



Appeal Decision

Site visit made on 10 December 2019

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/Y9507/W/19/3238228

Land north of Pound Farm, Gracious Street, Selborne, Alton GU34 3JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Roberts against South Downs National Park Authority.
 - The application Ref SDNP/19/02082/FUL, is dated 29 March 2019.
 - The development proposed is described on the application form as 'replacement stables & sand school'.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement stables and sand school at land north of Pound Farm, Gracious Street, Selborne, Alton GU34 3JG, in accordance with the terms of the application Ref SDNP/19/02082/FUL, dated 29 March 2019, subject to the conditions below.

Application for costs

2. The appellant has made an application for an award of costs against the Authority which is the subject of a separate decision.

Preliminary matters

3. The appeal is against the Authority's failure to reach a decision within the relevant statutory period. Nevertheless had the Authority been in a position to determine the application, they would have refused permission. Whilst I have referred to the planning history here, each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise.

Policy context

4. The development plan now includes the South Downs Local Plan (adopted 2 July 2019, the 'LP'). The LP takes a landscape led approach founded on ecosystem services, with conserving and enhancing natural beauty, wildlife and cultural heritage being a statutory purpose of National Parks.¹ In summary, and amongst other things, LP policies SD4, SD5, SD6 and SD7 seek to ensure development conserves and enhances landscape character, integrates sympathetically in terms of design, safeguards views, and conserves the relative tranquillity of the National Park. Policy SD9 sets out how biodiversity should equally be conserved and enhanced.

¹ Pursuant to the National Parks and Access to the Countryside Act 1949 as amended and with reference to the English National Parks and Broads: UK Government Vision and Circular 2010.

5. Similarly paragraph 172 of the National Planning Policy Framework ('NPPF') explains how National Parks have the highest status of protection in respect of landscape and scenic beauty, and guides that great weight should be given to the conservation thereof and also of wildlife. I have approached the appeal with that in mind.
6. LP policy SD24 reflects the principles set out above as they are intended to apply to equestrian uses. In so far as relevant to the proposed arena, criteria a), b), f) and g) are of particular relevance. They specify that equestrian development should be of a scale and design compatible with landscape character, feature new landscaping, and adopt a conservation-based land management approach. The latter is detailed in LP paragraph 6.72.

Main issue

7. Against the background above, the main issue is the effect of the development proposed on the landscape and locality, with particular regard to character, appearance and wildlife.

Reasons

8. The appeal site is a parcel of land of approximately 0.44ha to the north of, and reached via, Gracious Street. The nearest dwellings are around 125 metres or so away. The appeal site falls several hundred metres from the settlement boundary and Conservation Area. Nevertheless it is a relatively short walk from the latter to the appeal site. Gracious Street winds centrally through the village, joining Selborne Road (B3006) to the east. The appeal site is principally used as a paddock, and contains two stable blocks and some hardstanding to the south (close to the access track).
9. The appeal site sits in a patchwork of irregular fields demarcated by established hedgerows.² Here fields reflect the contours of the landscape. Selborne falls within the Scarp Slope, specifically the 'J1' East Hampshire Greensand Terrace Character Area defined in the Integrated Landscape Character Assessment of 2011.³ The broader landscape is a sweeping calcareous grassland escarpment, of particular value to flowering plants and ecology that thrive on that habitat, cut by streams and punctuated with patches of woodland. There are footpaths a field over to the west and north, Nos 2 and 6, and also by Nine Acres a greater distance away to the east.
10. As shown in figure 1 of the supporting Landscape and Visual Impact Appraisal ('LVIA'),⁴ several nearby fields are also within the same ownership. Broadly the appeal site declines from north to south; the topographical survey showing a fall of four or more metres (significantly more depending on the relative points from which the comparison is drawn). The landform rises still further north and north-east, such that the village is nestled within a valley. The appeal site is therefore relatively low in the topography, and I saw that it is not prominent in surrounding views and vistas. Given the landform, ground conditions, and instances of flooding in the wider area previously, I appreciate the concerns of

² Acknowledging that some may be not within the appellant's control (albeit likely to remain).

³ Albeit also at the fringes of the Western Weald and Character Area D4a.

⁴ Prepared by Deacon Design, dated 5 April 2019 (amended since the application was initially made).

nearby residents in respect of the potential for adverse effects from surface water run-off.⁵

11. The proposal would replace an existing stable block with a building, unsurprisingly, of similar scale and design. A modest store would also be installed in the shadow of the retained stable block/ livestock building. Subject to adherence to the plans, and the use of agreed external materials, those elements of the proposal would have no appreciable effect relative to the nature of the site at present. The Authority raise no objection to the scheme in those respects.
12. The crux of the Authority's case relates instead to the scale and landscape impact of the proposed arena. The Authority refer to the all-weather arena as 60m by 40m on various occasions (some 2,400sqm). That is referred to as a 240% increase in hard surfacing compared to the 40m by 25m arena refused planning permission in January 2019 (1,000sqm).⁶ However the plans show an arena of 60m by 25m (1,500sqm), as is reflected in the LVIA and also noted in the representation by Selbourne Parish Council. It is unclear how the Authority have arrived at their measurement.
13. Some suggest that the site has previously not been used exclusively for personal use by the appellant and her family, or that the scale of the proposal would exceed that necessary for private use. However the scale proposed is, not unreasonably, intended to be sufficient to enable competitive practice. Moreover, consistent with the appellant's intention, a condition requiring only a private use could reasonably be imposed were the proposal otherwise acceptable. The enforcement of such would, if necessary and along with any other conditions, fall to the Authority. It is beyond the scope of this appeal to address the question of how enforcement is resourced or administered.
14. The proposal would inherently alter what is presently an essentially natural site by the introduction of a substantial geometric form composed of imported materials. As shown in the section plan, a level area would need to be created by cutting into the changeable topography (DD280L02 Revision A). The proposal would also entail a reduction in grassland habitat, as would the creation of many sand schools. The Parish Council has summarised the effect of the scheme as leaving an 'indelible scar' on the landscape, argued to be inimical to preserving the landscape. The proposed arena, and the use thereof, would also be visible from some surrounding public and private vantage points.
15. Rightly the LP sets stringent principles regarding landscape and wildlife preservation. However equestrian activities are part of the character of the National Park in broad terms.⁷ The supporting text to LP policy SD24 refers to manèges, of which there are several in the surrounding area. Overarching LP objectives do not therefore amount to setting a default presumption against such a scheme as is proposed here; its acceptability is a matter of judgement. Moreover the site is already used for equestrian purposes. I have reasoned above that the appeal site is relatively conveniently accessible, albeit beyond

⁵ LP paragraph 3.41 describes Selbourne as a 'springline' village at the foot of chalk slopes.

⁶ Application Ref SDNP/18/05749/FUL, as noted in correspondence from the Authority before me dated 30 August 2019, which in turn followed two previous proposals here (applications Ref SDNP/16/02323/FUL in 2016 and Ref SDNP/18/04385/FUL in 2018).

⁷ As reflected in LP paragraph 6.53 and strategic policy SD20 in particular

the consolidated built form of Selborne. There is no indication that the present use of the site would cease, irrespective of the outcome of this appeal. Therefore the judgement is whether the resultant differential between the proposal and the current scheme would be appropriate or not.

16. The proposal would, in all likelihood, result in use of the site for a greater proportion of the day and year. However it would not directly result in an increase in the number of horses or intensity of equestrian activities as the site would remain solely for personal use. Similarly the proposal would not appreciably affect the quantity of animal waste generated on site or its potential to infiltrate the ground,⁸ nor vehicular movements to and from the site to a significant extent. Equipment including jumps and other paraphernalia are likely to be put in place from time to time at present, and the proposal would lead to little change in that regard. Moreover since the proposed arena would be cut into the land, the visibility of such items in the landscape, and of riders, would likely be reduced.
17. The proposal is not supported by a distinct ecosystems services statement. However the application pre-dates the adoption of the LP, and the supporting information related to environmental effects is nevertheless proportionate. Whilst there are various sites specifically designated for their particular ecological value relatively nearby, the appeal site does not fall within one. Subject to the provision of native hedging, tree planting and an attenuation pond with meadow planting, the County Council has advised that the proposal would likely 'enhance biodiversity locally'.⁹ There is nothing before me to indicate otherwise given the varied habitat that would be created. Native tree planting is given as an example of a conservation based land management approach in LP paragraph 6.72. I also understand that the wider site is used for grazing a small number of animals and hay cultivation, which is consistent with those principles also.
18. In addition to the situation of the proposed arena in the topography the planting shown on plan DD280L01 would also serve to significantly limit its visibility. The native hedgerow and trees proposed around its perimeter would result in additional screening beyond that which already exists from similar features in the landscape. Once mature, there would be barely any appreciable visibility of the arena from footpath 2 or footpath 6 (the latter quite some distance northwards). Any such views, irrespective of the season, would likely be glimpsed or partial and from significant distance. Whilst natural at present, on account of its situation in the topography, the presence of hedgerows and trees, and the proximity of other land nearby demarcated as paddocks or landscaped nearer dwellings, the appeal site does not contribute strongly to the landscape characteristics described in paragraph 9 above. Its enclosure with new planting would not appreciably affect the characteristic openness of the broader area.
19. Even slight changes to the environment may be perceived as significant, and there is not a direct correlation between scale and perception. I acknowledge that many nearby residents have objected to the scheme. However given the reasoning above the effects of the scheme in landscape terms would be

⁸ There are also separate provisions under the Environmental Protection Act 1990 as amended in respect statutory nuisance that may be applicable in the event the former were to arise.

⁹ Correspondence dated 10 June 2019.

negligible. Inevitably there would be greater visibility from private vantage points in neighbouring land, particularly around Nine Acres. However properties at the fringe of Selborne are set in expansive plots, with the nearest dwellings some 125 metres or more away. Invariably the landscape between the appeal site and properties is cut by established hedgerows and mature trees. Moreover the riding arena would have a top layer of 'recycled fibre crumb', which appears muted in colour when mixed with sand, would not be enclosed by fencing, and no external lighting is proposed. Those characteristics would help ensure that the scheme assimilates appropriately with the locality, representing a recessive rather than discordant change.

20. For the above reasons, subject to the imposition of suitably-worded conditions, the proposal would be barely perceptible in the landscape and integrate appropriately with its character, habitat, and the visual amenities of those nearby. Therefore no conflict arises with the relevant provisions of the development plan or NPPF referenced in paragraphs 4 to 6 above.

Other matters

21. I have taken careful account of the representations of those nearby, in particular as regards potential effects in relation to flooding, disruption during construction, and ongoing maintenance. The supporting Design and Access Statement includes technical details of means of construction, drainage layout and attenuation pond. The appeal site is not within a zone with a medium or high probability of flooding. Notwithstanding geology, in that context there is nothing to indicate that a suitable approach to drainage could not be implemented with replicates or improves upon the existing nature of the site in line with LP policy SD50. Disruption during construction, including associated vehicular movements, would be temporary and could also be minimised via condition.
22. A number of nearby residents have brought my attention to an article of 6 June 2019 in Horse & Hound, which suggests that locating all weather arenas close to deciduous trees is likely to result in falling debris accumulating to the detriment of rider safety, potentially damaging the structure of manèges. However that is essentially a matter related to ensuring effective maintenance over time (noting that there are provisions elsewhere for requiring property maintenance of land).¹⁰ As such neither that, nor any other matter, is sufficient to alter my finding as to the overall acceptability of the development proposed as reasoned in the main issue.

Conclusion

23. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

24. In addition to requiring commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plans, specifying the use of agreed external materials and landscaping, preventing

¹⁰ Section 215 of the Town and Country Planning Act 1990 as amended.

external lighting and also a commercial use from arising. Those conditions are necessary so as the development proposed is implemented as assessed above and integrates appropriately with its surroundings. Given the confines of the site and access to it, and also to control disruption resulting from construction, I have required via condition that development complies with a demolition and construction method statement. Following my reasoning in paragraph 21 above, condition 8 is necessary to ensure that an appropriate approach to drainage is implemented and maintained. Given the age of the existing building proposed for demolition the requirement in condition 9 for an asbestos survey, and measures to address any if found, is also required.

25. Conditions 6 and 8 must necessarily apply before any development hereby permitted is undertaken as any construction has the potential to generate traffic and the import and export of materials, or to affect the drainage capacity of the site. The appellant has agreed to the terms of those conditions. In imposing conditions I have had regard to the relevant provisions of the NPPF, the Planning Practice Guidance, and of statute. Accordingly I have amended the wording of certain conditions proposed by the Authority, or combined others, without altering their aims.

Thomas Bristow

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', DD280L01 Revision A, DD280L02 Revision A (other than in respect of illustrative 'precedent images'), DD280, 'Proposed Stable Elevations', 'Proposed Stable Plans & Store'.
- 3) No external lighting or floodlighting shall be installed in relation to the development hereby permitted.
- 4) The development hereby permitted shall be used only for private recreation. Neither the development hereby permitted, nor site shown on the approved plans, shall be used for any other purpose, including a commercial equestrian use.
- 5) Notwithstanding condition 2, before their installation in the development hereby permitted, details and samples of all external materials to be used shall have been submitted to and agreed in writing by the local planning authority. Such details shall include, as appropriate, the relevant manufacturer, type, intended location and finishes. The external materials shall be installed as approved, and thereafter retained.
- 6) No development hereby permitted shall be undertaken until a demolition and construction method statement ('DCMS') has been submitted to and

approved in writing by the local planning authority. The DCMS shall include details related to (i) a programme of and phasing of demolition and construction works, (ii) provision of facilities for contractor parking, (iii) arrangements for deliveries associated with all construction works, (iv) methods and phasing of construction works, (v) access and egress for plant and machinery, (vi) measures for the protection of pedestrian routes and rights of way during construction, (vii) the location of any temporary site buildings, compounds, construction materials and plant storage areas, (viii) provision for storage, collection and disposal of all rubbish related to construction, (ix) the re-use of onsite material and spoil arising from any site clearance or demolition work, (x) measures for the appropriate disposal of any hazardous material encountered during construction. The development hereby permitted shall be undertaken in accordance with the details of the DCMS thus agreed.

- 7) The development hereby permitted shall not be first brought into use until details of all hard and soft landscaping have been submitted to and agreed in writing by the local planning authority, and carried out as agreed in line with an approved implementation programme. Works shall be carried out in accordance with the approved details and plans in condition 2, and in accordance with recommendations of the appropriate British Standard or other recognised codes of good practice. Any specimens that, within a period of five years after implementation, are removed, die or become seriously damaged or defective shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally agreed.
- 8) No development hereby permitted shall be undertaken until details of a scheme for foul and surface water drainage has been submitted to and approved in writing by the local planning authority (the 'drainage scheme'). The drainage scheme shall be designed so as to accommodate a 1 in 100 year exceedance event plus 40% climate change allowance or freeboard and shall be supported by a detailed drainage layout plan and run-off calculations. The drainage scheme shall also be supported by details of provision for all surface water drainage associated with parking areas and areas of hardstanding, designed so as not to increase water discharge to neighbouring land exceeding the existing situation, and based on site investigation and percolation testing. The agreed drainage scheme shall be implemented in full before the development hereby permitted is first brought into use, and thereafter retained and maintained as such. Additionally the sand school hereby permitted, along with any other area of hardsurfacing shown on the approved plans, shall either be made of porous materials or provision shall be made to direct run-off water from such surfaces to a permeable or porous location within the site.
- 9) No development hereby permitted affecting an existing building or structure on site shall be undertaken until an asbestos survey has been undertaken in respect of any buildings or structures to be demolished, in accordance with relevant advice produced by the Health and Safety Executive. If asbestos is identified, before works affecting the relevant building or structure take place, an appropriate method of demolition and disposal shall be submitted to and approved in writing by the local planning authority. Any asbestos containing materials shall be treated in accordance with the details thus agreed.