



# Appeal Decision

Site visit made on 10 October 2023

**by Ben Plenty BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 November 2023**

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## **Appeal Ref: APP/C1570/W/23/3321481**

### **5 Eastfield Stable, May Walk, Stansted CM24 8SS**

- 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 Mr Stuart Richardson against the decision of Uttlesford District Council.
  - The application Ref UTT/23/0178/FUL, dated 23 January 2023, was refused by notice dated 17 April 2023.
  - The development proposed is Erection of a stables.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The planning history for the site is extensive. It appears that various agricultural buildings, within Eastfield Stable, have been built and mostly converted into residential use over the last 30 years. As such, several dwellings are now in existence within Eastfield stable in a cluster around the northwest corner of the grounds. Also, a Wellness Hub building is nearing completion adjacent to the southern boundary of Eastfield Stable.

### **Main Issues**

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the area, and
  - The relationship of the proposal to the host dwelling and whether a demonstrated need has been established for the proposed building.

### **Reasons**

#### *Policy position*

4. Policy S7 of the Uttlesford Local Plan [2005](LP) refers to development in the countryside. It defines this as being those areas beyond the Green Belt and which are outside defined settlement or other boundaries. The site is beyond the built-up limits of Stanstead and Elsenham and as such, is within the countryside for policy purposes.
5. LP Policy S7 says that within the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate for a rural area and there will be strict control on new building. It states that development will only be permitted if its

appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

6. Paragraph 219, of the National Planning Policy Framework (the Framework), states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Rather, due weight should be given to them, according to their degree of consistency with the Framework. The Framework seeks to promote a prosperous rural economy and to enable the sustainable growth and expansion of all types of business in rural areas. Although recognising the intrinsic character and beauty of the countryside, the Framework does not seek to protect the countryside for its own sake. Accordingly, being only partially consistent with the Framework, LP policy S7 is deemed to be out of date and therefore of reduced weight.

#### *Character and appearance*

7. The countryside around the appeal site has been subject to several man-made interventions, including the railway link for Stanstead Airport and the M11. This has resulted in a broad adverse landscape impact on the area, but in local terms has had a limited bearing on the contribution that the site makes to its countryside setting.
8. Eastfield Stable consists of a range of agricultural buildings, converted to residential use, within a rural location. The buildings are single storey in appearance and concentrated around the northern boundary of the stable's site. The buildings and central paddock are bound by mature tree and hedge field boundaries affording mostly dense screening. The appeal site is within the eastern part of the field and undefined by boundaries. It is to the south of a storage compound identified on the layout plan as a manage. An unmade dirt track connects the manage to Elsenham Road to the south. As a grassed and undeveloped plot, the site makes a positive contribution to the surrounding area as open countryside.
9. The proposed stable would be within the corner of a field of agricultural grazing land. The building would include three stalls with a large tack room, a hayloft and large area of concrete hardstanding. It also includes a walkthrough section that would provide access from the manage to the field. The building would be clad in timber weather boarding, which would be similar to the materials used on existing buildings in the area. Furthermore, the height of the proposed building would be similar to several buildings within the immediate area.
10. However due to its footprint, height and overall mass, the proposed building would be a large anomalous structure, divorced from the other buildings within the Eastfield Stable's site. Further, whilst part of the compound area may be necessary for manoeuvring vehicles, this seems extensive for its described purpose and erodes the undeveloped character of the field. The use of a different surface material would not materially reduce the visual effect of this component.
11. Due to the presence of boundary screening the appearance and visual impact of the proposed building on the surrounding countryside would be moderate having a localised effect only. Nonetheless, just because the site is screened does not mean that it makes no contribution to the character of the surrounding countryside or would be suitable for new development. Moreover,

the proposal would be set away from the main group of buildings which currently form a relatively nucleated cluster to the northwest corner. Consequently, the proposal would introduce new and substantial built form into a currently open part of the site. This would be separated from nearby buildings, which were largely built for agricultural purposes, and would expand into an undeveloped area. As a result, the proposal would be obtrusive within its countryside setting, despite its general suitability in principle. Consequently, the proposal would have a significant adverse effect on the character of the site within its countryside setting.

12. Consequently, the proposal would result in substantial harm to the character and appearance of the area. As such, despite having applied reduced weight to LP policy S7, the proposed stables would not respect the intrinsic beauty of the countryside. As a result, the proposal would conflict with LP policy S7 in relation to character and appearance, LP policy GEN2 and the Framework. These seek, among other matters, for development to protect the character of the countryside and be compatible with the layout and appearance of the surrounding area.

*Demonstrable need the proposal and its relationship to the host dwelling*

13. LP policy S7 seeks to only allow development in the countryside where it would protect the character of the countryside, and if not, it would be supported if the proposal demonstrates special reasons why the development in the form proposed needs to be there. The policy does not explain how the Council considers special reasons or need and therefore this is a matter of planning judgement. The stables are proposed to be used by the occupiers of 5 Eastfield Stable (No 5) and close family. It would be a non-commercial facility for use by occupiers of No 5 as a use ancillary to the use of the dwelling.
14. Stabling within the countryside is generally considered to be an appropriate form of development that encourages access to the countryside and improves the wellbeing of its users. However, the proposed stables would be larger than the footprint of the host dwelling, and its two associated outbuildings and would include large internal spaces that seem disproportionate to its intended purpose. Furthermore, the stables would be around 60 metres from the dwelling and beyond its immediate limits. Whilst the paddock abuts the rear boundary of No 5, the stables would be visually and locationally separated from the dwelling.
15. Furthermore, the redlined site demonstrates that the stables would connect to the B1051 whilst No 5 gains access to the highway via May Walk. Accordingly, there is no ownership evidence to demonstrate that occupiers of No 5 would be able to undertake a short convenient walk across the paddock. As such, the proposed facility would not appear to be functionally connected to No 5. This disconnection creates uncertainty that the stables could be readily accessed on a day-to-day basis or would serve as an ancillary domestic use.
16. Accordingly, based on the evidence, insufficient reason has been provided to demonstrate why the development in the form proposed needs to be in the location shown. Consequently, despite applying reduced weight to LP policy S7 the proposal would conflict with this, with respect to issues of need, and would fail to accord with the Framework. These seek, *inter alia*, to support the rural economy through sustainable growth and for development to provide for community needs in rural areas that would be sensitive to its surroundings.

### **Other matters**

17. The Appellant identifies that the proposed stable is larger than the previous stable on site, being better appointed. However, whilst having improved facilities that would be of greater benefit to its users, this is a private benefit of limited weight in favour of the proposal.

### **Planning balance and conclusion**

18. The Framework seeks development to provide for community needs in a rural area and improve the wellbeing of its users, making better use of the surrounding countryside. The proposal would provide stabling facilities that would enable the occupier of No 5 to gain a facility that would, in principle, be an appropriate use in the countryside. Users of the stable would gain improved wellbeing and its use would enable better access to the countryside.
19. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once completed occupiers of No 5 would gain benefits through its use. However, given the relatively small scale of the proposal, these benefits would be limited and mostly private.
20. In contrast, the proposal would result in substantial harm to the character and appearance of the area. The Framework requires planning decisions to recognise the intrinsic character and beauty of the countryside and for development to be sympathetic to local character. I have concluded that the proposal would conflict with development plan Policies S7 and GEN2 and the Framework in this respect. I give this significant weight.
21. Consequently, even if LP policy S7 was considered to be out-of-date, and paragraph 11(d) of the Framework were to be engaged, the adverse impacts of the development on the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore the maximum weight that could be attached to any benefit, through building a prosperous rural economy in contributing to community needs, would not be determinative and the presumption in favour of sustainable development would not apply.
22. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

*Ben Plenty BSc (Hons) DipTP MRTPI*

INSPECTOR