The Planning Inspectorate

Appeal Decision

Site visit made on 29 March 2018

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2018

Appeal Ref: APP/B9506/W/17/3191586
Glengariff, Glebe Lane, Landford SP5 2AB

- 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 and Mrs Simon and Elaine Hartley against the decision of New Forest National Park Authority.
- The application Ref 17/00463, dated 23 May 2017, was refused by notice dated 25 July 2017.
- The development proposed is the construction of a 20m x 40m all weather outdoor riding arena.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a 20m x 40m all weather outdoor riding arena at Glengariff, Glebe Lane, Landford SP5 2AB in accordance with the terms of the application, Ref 17/00463, dated 23 May 2017, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, JA-PA04-SITE-DE01 and JA 0001.

    3) Land levelling and drainage at the site shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment and approved plan JA-PA04-SITE-DE01.

    4) Prior to the commencement of development, details of all proposed materials for the all-weather outdoor riding arena shall be submitted to and approved in writing by the local planning authority. The development hereby approved shall be carried out in accordance with the approved details.

    5) Prior to the commencement of development, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. This scheme shall include:
    (a) the existing trees, shrubs and hedges which have been agreed to be retained;
    (b) a specification for new planting (species, size, spacing and location);
    (c) areas for hard surfacing and the materials to be used;
    (d) other means of enclosure;

(e) a method and programme for its implementation and the means to provide for its future maintenance.

Thereafter the approved landscaping scheme shall be undertaken in accordance with the approved details.

6) The all-weather outdoor riding arena subject of this permission shall only be used for the exercising of horses belonging to the owner of the site (or their successors in title) and shall not be used for any commercial riding or training purposes or as an equestrian show arena.

7) No lighting shall be installed to illuminate the all-weather outdoor riding arena hereby approved.

Application for costs

2. An application for costs was made by Mr and Mrs Simon and Elaine Hartley against New Forest National Park Authority. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding landscape.

Reasons

4. The site proposed for the all-weather outdoor riding arena (manege) forms part of a paddock located close to the junction of Lyndhurst Road (B3079) and Glebe Lane. The site also lies to the south of Glengariff, which is a detached dwelling with a separate stable block. To the south of the paddock, adjacent to Glebe Lane, runs the river Blackwater.

5. The paddock area has already been divided by post and rail fencing and is screened from Glebe Lane by a dense deciduous hedge. It has a low post and rail fence along its boundary with the B3079. Due to the open style of this fencing the appeal site is visible from along the B3079.

6. As the site lies within the New Forest National Park there is a statutory duty to have regard to the purposes of designation. These are conserving and enhancing the natural beauty, wildlife and cultural heritage of the land within the National Park and promoting opportunities for the understanding and enjoyment of its special qualities by the public. The National Planning Policy Framework confirms that great weight should be given to conserving the landscape and scenic beauty in National Parks.

7. Policy DP23 of the New Forest National Park Core Strategy and Development Management Policies DPD (CS) specifically relates to the development of outdoor maneges. These are permitted provided that they do not result in any detrimental impact on the landscape and ecology of the New Forest and do not involve the installation of lighting.

8. The supporting text to Policy DP23 recognises that whilst the availability of maneges may reduce the use of the open Forest, there are concerns about the physical impact of their development on the landscape. It further states that the Authority wishes to minimise the environmental impact of these proposals and this form of development is likely to be acceptable only where it is

contained within or closely related to an existing group of buildings and makes use of materials that blend in well with the New Forest landscape.

9. The Council has also published Guidelines for Horse Related Development, a Supplementary Planning Document adopted in September 2011 (the SPD). Paragraph 6.15 of the SPD repeats the supporting text to CS Policy DP23.

10. I acknowledge that the SPD (paragraph 6.16) advises against the selection of sites for manege, which require the re-grading of land. However, this is guidance and the appellants have provided examples of approved manages where a certain amount of cut and fill was required. Therefore, I have considered the proposal on its merits.

11. Although the paddock falls within Landscape Character Area 9 of the New Forest National Park Landscape Character Assessment (2015) with a landscape type of Ancient Forest Farmlands, it is largely grassed with no significant planting or landscape features. From along the B3079 travelling south it is seen against the back drop of existing development including dwellings and a stable block along with a line of mature Poplar trees near Glebe Lane. These trees are recognised as an environmental asset in the Landford Village Design Statement.

12. Therefore, although not of any significant landscape quality because of its open and largely undeveloped character, the paddock does form a feature of the local landscape, which contributes to the surrounding rural character and low density built environment.

13. The proposed manege would be located close to the stable block and away from the sites boundary with the B3079. Its scale would be consistent with the recommendations in the SPD. However, to create a level surface for the manege a certain amount of re-grading of the appeal site is required. In addition, there would be the associated surface to the manege along with kick boards and fencing to secure its perimeter.

14. This level and nature of development would alter the landform and appearance of the appeal site. Whilst there would be some visual change to the appeal site and local landscape, this change would largely be localised to views from along the B3079.

15. However, in my judgement the changes in levels would be modest, the fencing proposed would be low in height and similar to that already utilised at the paddock. The change in surface, whilst appreciable would be approximately 40m from the B3079 and seen in views in the context of existing nearby development. For the above reasons the manege would not appear incongruous or harmful on the rural character of the landscape. Furthermore, this form of open development would also assimilate with the existing low density built environment.

16. I am also satisfied that given the low level nature of the proposed development, views of the Poplar trees from along the B3079, would remain uninterrupted.

17. To further mitigate against the visual change the appellants are willing to provide additional landscaping in the form of hedging along the boundaries of the paddock. I am satisfied that hedging once established and maintained,

would further mitigate any visual impact of the proposed development in views from along the B3079.

18. Also, the use of hedging along the boundary with the B3079 would be consistent with existing hedging along parts of this road and would therefore accord with the landscape characteristics of the area.

19. The hedge along the boundary with Glebe Lane is deciduous and was not in leaf during my site visit. Despite this and some gaps, due to its height and density I noted that this provides adequate screening of the appeal site and would also adequately screen the proposed development.

20. The Council has referred me to another appeal decision[1] relating to a manege, which was dismissed. Based on the information I have been provided the circumstances of that site are materially different to the appeal before me. In any event, each case is determined on its merits. Accordingly I have determined this appeal on the particular merits of the proposal.

21. For the above reasons the proposed development would not unacceptably harm the character and appearance of the surrounding landscape. I therefore find no conflict with Policy DM23 of the CS. I also find no conflict with Policy DM1 of the CS, which amongst other things seek to ensure that new development is appropriate and sympathetic in terms of scale, form, appearance siting and layout and respects landscape character. Also, I find no conflict with Policy CP7 of the CS, which requires proposals to protect important features.

Other matters

22. I note concerns that the proposed development may exacerbate existing flooding incidents along Glebe Lane, in particular at Barn House, which is a detached dwelling adjacent to the appeal site. However, based on the appellant's Flood Risk Assessment I am satisfied that the proposed development would not result in any increased risk of off-site flooding. This view is also supported by the Environment Agency.

23. Barn House has an elevation with a ground floor window and side garden area facing towards the appeal site and its access. The appeal site is already used for the grazing, turnout and exercising of the appellants' horses and the proposed manege is also for the appellants' personal use. Therefore, I am satisfied that the level of activity associated with the proposal would not result in any unacceptable levels of disturbance and loss of privacy over and above the existing situation.

24. Whilst views of the manege would be available from Barn House, given the low level nature of the proposed development it would not result in any unacceptable harm to the outlook from this property.

25. The Blackwater Conservation Group has objected to the proposal on the basis that the proposed manege would utilise a limestone substrate, which could adversely affect the ecology of the river Blackwater. However, in the absence of any strong technical evidence I do not support this concern. Notwithstanding this the appellants have subsequently advised that they are willing to use a granite substrate, which could be secured by a planning condition.

[1] APP/B9506/A/14/2214604

26. No lighting is proposed for the manege, matters relating to any existing lighting are separate to the appeal before me. I also note concerns in respect of the construction process, whilst this is likely to be disruptive it would be short-term and is not a reason to withhold permission.

27. As already stated I have determined the appeal on the merits the proposal. As such, the existence of other maneges in the vicinity of the appeal site does not affect my conclusions on the main issue.

28. As the appeal site is used as a paddock its development would not result in the loss of agricultural activity.

29. I note concerns that if allowed the proposal could set a precedent for other similar development in the area. However, applications for other maneges would have to be assessed on their merits, having regard to the relevant considerations specific to each proposal at that time. As such, my findings in relation to this appeal would not set a precedent for future proposals for maneges.

Conditions

30. I have considered the conditions put forward by the Council in the light of the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings and plans as this provides certainty.

31. Conditions relating to proposed materials and landscaping are necessary to ensure that the manege safeguards the appearance and the ecology of the surrounding area.

32. A condition is necessary to ensure that the development is carried out in accordance with the appellants Flood Risk Assessment to safeguard against flooding as a consequence of the proposed development.

33. To protect the living conditions of neighbours it is necessary to impose conditions ensuring that the use of the manege is limited to the owners of the site and no lighting is added to it.

34. Conditions 4 and 5, which prevent any development approved by the planning permission from commencing until they have been complied with, are considered fundamental to the development hereby approved.

35. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

36. For the reasons given above and having taken all matters raised into account I conclude that the appeal is allowed.

M Aqbal
INSPECTOR