The Planning Inspectorate

Appeal Decision

Site Visit made on 28 April 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/A2525/W/21/3268502
Bank House Farm, Bensgate Road, Fleet, Spalding PE12 8PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Sylvia Mary Janes against the decision of South Holland District Council.
- The application Ref H05-0584-20, dated 25 August 2020, was refused by notice dated 11 December 2020.
- The development proposed is Indoor Riding Arena (menage).

Decision

1. The appeal is allowed and planning permission is granted for Indoor Riding Arena (menage) at Bank House Farm, Bensgate Road, Fleet, Spalding PE12 8PQ in accordance with the terms of the application, Ref H05-0584-20, dated 20 July 2020, subject to the following 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; Site Layout Plan; and Indoor Riding Menage Plan Drawing Number 0011-20.

   3) The development hereby permitted shall be used for private equestrian recreation purposes only, associated with the occupiers of Bank House Farm, and shall not be used for any commercial equestrian activity or for any other commercial purpose.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is a parcel of agricultural land located in a prominent position close to the junction of Bensgate Road with Mill Bank. Whilst the landscape is flat, I do not consider this particular location to be one of predominantly open views. Dwellings, farmyards, agricultural and other types of buildings and intermittent trees and hedgerows interrupt the landscape in most directions. The proposal would be viewed in this context.

4. Further, several of the buildings visible in the surrounding landscape are of similar form and scale to the proposed development. The proposal would be highly visible after passing Laburnum Farm, when travelling south along Bensgate Road and when approaching that road whilst travelling east along Mill

Bank. However, its appearance would be that of an agricultural building, akin to others in the vicinity. It would not appear at odds with the existing physical environment.

5. The scale of the proposal has been justified by its proposed purpose. There would be sufficient separation and intervening features between the proposal and the nearest existing similar style building, such as to ensure that any cumulative impact would not have a harmful effect on the character and appearance of the area. The proposal would be viewed as part of a loose grouping of buildings, would be contained within an existing field boundary and would assimilate well into its surroundings.

6. In addition, the appeal building would be partially screened in available views from the east, south and west by existing boundary planting and buildings. The building would not appear isolated from other development in near or distant views. The appellant has suggested the imposition of a condition to require additional landscaping of the site to help screen the proposal. The Council has referred me to an appeal decision where the Inspector stated that "…while landscaping can soften and integrate built development into its surroundings, vegetation is not permanent, and it should not be relied upon to screen inappropriate development from view".

7. I agree with this assessment. However, I do not consider the proposed development to be inappropriate in this location. I find that the proposed development would not harm the character and appearance of the area. This would be the case even in the absence of additional landscaping.

8. Although the Council argues that other similar buildings in this area have been justified because the benefits of creating or extending businesses are greater to the local community than those that would result from the erection of a personal use building, it, nevertheless, also indicates that it considers the principle of development to be acceptable. As I find that the proposal would not result in harm to the character and appearance of the area, I give this argument, about the benefits of the purpose of the building, limited weight in my considerations. In any case, I consider the use of the building for equestrian purposes to be in keeping with the rural character of the area.

9. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. Consequently, the proposal accords with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019, which seek to protect character and appearance. There would also be no conflict with the National Planning Policy Framework in this regard.

Conditions

10. The Council has suggested two conditions, the standard implementation condition which I necessarily impose and a condition specifying the approved drawings which I have imposed in the interests of certainty. I have amended the suggested wording of this condition to more accurately identify the approved plans.

11. The application was made with the stated purpose of the proposed development being for the private use of the appellant who has indicated willingness to accept a condition restricting the development in this manner. The Council has not suggested such a condition. Nevertheless, as the further

environmental effects that could arise from a commercial use of the development has not been assessed, I consider it to be necessary to restrict the use of the development for private equestrian recreation purposes only.

12. The South Holland Internal Drainage Board has advised that matters it has raised can be controlled under a consenting process that lies outside of the planning system. I am therefore satisfied that no conditions are necessary in relation to drainage matters in this case.

13. In addition to the above conditions, a number of informative notes have been suggested. I have not imposed them as they do not carry any legal weight. Nonetheless, through the Council's evidence the appellant is aware.

Conclusion

14. For the above reasons the appeal is allowed.

S Tudhope

INSPECTOR