

APPEAL DECISION

Retention of Groundworks, Formation of Concrete Oversite Base and Erection of a Timber Frame Building (Application 11/00599/FUL - Appeal (a) and For Retention of Groundworks and Development of a 1500 m² Private Manège (Application 11/00601/FUL – Appeal (B) – Maerfield Gate Farm. Mr Booth

Officer Recommendation: **Approval, subject to conditions, with respect to 11/00599/FUL and Refusal with respect to 11/00601/FUL**

LPA's Decisions: **Refused at Planning Committee on 14th February 2012**

Appeal Decisions: **Both allowed with conditions**

Date of Appeal Decision: **22 August 2012**

The full text of the appeal decision letter is available to view on the Council's website (as an associated document to applications 11/00599/FUL – Appeal A & 11/00601/FUL – Appeal B) and the following is only a brief summary.

The Inspector considered the main issue in both appeals to be the effect of the proposed development on the character and appearance of the surrounding area and whether the proposals would protect or enhance the character or appearance of the Maer Conservation Area.

In allowing both appeals, the inspector made the following observations: -

- The appeal site is located in an Area of Landscape Maintenance and part of the site relating to Appeal A, and the whole of the site relating to Appeal B, is within the Maer Conservation Area. Both sites are situated in close proximity to trees protected by Tree Preservation Orders.
- The appeal site was viewed from a number of vantage points within the Conservation Area to the south and south-west. Due to the elevated nature of the site and the datum level of the manège, both the proposed building and the manège would be visible from the public right of way which crosses the field adjacent to the site. They would also be visible from the A51 and along the lane travelling south-east from the A51 to Maer. Views from the elevated area of historic parkland in Bates Lane however would be less distinct due to the significantly greater distance from the appeal site. In relation to the proposed building, the smaller south-west side gable elevation would be foremost in view from these vantage points .
- The proposed building would be agricultural in form and its design would not therefore appear out of context in this location. An area of land currently exists between the positions of the proposed building and manège and the fence line to the south. This is currently in the form of a track leading to another area of land to the east however the appellant has indicated that an alternative access exists to that area. It is considered that it is possible to effect planting in that location.
- A landscaping scheme which would respect the existing arboricultural nature of the immediate area could be implemented which would satisfactorily soften the visual impact of the proposals and protect or enhance the visual amenity of this setting thereby ameliorating any harm in this regard. This arrangement can be secured by condition for both proposals enabling contiguous and complimentary landscaping schemes to be established. A condition can also be imposed relating to the ground levels of the manège to control the final topography.
- The development subject to the imposition of conditions would not unacceptably harm the character and appearance of the surrounding area and would protect or enhance the character or appearance of the Conservation Area in accordance with the aims and objectives of national policy and those policies which make up the development plan and which aim to preserve or enhance the character or appearance of the Conservation Area and to protect landscape character.

The Inspector in granting planning permission has attached a number of conditions in the interests of visual amenity and highway safety

Recommendation

That the decisions be noted.