The Planning Inspectorate

Appeal Decision

Site visit made on 10 July 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 12th July 2017

Appeal Ref: APP/Z3825/W/17/3171232
Lot 6 Ghyll House Farm, Broadwater Lane, Copsale, Horsham RH13 6QW

- 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 Ms L Mills against the decision of Horsham District Council.
- The application Ref DC/16/2858, dated 12 December 2016, was refused by notice dated 7 February 2017.
- The development is a stable building, post and rail fence, hardstanding and relocation of access.

Decision

1. The appeal is allowed and planning permission is granted for a stable building, post and rail fence, hardstanding and relocation of access at Lot 6 Ghyll House Farm, Broadwater Lane, Copsale, Horsham RH13 6QW in accordance with the terms of the application, Ref DC/16/2858, dated 12 December 2016, subject to the following conditions:

   1) Within one month of the date of this decision details of a five bar timber replacement gate shall be submitted to the local planning authority and within two months of the local planning authority giving written approval of such details the wrought iron gates at the entrance to the site shall be removed and the approved replacement gate shall be installed. The approved gate shall thereafter be retained in accordance with the agreed details.

   2) Within three months of the date of this decision precise details of the method for the storage and disposal of used bedding and manure shall be submitted to the local planning authority. Once the local planning authority has given written approval the storage and disposal of used bedding and manure shall be carried out in strict accordance with the approved details.

   3) The stables hereby permitted shall not be used for commercial purposes or in connection with any form of riding establishment.

   4) No external lighting or floodlighting shall be installed without the prior written approval of the local planning authority and shall thereafter be maintained in accordance with the approved details.

   5) Notwithstanding the use shown as dog kennels on the approved plan that area shall only be used for the storage of hay for use in conjunction with the stables.

Preliminary Matters

2. I saw during my site visit that the development has been carried out.

Main Issue

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

Reasons

4. The appeal site occupies a countryside location, very set well back from Broadwater Lane and accessed from there principally via rough tracks that are public rights of way. Lot 6 is in equestrian use consisting of several paddocks and a stable yard area. I saw that this use is typical of the vicinity, much of which consists of lots created from a former farm holding and now in various uses, including the keeping of horses or livestock, and a vineyard. Some other lots have been granted planning permission for detached dwellings. Wooded areas intersperse the lots and the houses and farm buildings dispersed around the wider locality. The overall character and appearance of the area is rural in nature.

5. A second timber stable building, currently consisting of two loose boxes, dog kennels and a tack room, has been constructed adjacent to a previously-consented stable building of similar size and type. The access to the site from the adjacent bridleway has been moved a short distance along the bridle track, where new wrought iron entrance gates have been erected. In addition, concrete hardstanding areas have been provided in front and to one side of the new stable building. The wider stable yard area, from the site entrance to the buildings, has been surfaced with course gravel. The stable yard and paddocks are principally enclosed by new timber post and rail fencing.

6. The new building is not visible from Broadwater Road, but is visible from parts of the access track, which forms a public footpath, and from the public bridleway adjacent to the site. The new building is a typical lightweight type stable block in its general design, scale and materials. This, together with its generally low profile, timber construction, brown coloured staining and roof material, and its siting adjacent to the previously permitted stable building[1], ensure that it is not out of keeping with the general character and appearance of the locality, or unduly prominent in the immediate or wider countryside. While the adjacent building is stained a darker brown/black colour, the difference between the two is not striking and the roof colours are very similar. Furthermore, the various other examples of stable buildings in the vicinity are various shades of brown and the new building is not out of keeping with the general form or colour of similar types of development nearby.

7. I note that the Ghyll House Farm area is subject to an Article 4 Direction, which among other things removes national permitted development rights for the erection of gates, fences and hard surfaces. I also note the appellant's position that the post and rail fencing erected around the paddocks does not form part of the appeal proposal, and indeed these are not indicated in the development description or the submitted plans and therefore I have considered the appeal on that basis.

[1] Ref DC/09/0847

8. The timber post and rail nature of the fencing adjacent to the new entrance and gravelled yard area is of a type and scale that is not uncommon in rural areas. While there are also various forms wire fences nearby, which are somewhat more visually discreet, there are also other examples of post and rail fencing at nearby premises visible from the site. I acknowledge that wire fencing, particularly barbed wire, is not generally appropriate for equestrian purposes, nonetheless I am principally satisfied that the timber post and rail fencing erected adjacent to the yard area is anyway not significantly out of keeping with, or harmful to the character and appearance of the area.

9. The new areas of hard surfacing are situated adjacent to the stable buildings. They are of a relatively modest scale, which I consider to be generally commensurate with the use of the four loose boxes now present, and to provide vehicular access to the stables. Furthermore, the hard surfacing is largely screened from public view by the stable buildings and for these reasons it has no significant harmful effect on the character and appearance of the area. I saw during my visit that some nearby lots in equestrian use also include various areas of hard standing that are visible, at least in part, from the nearby public rights of way.

10. The relocated entrance also has no significant effect on the character and appearance of the area, except in respect of the pair of wrought iron entrance gates. The gates are significantly taller than the adjacent timber fence, and the black and gold finish and ornate detailing are domestic in character and significantly out of keeping with the rural location and the modest equestrian use of the site. I note that the appellant is willing to replace the gates with a timber 5-bar gate, which I consider would be appropriate to the setting and could be secured by condition.

11. Policy 29 of the adopted Horsham District Planning Framework 2015 (HDPF) is generally supportive of equestrian development, subject to several criteria. In this case, there was no building on the site available for re-use. Moreover, in light of the above, I consider that the scale of the development is generally in keeping with its location and surroundings, as is the modest level of activity that is likely to be generated in association with two additional loose boxes, particularly having regard to the appellant's position that the site is used for private purposes only. Furthermore, there is direct access to the bridleway network. I therefore consider that the development is consistent with Policy 29.

12. While the location is relatively isolated from defined settlements, the new stable building is well related to the adjacent stable building, and it is not significantly remote from similar developments nearby. While the development has resulted in an increase in built form, and possibly activity, in the countryside, the effects of this are very limited due to the scale and nature of the development. Moreover, I consider that the small-scale equestrian use involved would amount to a quiet informal recreational use, consistent with its location and with the countryside protection measures set out in Policy 26 of the HDPF. I note that the use is not related to an adjacent dwelling and therefore ongoing access to the site is likely to be by private motor vehicle journeys. However, there is no significant evidence before me that the number of horses that may be kept at Lot 6 is specifically restricted and, even with the new development, the total equine accommodation provided is generally small-scale.

13. For these reasons, I conclude that the development does not harm the character and appearance of the area, and I find no conflict with Policies 26 and 29 of the HDPF, the relevant criteria of which are set out above. I also find no conflict with HDPF Policy 25, which seeks to protect the natural environment and landscape character from inappropriate development, or with HDPF Policy 33, which sets out general development principles including that development should respect the character of the surrounding area.

Conditions

14. I have considered the conditions suggested by the Council and the appellant. A commencement condition is not necessary as the development has taken place. Conditions to secure replacement gates, to prevent the commercial use of the stables, to ensure storage for hay, and relating to external lighting are necessary in the interests of character and appearance. I have not imposed a condition relating to sound amplification as it has not been demonstrated that this is reasonably necessary in relation to the location, scale and nature of the development.

Conclusion

15. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR