

ENBORNE 18/00368/FUL	The Barn Crockham Heath Farm Wheatlands Lane Crockham Heath Mr and Mrs M Goode	Mobile isolation box 3660 x 7320mm (existing), mobile hay shed 3660 x 3660mm (existing) and lean-to tractor shed 2440 x 2440mm (existing).	Non-Determination	Allowed 29.2.19
PINS Ref 3203091				

### Procedural matters

When the application was submitted to the Council the appellant signed Certificate B on the application form to certify that the requisite notice was served on those who were owners of any part of the land to which the application relates. However, the appeal form indicated that no one, except the appellants, were the owners of any part of the land to which the appeal related (Certificate A). This would suggest that the relevant notices were not served at the appeal stage. Subsequently notice has been served on the land owners. It is clear that the owners of the relevant land were aware of both the application and the appeal. As such no party has been prejudice through this error and so the Inspector was content that he could determine the appeal.

A separate appeal has been submitted for the same site, relating to an application for development without complying with a condition and that appeal is subject to a separate decision.

### Background and main issues

The Council did not determine the application, however, in the statement it confirms that it would have granted planning permission for the development subject to a number of conditions. Notwithstanding this, an interested party has raised some concerns

Having regard to the facts of the case, and the issues raised, the Inspector considered the main issues to be:-

- the effect of the development on the character and appearance of the area including the setting of Crockhamheath Farmhouse (a Grade II listed building); and
- whether the development accords with the policies in the development plan relating to equestrian development.

### Reasons

#### *Character and appearance*

The appeal site is in an established equestrian use. Planning permissions have previously been granted for one relatively large building, which contains a number of stables, and a horse walker. The site is relatively small and well contained with boundary treatments and landscaping. It has a distinctly rural and equestrian character.

The hay store is very modest in scale and sits immediately adjacent to the large barn. Its size and siting are such that it does not have any detrimental effect on the character or appearance of the area. The isolation boxes and the tractor store are also modest, particularly in height. These structures sit close to the roadside hedge and the horse walker. They appear well related to the yard and other buildings and structures. The scale and positioning of these is also such that no harm has arisen to the character and appearance of the area.

Crockhamheath Farmhouse is a Grade II listed building and so special regard must be had to the desirability of preserving the setting of it. This property is located some distance to the north. The buildings, which are the subject of this appeal, are seen in the context of the existing larger building and all these are in keeping with the equestrian character of the site. These buildings have not materially affected the setting of the listed building.

The development has not resulted in harm to the character and appearance of the area or to the setting of the listed building. The development accords with Policies CS 12, CS 14 and CS 19 of the West Berkshire Local Plan Core Strategy (2006-2026) and Saved Policy ENV.29 of the West Berkshire District Local Plan 1991-2006. Together, these seek to ensure development blends in with the rural surroundings and is of a scale, form, character and siting which respects the character and appearance of the area and seeks to ensure that heritage assets and their setting are conserved.

### *Equestrian development*

The central policies in the development plan relating to equestrian development are Policy CS 12 of the West Berkshire Local Plan Core Strategy and Saved Policy ENV.29 of the West Berkshire District Local Plan.

Policy CS 12 is generally supportive of equestrian related development. It encourages the re-use of existing buildings before new build. Saved Policy ENV.29 is permissive in respect of equestrian buildings subject to a range of criteria. Both seek to ensure the development is acceptable in terms of the effect on the character and appearance of the area and the Inspector concluded on this matter above.

The site is sufficiently far from any residential properties such that no harm would arise to the living conditions of residents. The existing barn has 6 stables, a tack room which also included some modest facilities for persons attending the site, an area used for storage, and two areas dedicated to grooming and washing. The layout is well ordered and there did not appear to be any unused space of significance.

The evidence before him showed that 8 horses and 1 pony are kept at the site and on surrounding land. This broadly reflects what he observed on site. The 2 additional stables and a small hay store would be commensurate with the number of animals kept at the site and the proposed arrangements would allow for adequate storage. The submitted information shows that, in addition to grazing, the horses are fed supplemental feed. This being so, it is evident that there is sufficient land in the appellants' ownership to accommodate the number of animals. The existing access would be utilised and no safety issues were evident.

Other than the existing barn, there are no other buildings on the site which could be utilised to provide additional stabling or storage. The arrangements in the large barn allow for some storage, however it is not unreasonable that additional buildings are provided to allow for the use to be carried out effectively on the site.

Taking all factors into account the Inspector concluded that the development accords with the Policies CS 12 and ENV.29.

### *Other matters*

The Inspector noted the suggestion that, if the buildings were mobile, they would not require planning permission however he was not considering a proposal under section 191 or 192 of the Town and Country Planning Act 1990 (as amended). Therefore, he could not reach a determination on this matter and considered the proposal on its own merits.

A number of matters have been raised in respect of the public footpath which is located close to the site and over which the access to the site crosses. This includes issues related to trespass, gates and fencing, and lack of compliance in respect of a diversion order. The appeal relates to the provision of 3 small additional buildings on the site. All the concerns raised relating to the footpath are not connected to these buildings. As such, the Inspector could not give any significant weight to these matters and they would not lead him to conclude that the proposal is unacceptable.

There are allegations that a business may have been operated from the site. The Inspector noted that there was a condition on the original planning permission which prevents this from occurring. The proposal before him would not alter this and a similar condition could be imposed to ensure these 3 buildings were also only used for personal recreational use. Therefore, this is not a substantive issue for this appeal.

It appears that the isolation stables and tractor store are located where the manure store was originally proposed to be located. However, it was evident that an alternative location has been provided to store used bedding and so this matter has been dealt with adequately.

### **Conditions**

As the development has already commenced, it is not necessary to impose a condition requiring that the consent be implemented in accordance with specified plans. Similarly, as the buildings have been erected, it is not necessary to have a condition dealing with external materials.

The 3 structures are all modest in size. He saw no evidence on site that the siting of the isolation stables and tractor store had damaged the boundary hedge. In themselves these buildings do not result in a need for additional landscaping and he noted that landscaping was dealt with in respect of the original permission at the site and he specifically addressed that matter in the other appeal decision.

The development is proposed on the basis that the site would be used for private use. A commercial use of the site would require detailed consideration in respect of matters including the effect of the development on highway safety and the general amenity of the area. Therefore it is necessary that the use is limited to private recreational use only.

The Inspector noted that there was no condition in respect of drainage on the original permission. Even if there were drainage problems at the site, it would be neither reasonable nor necessary to seek to rectify an existing situation through a separate application on the same site. The roof of the isolation stables is drained to a water butt. He did not have any details of the drainage for the other buildings subject to this appeal and it appeared there was none. Notwithstanding their small size, it is necessary that drainage is dealt with appropriately and as such a condition is required, but only in respect of these 3 structures.

The purpose of condition 2 is to require the appellant to comply with a strict timetable for dealing with the drainage related to the 3 buildings, which are subject to this appeal, in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition to secure the subsequent approval and implementation of the outstanding detailed matter. The purpose and effect of the condition is therefore to ensure that the development authorised by the grant of planning permission may only continue if the appellant complies with each one of a series of requirements.

The Council concluded that matters related to the access crossing the footpath, including the provision of signage, should not be controlled as part of this development. Given the 3 buildings would have no impact on the footpath, and they would not result in any material increase in vehicle movements, the Inspector agreed that this would not be reasonable or necessary.

The planning permissions for the site only relates to equestrian activity and the conditions restrict this to personal use. There would be no sound planning reason to specifically require the buildings are only used for the individually intended purposes (hay store, isolation stables, and tractor store).

### **Conclusion**

The proposal would accord with the development plan when it is considered as a whole. For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be allowed.

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