

LECKHAMPSTEAD 16/03207/FULD Pins Ref 3173959	Bow River House Leckhampstead Mr and Mrs G D R Seaton	Proposed improved groom's accommodation and improved existing storage facility	Delegated Refusal	Allowed 4.10.17
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Main issue

Within the context of the Council's reason for refusal and the evidence in this case, the main issue is considered to be whether the development would conserve the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

The appeal site is located on the south-east outskirts of Leckhampstead, a small village within the North Wessex Downs Area of Outstanding Natural Beauty (the 'AONB'). The existing groom's accommodation and horse stables are contained in a long single storey building to the east of the main dwelling house, Bow River House. A horse manège lies directly to the north of this and a number of mature trees immediately to the south.

The proposed extension would be set in from the eaves and increase the height of the building by approximately 1 metre to its western end. The roof material would match the existing and its side elevations would be finished in traditional timber boarding with no facing windows. The extension would have a similar character and appearance to a raised centre aisle on a horse/cattle barn. As a consequence, the Inspector considered its design to be in keeping with the equine/agriculture character of the existing building.

Adjacent to the accommodation/stable block building is a row of mature trees which can be clearly seen from the vehicular highway to the south (which leads towards to the B4494). Although the extension would increase the height of the building, it was evident from his site visit that there was sufficient space for the development to take place without substantial crown lifting to the adjacent trees. If any tree works were necessary, he was satisfied that these would be minor and not compromise the health of the tree, subject to them being carried out by a professional tree surgeon.

If the Council has concerns about any works taking place to the trees following development, the proper course of action would be for it to consider protecting them with a Tree Preservation Order.

Although the development would be visible from the vehicular highway to the south, it would be set against the backdrop of the existing village and be partly screened by intervening mature trees and hedgerows. Further views of the scheme would be possible from the public footpath and St James's Churchyard to the north of the appeal site, but these would be minimal given the intervening distance and extent of mature trees/hedgerows. It would also be possible to view the development from residential properties that back onto the site, but given the modest height increase of the building, intervening distances and existing trees/hedgerows, the Inspector did not consider there to be any harmful impact to the visual outlook of residents. Overall, he was therefore satisfied that the development would not appear intrusive in the landscape or erode the area's openness.

The building would have 7 rooflights and therefore result in a small amount of light spillage at night, but given its position adjacent to Bow River House and the edge of the village, he did not consider this to be unduly harmful to dark night skies or erode the area's sense of remoteness.

In view of the above, he concluded that the development would respect the design and scale of the existing building and conserve the landscape and scenic beauty of the AONB. The proposal would therefore comply with Policies ADPP1, ADPP5, CS10, CS12, CS14 and CS19 of the Core Strategy¹ and Policies ENV19 and ENV24 of the Local Plan² which seek to ensure that new development is of a high quality design and protects the existing landscape features and qualities of the AONB. In so doing, the proposal would also meet the requirements of Paragraph 115 of the Framework³.

Other matters

Representations have been made that the development would result in a new dwelling in the open countryside and that the equine-related accommodation is unnecessary. However, the principle of the residential use was considered in an application previously approved by the Council and this cannot be revisited in the current proposal. Concerns have also been raised that the size of the accommodation would be disproportionate to the size of the equine business. However, the proposal would not result in the creation of any additional bedrooms and the resultant accommodation would continue to be of modest proportions

Further representations have been made about the lawfulness of previous developments at the site and the potential for the scheme to establish an undesirable precedent. However, the proposal does not conflict with development plan policy and the Inspector had to consider the scheme on its own merits.

Conditions

The Council has suggested conditions which he considered in the light of the national Planning Practice Guidance. He made some amendments to clarify certain details and avoid duplication. A condition requiring development to be in accordance with the plans is needed for the avoidance of doubt and in the interests of proper planning. However, a separate condition to control materials is not required as these are already shown on the approved plans. A condition requiring details of tree protection is necessary to ensure the adjacent trees are not damaged during construction, as is a condition for conservation style rooflights to reduce their prominence in the AONB.

A condition that continues to restrict occupation of the extended dwelling to an employee of the equine use and ensure that it remains ancillary to Bow River House is necessary in the interests of sustainable development. However, the Council has not demonstrated why a condition requiring details of external lighting is needed or why permitted development rights need to be removed when the accommodation would be ancillary to Bow River House. In this respect, it is important to note that this decision does not grant permission for a new self-contained dwelling house or any change of use of land to a private garden area.

Conclusion

The Inspector found that the appeal proposal would conserve the landscape and scenic beauty of the AONB. In view of this and having had regard to all other matters raised, he concluded that the appeal should be allowed.

Decision

The appeal is allowed and planning permission is granted for the improved groom's accommodation and an improved existing storage facility at Bow River House, Leckhampstead, Newbury RG20 8QY in accordance with the terms of the application, Ref 16/03207/FULD, dated 25 January 2017, subject to the conditions set out in the attached Schedule.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: - site & location plan (CCL 166/008), existing north elevation & ground floor plan (CCL 166/005), existing north elevation & ground floor plan (CCL 166/007), existing elevations & section (CCL 166/006), proposed ground floor plan (CCL 166/001), proposed north elevation & ground floor plans (CCL 166/04), proposed north elevation & first floor plan (CCL 166/02), proposed elevations & section (CCL 166/03) and the proposed roof plan (CCL 166/009).

3) The occupation of the dwelling shall be limited to a full-time employee of the equine business operated on the site (and their partner/spouse) and be ancillary to the residential use of the dwelling known as Bow River House, Leckhampstead (formerly Durley Stables). At no time shall it be used as a separate self-contained dwelling from the equine business operated on the site and Bow River House.

4) The rooflights shown on the approved plans shall be flush fitting and conservation style.

5) All trees within the red line shown on the site and location plan (CCL/008) shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels and tree root zones within those areas shall not be altered, nor shall any excavation be made (for hard surfacing, access, drainage and other services), without the prior written consent of the local planning authority.

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