

Comments on LPA Appeal Statement

Proposed new stable block and associated storage area

Client Name: Mr and Mrs A Gibson

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Local Authority: Hinckley and Bosworth Borough Council

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1.0 Introduction and background

- 1.1 This statement has been prepared by JJM Planning, a planning consultancy operating in the East Midlands, who are representing the appellant in respect of this appeal.
- 1.2 The appeal arises from the decision of Hinckley and Bosworth Borough Council to refuse planning permission 24/00054/FUL for a proposed new stable block with associated storage area, fence and landscaping (resubmission 23/00392/FUL) at 65A Newbold Road, Barlestone.
- 1.3 The Local Planning Authority (LPA) has now submitted their appeal statement to PINS along with the submission of a number of third party representations. In accordance with the agreed timetable for the appeal, there is now an opportunity for the appellant to comment on matters arising from these submissions. The letter from PINS is clear that any response should not introduce new material or put forward arguments that should have been included in the original statement.
- 1.4 Having regard to the above, this statement directly responds to matters raised by the LPA's appeal statement.

2.0 Comments on LPA's Appeal Statement

- 2.1 Paragraphs 6.4-6.8 relate to whether the proposal would comply with Policy H2 of the Barlestone Neighbourhood Plan. The policy states that land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 2.2 The local and national strategic policies all support equestrian related development outside of the settlement boundary. This couldn't be any clearer based on the fact that the Council have already approved a stable block on the site as part of application 23/00392/FUL.
- 2.3 The Council's position is very confusing. At paragraph 6.8 they state that the provision of a stable block in this location is *likely* to be acceptable in principle. It is unclear as to why the Council cannot state whether the proposal is or isn't acceptable in principle. The appellant's view is that there is clear support for equestrian development within the Countryside and these are supported by local and national strategic policies. Whilst it is fully accepted that the appeal needs to be considered against other policies in the plan, including visual impact, this does not have a bearing on the principle of siting a stable block on the site. Indeed, the Council's own appeal statement at paragraph 8.47 states that a new stable block in this location is considered to be acceptable in principle.
- 2.4 Paragraph 6.14 of the Council's statement makes an absurd claim that outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. This flies in the face of policies in the development plan and the advice in the NPPF.
- 2.5 Paragraphs 6.15 and 6.16 refer to whether the proposed development accords with the first element of Policy DM4 of the SADMP. This issue was debated in detail as part of the recent appeal decision that the Council lost for a stable block at Sheepy Parva Farm. The inspector concluded that:
- 'I do not find conflict with policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).'*
- 2.6 The Council's failure to take into account this recent appeal decision and to continue to argue matters regarding the principle of equestrian development in the countryside is unacceptable. It is abundantly clear that stables cannot be sited in urban areas. With this position so clearly established it is not considered necessary to argue further regarding the acceptability of stables within the countryside, particularly as the argument has already been won at a recent appeal decision within the Borough.

- 2.7 It is fully accepted that the second half of Policy DM4 is relevant to the proposals. The Council at paragraph 6.18 consider that DM4(i) is the principal policy consideration in relation to the appeal. The appellant agrees with this position. This element of the policy states that development will be considered acceptable where it does not have a **significant** adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. The original appeal statement already provides detailed information demonstrating that the building would be screened from the majority of public viewpoints, would be seen in the context of existing built development and that existing/proposed landscaping could be secured to provide further screening of the building from any viewpoints to the west. Any harm that might arise would certainly not meet the threshold of being significant in the context of the policy.
- 2.8 At 6.23 the Council note that the two main design objectives for Barlestone are to protect the main approaches to the village with the visual links to the countryside and to avoid extensions to ribbon development along main routes. The Council have already accepted that a building can be located on this part of the site without impacting on these two main design objectives. The officer report carried out by the Council makes no reference to ribbon development being an issue so it is unclear why it is now being raised by the Council.
- 2.9 The Council consider at 6.26 that the appellants statement fails to note that the site is located outside of the settlement boundary. The Council have misunderstood the point being made in the appeal statement. The argument put forward is that the site does not form part of the *open* countryside. The appeal site is located immediately adjacent to a road, on part of the site where built development previously existed, on land where the Council have already granted planning permission for a stable building and in close proximity to existing two storey residential development. The site does not have the appearance of *open* countryside.
- 2.10 Paragraphs 6.31 to 6.34 mainly relate to the use of slate tiles on the building. The appeal statement already provides a detailed assessment of the use of the materials and their acceptability in light of the Council's Good Design SPD. The fact remains that the Council could have concluded that an alternative roofing material be agreed as part of a planning condition. This option remains open to the Inspector should they consider that the roofing material is unacceptable.
- 2.11 The visual prominence of the site is discussed at 6.36-6.40. It is accepted that the site is currently open from the west. However, the Council's assessment fails to take into account that they have already approved a building in this location and the latest application includes for substantial additional landscaping along the site boundary and internally within the site that would help screen the proposed development. The Council refer to the visibility of the hay bales on the photograph provided on page 17 of the appeal statement but the main thing that is visible on

the photograph is the existing two storey brick built dwelling that is sited on the highest part of the site.

- 2.12 The appellant strongly refutes the Council's suggestion that existing and proposed landscaping cannot be considered as part of the appeal. Indeed, the Council cannot reasonably argue this to be the case as they concluded the following as part of planning application 23/00392/FUL when they approved a stable block on the site in November 2023:

Although existing mature landscaping cannot be relied on for permanent and substantial buffers to views of the development from Newbold Road, the Applicant has proposed additional fencing and hedge planting to the north and west of the development. This is considered to reduce the impact of the development and improve the character of the site. However, due to the lack of detail of this landscaping, a landscaping scheme is secured via planning condition to ensure that appropriate landscaping is achieved within the site.

- 2.13 Paragraph 6.53 of the Council's appeal statement effectively states that it is only appropriate to have a building measuring 4.88 metres if it is being proposed as a commercial agricultural use. The original planning statement sets out the need for the building in light of the necessary machinery to manage and maintain the 6 acres of owned/rented farmland/paddock. What the Council have failed to acknowledge is that they made this same argument as part of the recent allowed appeal at Sheepy Parva Farm. There was no commercial agricultural use operating from that site yet the Inspector still concluded that an agricultural barn measuring 0.8 metres taller than the appeal proposals was both acceptable and '*extremely modest in overall height*'.

3.0 Comments on LPA's suggested planning conditions

- 3.1 Condition 5 from the LPA includes a requirement that the development shall be demolished and removed from the site if it is no longer required for the stabling of horses. Notwithstanding the fact that the building is to be used for a tractor/trailer store and a store/workshop, the requirement for the building to be demolished would not meet the tests for conditions are set out in the NPPF. Such a condition would be unnecessary and unreasonable. It is noted that the recently approved appeal decision at Sheepy Parva Farm, which included stables and an agricultural barn, did not include for such provisions.

4.0 Comments on third party representations

- 4.1 There is a single letter submitted from an adjacent resident who raises concerns over highway safety matters. The application has not been refused on highway safety grounds and the Council have confirmed in their officer report and the appeal statement that the access arrangements are acceptable. It is also noted that the County Highway Authority raise no issues in this regard.

5.0 Conclusion

- 5.1 This statement has provided a fully detailed response to each of the arguments made in the Council's appeal statement. It demonstrates that the proposal would be single storey in height and would not be highly prominent from the surrounding area. The existing/proposed landscaping would combine to ensure that the proposed building would be well screened and this could be secured by an appropriately worded planning condition. Any views towards the proposed building would be from a long distance and seen against the backdrop of existing built development on the site. It is clear that the proposals would not have a *significant* detrimental effect on views of the open countryside nor would they result in an encroachment into the open countryside.
- 5.2 For the reasons set out in the original planning statement, the original appeal statement and this statement, it is clear that the proposal would represent sustainable development and would comply with policies in the development plan. There is nothing contained in the Council's appeal statement that would impact on the acceptability of the appeal proposals. The presumption in favour of sustainable development applies and the appeal proposals should be allowed. It is hoped that, with the help of this statement the appointed Inspector can assess the merits of the proposal and respectfully allow this appeal.