
Appeal Decision

Site visit made on 9 May 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 May 2016

Appeal Ref: APP/T2350/W/16/3144678

Four Acres, Pendleton Road, Wiswell, Lancashire BB7 9BZ

- 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 & Mrs A Stanworth against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0571, dated 29 June 2015, was refused by notice dated 16 December 2015.
 - The development proposed is an extension to an existing building to create a cattery and stables, construction of a ménage, a midden and access arrangements.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to an existing building to create a cattery and stables, construction of a ménage, a midden and access arrangements at Four Acres, Pendleton Road, Wiswell, Lancashire BB7 9BZ, in accordance with the terms of the application Ref 3/2015/0571, dated 29 June 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Since the appeal was lodged the Council has approved development (planning permission Ref 3/2016/0079) for an extension to the existing building to create a cattery and stables, construction of a ménage, midden and access arrangements. In essence this development differs from the appeal proposal in so far that there is no floodlighting and the cattery/stables building would be approximately 45% smaller in terms of floorspace. Planning permission Ref 3/2016/0079 is a material planning consideration and I have taken into account as part of the determination of this appeal.
3. The appellants have submitted an amended drawing No AVS-02 REV C (proposed site plan) which was not originally considered by the Council. The Council have confirmed that there is very little difference between this plan and drawing No AVS-02 Rev A considered at planning application stage. The change relates to the required visibility splays, and the Council are content that the appeal can be determined based on a consideration of the amended plan. As the change is minor, I have therefore determined this appeal against the amended plan.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

Site and proposal

5. The appeal site falls within a countryside area and is to the rear of a detached dwelling (known as Four Acres) and a terrace of three cottages (known as Steps Cottage and Nos 1 and 2 Tithe Barn Cottages). The land is accessed from a track which is immediately adjacent to the south of Four Acres and which leads from Pendleton Road.
6. The site includes an existing building which measures approximately 6.6 metres deep by 6.5 metres wide (it is understood that this used to be larger, but part of it was demolished in the 1990's) used in connection with the stabling of horses. It is proposed that this building will be extended to an overall length of about 26.7 metres and a maximum depth of 8.0 metres. The proposed building would be used for the stabling of three horses (two for livery and one for the appellants' own horse) and as a cattery with ten cat pens (each with its own cat balcony). The cattery would include a reception, WC, store and kitchen area within the far eastern section of the building. A new hedge and two trees would be planted immediately adjacent to the west elevation of the building.
7. To the rear of Four Acres, it is proposed to form a ménage (with two retractable light poles) measuring 35 metres by 20 metres (surfaced with sand and/or rubber chips) enclosed by means of a 1.2 metre timber post and rail fence. The ménage would be located within the appellants' field which gently slopes downwards from east to west. Land levels would be raised by between 0.5 and 1.0 metre. Consequently, there would be a 0.8 metre high retaining wall facing the internal access track and the west facing part of the ménage would include a small grassed embankment where a new hedge would be planted in accordance with the details submitted by Bowland Ecology. A muck storage area is proposed to the side of Four Acres and on the southern boundary of the access track with the adjacent field.
8. The site is rural in character and the existing dwellings are positioned close to Pendleton Road. The three cottages have long rear gardens with mature landscaping to the western boundaries. This landscaping provides an effective screen between residential development and the existing stables building. The field has a very open feel and provides a soft edge to development along Pendleton Road. It is partly screened from public views given mature hedgerow and trees along the field boundaries. There is a public footpath to the west of the site (ie the bottom of the field) at a distance of approximately 250 metres.

Character and appearance

9. Whilst the proposal would make the existing stables building larger, the resultant building would still relate well to the cluster of buildings off Pendleton Road. When viewed from longer distances, the building would not appear isolated or remote from existing development and would assimilate well into the wider landscape.

10. During my site visit, I was able to view the impact of all of the development from a number of viewpoints. I was also able to see the remains of the floor of the former stables. Whilst this development no longer exists, it is evident that there was a building (at least in part) where it is proposed to extend the existing building. I acknowledge that the extension would be relatively large, but taking into account the location of the proposed building (coupled with the fact that a building already exists), and the mature landscaping along field boundaries and public footpath, I am satisfied that this part of the development would not cause material harm to the character and appearance of the landscape. The use of timber for the walls and slate for roof would ensure that the building was visually acceptable in its rural setting. I acknowledge that the approved extension to the existing stables building (Ref 3/2016/0079) would be smaller than this proposal. However, that does not mean that the appeal extension would be unacceptable.
11. The ménage would be positioned at a lower level than the internal access track, and the existing vegetation to the rear gardens of the three cottages would ensure that it was not prominent or conspicuous when viewed from these areas. Given the height and nature of this development, the planting of a hedge on the western boundary of the ménage, and existence of trees/hedgerows along the field boundaries and the public footpath, I am satisfied that the ménage would not be harmful when viewed from surrounding view points. There would be some changes to land levels to facilitate a level ménage, but this would not be significant. Additional tree and hedgerow planting could be secured by way of a planning condition: I would envisage high density and semi-mature planting so that the screening was effective and immediate. I note that the Council has already approved a ménage (in a very similar location) in respect of planning Ref 3/2016/0079. This clearly weighs in favour of allowing this part of the proposal.
12. Whilst the proposed landscaping would effectively screen the building and the ménage from longer distance views, I would have concerns about the floodlighting poles being erected permanently. Given their height, I consider that there would be unacceptable harm to the open and rural character of the area (particularly when viewed from the public footpath) if they were fully erected on a permanent basis. However, the appellant proposes to light the ménage by means of two retractable poles. The appellant has sent a link to a web site called "Eleko" which demonstrates that it is possible to light a ménage in this way, and that the lighting columns would be positioned against the fencing rails when in the down position. However, precise and full details of such floodlights (including the height of the columns and the degree of illumination from the lights) are not before me. The appellant has indicated that the lights would be used no more than two hours per day (and no more than 5 nights per week) and that they would accept a planning condition which ensured that they were never used (and the columns not extended) after 19.00 hrs (this has been agreed with the Council). The appellant originally suggested 20:00 hrs.
13. I consider that the appellants' suggested restrictions are both reasonable and necessary. Subject to a planning condition relating to specific details of the retractable poles (including the lights), and ensuring that they are only used for up to two hours per day (Monday to Friday only), I am satisfied that this part of the development would be acceptable. Ensuring that the lights are turned off before 19.00 hrs, and that they are not used more than five days per week,

would be necessary both in terms of preserving the intrinsic character of this countryside location, and also ensuring that in terms of light pollution there are acceptable living conditions for the occupiers surrounding residential properties. I acknowledge that in the winter months this may mean that the lights are switched on for two hours each day, but on balance I do not consider that this would cause material harm.

14. I note that the Council has indicated that it would prefer that the ménage is not used at all after 19.00 hrs (rather than the appellant's request for 20.00 hrs). I acknowledge that the existing planning permission for a ménage restricts use to the hours of 08:00 and 19:00 each day. However, I am required to determine this application on its individual merits, and given the number of horses that would be kept on the site, coupled with the position of the ménage relative to surrounding residential properties, I do not consider that use between 19.00 and 20:00 hrs would have a materially harmful impact upon the living conditions of the occupiers of surrounding residential properties (particularly in respect of noise and disturbance). The restriction on the use of the floodlights after 19.00 hrs would likely prohibit use of the ménage in the winter months. Allowing use of the ménage between 19.00 hrs and 20:00 hrs would allow greater use of the ménage in the summer months, but this would not be at the expense of reasonable and acceptable living conditions for the occupiers of surrounding residential properties.
15. I acknowledge that in order to achieve a safe highway access (ie to achieve a visibility splay of 2.4 metres by 33 metres) it will be necessary to remove part of the hedge (and a tree) fronting Pendleton Road. Given the extent of this loss, as well as a number of proposed landscaping mitigation measures, I do not consider that this would cause significant harm to the character and appearance of the area.
16. The proposed "muck heap" would be set well back from Pendleton Road and hence would not be particularly noticeable to passers by. A planning condition is necessary to ensure that this area is properly managed.
17. In conclusion, and subject to the imposition of a number of planning conditions, the proposal would not have a detrimental impact upon the character and appearance of the area. Consequently, I do not find conflict with policies DMG1 and EN2 of the adopted Ribble Valley Core Strategy 2014, nor the National Planning Policy Framework, which seek to protect the intrinsic beauty and character of the countryside.

Other Matters

18. I have considered the comments made by all interested parties. Subject to planning conditions relating to visiting hours for the cattery, specified times for use of the cat balconies and times when the ménage floodlights can be used / must be fully retracted, I do not consider that the proposal would cause harm to the living conditions of the occupiers of neighbouring residential properties.
19. Given the distance of the proposed cattery from the nearest dwelling (more than 25 metres away), coupled with a planning condition relating to use of the cat balconies, I do not consider that cats would cause unacceptable levels of noise for neighbouring residents. Taking into account the separation distances involved, I do not consider that the proposals would have a significantly

- detrimental impact upon the living conditions of the occupiers of residential properties on Leys Close, Taskers Croft, Clarkewood Close or Whiteacre Lane.
20. The Highway Authority has not raised an objection to the proposal (particularly as the required visibility splay can be achieved within land in the applicants' control) in terms of highway safety or car parking numbers. Whilst I accept that the site is accessed from a country lane (ie Pendleton Road), I have no reason to doubt the conclusions reached by the Highways Authority. Subject to a planning condition relating to the provision of specified vehicular sightlines, I am satisfied that the proposal would not cause harm to highway safety.
 21. It would be possible to ensure that the cattery and stables (and muck storage area) is managed properly and effectively so as to avoid problems relating to odour, flies and the attraction of vermin. I have no evidence to suggest that the site would not be managed properly and effectively.
 22. Whilst the two retractable lights for the ménage would have an effect on the area in terms of some light pollution, subject to conditions relating to times of use, the degree of luminance and angle of the lights, I do not consider that they would have a materially adverse effect upon the rural setting nor the living conditions of the occupiers of nearby residential properties.
 23. The proposal would deliver some employment in this rural area (likely two full time equivalent jobs) and would provide a cattery facility in an area where an established cattery appears to have closed. These are matters which weigh in favour of the proposal. The comments made by interested parties are noted, but in this case I am satisfied that it is possible to address many of the points made in respect of the imposition of a number of necessary and reasonable conditions. Therefore, none of the other matters raised outweigh my conclusion on the main issue.

Conditions

24. The conditions set out in the accompanying schedule are mostly based on conditions suggested by the Council. However, for the reasons outlined in this Decision, I have made a change to the hours of use of the ménage (both parties have agreed to a planning condition which prohibits use of the retractable lighting columns/lights after 19.00 hrs). Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
25. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
26. In the interests of highway safety it is necessary to impose planning conditions relating to the provision of visibility splays onto Pendleton Road (measuring 2.4 metres by 33 metres) and the marking out and retention of the proposed car parking / manoeuvring spaces.
27. In the interests of the living conditions of the occupiers of nearby residential properties, planning conditions are necessary relating to details of external lights (including the proposed retractable lighting columns for the ménage),

specifying when the outside cat balconies can be used, restricting when the ménage can be used, specifying when members of the public may visit the cattery and noise mitigation measures for the cattery building.

28. In the interest of the character and appearance of the area, planning conditions are necessary in respect of landscaping, drainage, the protection of retained trees at construction stage, drainage, lighting, the treatment of waste/manure, materials for the building / ménage, boundary treatments and hard standing areas.
29. In the interests of nature conservation a condition is necessary in respect of the provision of bird nesting boxes.

Conclusion

30. Subject to the imposition of planning conditions, the proposal would not have a detrimental impact upon the character and appearance of the area. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), Drawing No AVS-01-Rev C and Drawing No AVS-02 Rev C.
3. No development shall take place until detail of the drainage system for the proposed ménage have been submitted to and approved in writing by the Local Planning Authority. The ménage shall be constructed in accordance with the approved details before being first brought into use.
4. Notwithstanding any description of materials in the application no above ground works shall be commenced until samples or full details of the materials to be used on the cattery/stable building and the surface of the ménage have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and only the materials so approved shall be used, in accordance with any terms of such approval.
5. Notwithstanding the details submitted on Drawing Number AVS-02 REV C, within 3 months of development first taking place details of the position, height, design, materials and finish to be used in the construction of all boundary treatments around and within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be constructed in full accordance with the approved details before the development hereby approved is first brought into use and shall be retained thereafter.
6. Notwithstanding the landscaping details submitted on Drawing Number AVS-02 REV C, within three months of development first taking place, details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees and shrubs. The scheme of planting, as approved, shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
7. No external lighting shall be installed on the building, within the ménage or elsewhere on the site unless details of any such lighting (including columns) have first been submitted to and approved in writing by the Local Planning Authority prior to its installation. The approved lights (including any columns) shall thereafter be implemented in accordance with approved details.

8. Prior to commencement of any development, visibility splays measuring 2.4 metres by 33 metres in both directions shall to be provided, measured along the centre line of the access road from the continuation of the nearer edge of the existing carriageway of Pendleton Road. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
9. Notwithstanding the details submitted on Drawing No AVS-02 REV C, the cattery, stables and ménage hereby approved shall not be brought into use until all car parking areas, vehicle manoeuvring areas and hard standing areas within the site have been constructed in accordance with a specification which has first been submitted to and approved in writing by the Local Planning Authority. The approved parking, manoeuvring and hard surfacing areas shall be retained as such thereafter.
10. The ménage hereby approved shall only be used by horses housed within the stable building hereby approved by this permission, and shall not be used as a separate commercial business.
11. The ménage hereby approved shall only be used between the hours of 08:00–20:00 on any day. The retractable external lighting columns hereby approved shall only be operational and extended for a period of two hours per day between the hours of 08:00–19:00 Monday to Friday inclusive and shall not be operational or extended at all on Saturdays and Sundays.
12. The cattery hereby approved shall not be open to the public/customers, except between the hours of 08:00–10:00 and 16:00–18:00 Monday to Friday, between 08:00–10:30 on Saturday and by appointment only on Sunday between the hours of 09:00–17:00.
13. The cat balconies shall only be used / operated between the hours of 09:00–18:00 on any day, and no access to these balconies will be allowed outside of these hours.
14. Within three months of the commencement of development on site, a detailed noise mitigation scheme, including specifications of the noise insulation measures, window details and cavity walls, shall be submitted for the written approval of the Local Planning Authority. The approved noise mitigation scheme shall be implemented in full prior to the cattery use hereby approved commencing, and retained as such thereafter.
15. Prior to the building hereby approved being first brought into use, a detailed management plan for the storage and disposal of manure/waste shall be submitted to and approved in writing by the Local Planning Authority. The use of the building shall thereafter be carried out in strict accordance with the approved management plan.
16. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services, all the existing trees shown on drawing BTC840-TCP (except those shown to be removed on the approved plan), shall have been enclosed with temporary protective fencing

in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

17. No development shall take place until details of the provision of five artificial swallow bird nesting boxes have been submitted to and approved in writing by the Local Planning Authority. The details of the exact siting of the bird boxes shall be submitted on a site plan and the boxes shall be installed in accordance with the agreed details within two months of the building being first brought into use.