with the existing structures within the appeal site and this overdevelopment is likely to dominate the main views of the site itself.
- 7.7 Given the prominent position of the new development and its height, the proposal is highly visible from Dadlington Lane. As a consequence of the proposal's size, height, and scale, this scheme introduces excessive built form into the open countryside that exacerbates the ribbon of large residential development that leads

towards, and is separated from, the settlement edge of Stapleton. This results in significant harm to the character of the countryside and the surrounding area.

- 7.8 Whilst there is some existing planting to the front of the development, there is no landscaping to the north of the site and therefore the scheme is in a prominent position and is highly visible along Dadlington Lane and the settlement edge of Stapleton to the north, northeast, and east. In spite of this, it is evident that landscaping cannot be relied on to address the visibility of the development, nor its significant harm to the countryside due to the height of the scheme and the unreliability of landscaping and planting.
- 7.9 Furthermore, the appeal proposal does not constitute sustainable development because it does not meet any of the three overarching principles of the NPPF.
- 7.10 As a consequence of all these factors, the appeal proposal does not constitute sustainable development and fails to conserve or enhance the natural environment or be sympathetic to the local character of the surrounding area and the countryside. Therefore, the scheme does not comply with, and is contrary to, the requirements of local design policies, such as Policies DM1, DM4 and DM10 of the SADMP, as well as Government guidance, such as Paragraphs 130 and 174, and Sections 12 and 15 of the NPPF.
- 7.11 No significant benefits of this development have been evidenced by the Appellant and the significant adverse harm that the development has on the intrinsic value. Beauty, open character, and landscape character of the countryside is clear. When assessed against the policies in the NPPF taken as a whole the appeal should, in the opinion of the LPA, be dismissed.
- 7.12 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal is dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the conditions and reasons suggested below.

8. **CONDITIONS**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Proposed Site Location, Block Plan, Drg No. 22/60 06C (submitted: 12.04.2023)
 - Proposed Stables – Scheme 2, Elevations, Floor Plans, Drg No. 22/60 05E (submitted: 12.04.2023)
 - Survey Drawing, Elevations, Floor Plans, Drg No. 22/60 01 (submitted: 12.04.2023)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The application site and the structure hereby permitted shall be used for the private use of the Applicant's family's horses only and for ancillary storage. Neither the application site, nor the structure hereby permitted shall be utilised for events, nor for any commercial or industrial purposes, including for its use as livery stables. Should the stables become redundant the building shall be demolished and the site restored to grassland unless otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has been granted on the basis that the building is required for the accommodation of the Applicant's family's horses and should that use no longer be required then alternative uses are unacceptable or unlikely to be supported in the interests of the amenity and character of the area in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

3. The development hereby permitted shall not be first used 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 scheme shall be carried out in full accordance with the approved landscaping scheme. 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.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. APPENDICES

- 9.1 **Appendix 01:** The submitted plans for planning application 22/00912/FUL.
- 9.2 **Appendix 02:** The Local Authority's engagement with the Appellant and their response during planning applications 22/00912/FUL and 23/00356/FUL.
- 9.3 **Appendix 03:** Historic satellite images of the appeal site.
- 9.4 **Appendix 04:** Committee Report on planning application 22/00499/FUL for the construction of stables and change of use of land to equestrian use.
- 9.5 **Appendix 05:** Delegated Report on application 22/00828/FUL for the change of use from agricultural to equestrian use along with the construction of two stable buildings and a manège.
- 9.6 **Appendix 06:** Google Street View Images of the Appeal Site.
- 9.7 **Appendix 07:** The submitted plans for planning application 16/00200/HOU.