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# The Planning Inspectorate

*An Executive Agency in the Department of the Environment and the Welsh Office*

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Mrs D Smith  
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Northamptonshire  
NN14 1RP

Council reference:  
EN195  
Our reference:  
T/APP/C/93/L2820/630906/P6

Date: 30 MAR 94

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6  
PLANNING AND COMPENSATION ACT 1991  
LAND AND BUILDING AT PEACOCK FARM, DESBOROUGH ROAD, RUSHTON

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against an enforcement notice issued by the Kettering Borough Council concerning the above mentioned land and building. I have considered the written representations made by you and the Council and also those made by interested persons and I inspected the site on 14 March 1994.

2. (1) The notice was issued on 28 September 1993.
- (2) The breach of planning control alleged in the notice is the failure to comply with condition number 03 subject to which planning permission (Number KE/92/0194) was granted on 20 May 1992 for a stable block comprising 4 No stables with concrete apron and adjoining WC.
- (3) The condition in question is as follows:  
  
The development hereby permitted shall be carried out in accordance with the amended plans received by the Local Planning Authority on 24 April 1992.
- (4) The notice alleges that this condition has conditions have not been complied with in that the external walls have been constructed in random uncoursed natural stone contrary to the details approved.
- (5) The requirement of the notice is to reconstruct the external walls of the property in accordance with the approved plans reference No RS/92/293/01A.

- (6) The period for compliance with this requirement is six months.

3. Your appeal was made on ground (a) as set out in Section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991.

that is to say:

(a) that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition concerned ought to be discharged.

4. From my inspection of the site and surroundings I consider the issue to be the effect of the development upon the character and appearance of the locality.

5. Approaching the appeal site from the west the impact of the appearance of the stables is somewhat softened by the foreground of rising ground on the pond edge, the established trees and the cupressus planted along the road frontage. Nevertheless the elevation is in stark contrast to the attractive mellowed coursed stonework of the building on the opposite of the road. From the east, down the slope of the road approaching the appeal site, the elevation of random stone is a very visible feature and strikes a wholly inconsistent note in the appearance of the locality. The planting along the boundary east of the access affords little in the way of a screen and thus the east elevation of the stable is fully exposed to view from the direction of Rushton.

6. However since the entire site is an amalgam of disparate features from the green coloured building to the mobile homes and the stone terracing opposite the stables and although the stable block does little at present to enhance the appearance of the area, I do not believe that its degree of demonstrable harm is sufficient to cause it to be rebuilt in accordance with the approved plan. The approved drawing No RS/92/293/01A indicated an apparently untreated block wall as the finish for the west elevation. I am bound to say that although the present finish lacks harmony with the established buildings in the locality it has to be preferred to the appearance of the west elevation that would have resulted from the implementation of the approved plan. The present raw appearance of the stable block will undoubtedly undergo organic changes in the future that will help to render it far less obtrusive than it is at present. I believe that on balance the building although far from a worthy addition to the indigenous character of the area does not appear incongruous to the point of being wholly unacceptable.

7. I have considered all the other matters raised in the representations, but find nothing which outweighs the considerations which have led me to my decision.

## FORMAL DECISION

8. For the above reasons, and in exercise of the powers transferred to me, I allow your appeal, and direct that the enforcement notice be quashed. I hereby grant planning permission, on the application deemed to have been made under Section 177(5) of the amended Act, for the erection of a block of 4 stables with concrete apron and adjoining WC as constructed and built in the materials in-situ on 12 March 1994 without complying with condition No 03 attached to the planning permission No KE/92/0194 dated 20 May 1992 granted by the District Council, but subject to the other conditions attached to that permission.

9. This decision does not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 27 of the Town and Country Planning Act 1990.

## 10. RIGHT OF APPEAL AGAINST DECISION

This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against my decision to the High Court are enclosed for those concerned.

Yours faithfully



J PEAKE DipTP (Lond) MRTPI  
Inspector