



Appeal Decision

Site visit made on 14 January 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/Y9507/W/19/3236309

Hill View, Cams Hill Lane, Hambledon PO7 4RQ

- 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 & Mrs Toms against the decision of the Council of the South Downs National Park Authority.
 - The application Ref SDNP/18/05450/FUL, dated 22 October 2018, was refused by notice dated 10 May 2019.
 - The development proposed is erection of stable block.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of stable block at Hill View, Cams Hill Lane, Hambledon PO7 4RQ in accordance with the terms of the application, Ref SDNP/18/05450/FUL, dated 22 October 2018, and the plans submitted with it.

Application for costs

2. An application for costs was made by Mr & Mrs Toms against the Council of the South Downs National Park Authority. This application is the subject of a separate Decision.

Procedural matters

3. Since the Authority determined this proposal the South Downs Local Plan – Adopted 2 July 2019 (2014-33) (LP) has superseded the referenced policy within the Council’s Decision Notice. The Authority have provided the recently adopted LP Policies within their submissions and the appellant has referred to them within their evidence. I have determined the appeal on that basis.
4. The application has been submitted retrospectively and the appeal has been determined on that basis.
5. The main parties dispute whether a material change of use of the land has occurred to an equestrian one. However, I am mindful that this is not part of the development description before me. Whilst the Authority discuss their equestrian policies within the officer report, they are not stated within its reasons for refusal set out on the formal Decision Notice. Therefore, I have proceeded to determine the merits of the operational development as described. My findings on this matter do not prejudice any future action by, or applications to, the Authority in relation to any alleged material change of use.

Main issues

6. The main issues are i) the effect of the stable block on the character and appearance of the area including the landscape of the South Downs National Park (SDNP); and ii) whether the stable block would have an unacceptable impact on highway safety with specific regard to visibility.

Reasons

Character and appearance of the area including the landscape of the SDNP

7. The appeal site is located within a rural countryside location designated as a National Park. The National Planning Policy Framework (the Framework) sets out at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas, which have the highest protection. Furthermore, the conservation of wildlife and cultural heritage are also important considerations to be afforded great weight.
8. The LP Policy SD1 details that the cumulative impact of development will be considered. SD4 seeks to ensure development conserves and enhances the landscape, while SD5 requires development to take a landscape-led approach that respects local character through sensitive and high-quality design.
9. The Authority's landscape officer raised objection to the proposal on principle, stating that it makes no difference whether the proposal is for four stables or fourteen, or whether it would be visible or screened. However, I consider that the scale and visual impact of the proposal is clearly material to its potential effect on the landscape, noting that the Framework details that the scale and extent of development within National Parks should be limited.
10. The stable block has an L-shaped footprint and has been sited within the corner of a grassed field, adjacent to the vehicular access. To the east and south there are high mature hedges. Although deciduous, and therefore allowing filtered views of the stables during the winter, they provide a strong landscape setting for the building. Therefore, save for a glimpse of the stable block through the access, the building is well screened from views along Cams Hill Lane as it runs along the northern and eastern periphery of the appeal site. Furthermore, the horizontal timber cladding to the walls is recessive and helps the building to assimilate into its context when seen through or against the hedges. Additionally, the building is of a limited scale. Its roof has a shallow pitch and therefore does not appear prominent. Furthermore, it is constructed with materials consistent with other buildings in the area.
11. This is not a landscape devoid of development. The stable block is located next to other structures to the south including poly tunnels and a large detached dwelling with garage. The village of Hambledon is located to the east, with field shelters within the intervening land. To the west I observed a number of other rural buildings, some set within concrete yards. Some of these buildings appeared much larger than the proposal and were sited within a more developed context. These buildings contribute to the character of the area.
12. I have made observations from the rights of way to the north, south and west of the appeal site. I found that public vantage points of the stable block from these rights of way are limited. The intervening distances and presence of mature field boundary vegetation ensure that the building is not prominent. The appeal site is enclosed with boundary hedging. On the right of way to the

south the stable block is largely obscured by other development. To the north when walking along the footpath it is obscured by a dense copse of trees. From the right of way to the west it may be glimpsed from a distance through field boundary vegetation, then seen against landscaping features. Even if the proposal is taken cumulatively with the existing development it would have a neutral effect on the character and appearance of the landscape.

13. I have noted the extracts provided from the 'WCC Landscape Character Assessment' and the 'Village Design Statement for Hambledon' by the Council's landscape officer and a member of the public respectively. However, I do not have full details of the status of the documents and they are not referenced within the Authority's reasons for refusal. Nonetheless, based on the evidence provided I do not find any conflict between the proposal and those documents.
14. Furthermore, I have had regard to the conservation of cultural heritage of the SSNP alongside the other purposes for which the National Park is designated, in accordance with s.11 of the National Parks and Access to the Countryside Act 1949 (as amended). Additionally, Policies SD12 and SD13 of the LP seek have superseded the Policies set out in the Decision Notice. These seek to protect the historic environment by safeguarding heritage assets and their settings. I have noted a number of listed buildings within the vicinity and the public letters raising concern on this matter. However, I note the effect on listed buildings and their settings is not identified by the Authority as a reason for refusal. Given the scale and siting of the stable block with the intervening distances and landscape features I find that no harm to the significance of any cultural heritage, including the settings of listed buildings has occurred.
15. Therefore, in conclusion on the first main issue I find that the stable block does not harm the character and appearance of the area, including the landscape of the SDNP. As such the proposal accords with Policies SD1, SD4, SD5, SD12 and SD13 of the LP and sections 12, 15 and 16 of the Framework.

Highway safety

16. LP Policy SD19 requires development proposals to demonstrate the continued safe and efficient operation of the local road networks. Furthermore, I note that the Framework sets out at paragraph 109 that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
17. The proposal does not detail any changes to the existing field access. This is an agricultural field gate nominally set back from the highway edge. Either side of the access are the high mature hedges sited parallel with the edge of the road.
18. I note the comments from WC - Winchester Highways. They offered a holding objection until details of visibility speeds, commensurate with speeds along the road, had been provided. A request for further information was made to the appellants, however they refused to provide such information stating that the access is not being altered. Moreover, they state that the erection of the stable block has not resulted in any intensification in vehicular movements or change in the type of vehicles accessing and egressing the site.
19. From my site observations I have noted that the erection of the stable block has not altered the visibility from the existing field access. The building is set back sufficiently from the highway in order to provide no obstruction. However,

I observed that the vehicular visibility in both directions from the access is restricted by the existing hedgerows. The highway is a single-width country lane with limited passing spaces and a number of other field gates with very similar arrangements and visibility. Therefore, users of the highway would be aware of this context and adjust their behaviour accordingly.

20. I have noted public concern regarding an increase in traffic along Cams Hill Lane. However, I have no substantive evidence to indicate that this has occurred in relation to the proposal before me. Moreover, I note that the highway engineer's concern appears to be related to the adequacy of visibility splays only.
21. The evidence indicates that the building provides four stables. The appellants state that this is consistent with the number of horses that can be reasonably grazed on the appeal site, and the Authority do not dispute this. The appellants state that the land has been grazed by horses prior to the erection of the stable building and this will continue to be the case. Therefore, the erection of the stable building does not necessarily result in any alteration in the frequency or type of vehicles accessing and egressing the appeal site from the existing field access. Whilst I note the public concerns and indeed the restricted visibility from the access, in exercising my planning judgement, I place weight on the appellants' evidence regarding the likely levels of vehicular activity and the context of other similar accesses in the area.
22. Therefore, in conclusion on the second main issue I find that the stable block does not result in an unacceptable impact on highway safety with specific regard to visibility. As such the proposal accords with Policy SD19 of the LP and paragraph 109 of the Framework.

Other matters

23. I have had careful regard to the matters raised by the public in objection to the proposal. This includes the potential impact on wildlife, such as badgers. However, this is not raised as a reason for refusal by the Authority and I have no evidence to substantiate any harm to wildlife has likely occurred from the erection of the stable block. Additionally, concern is raised over paraphernalia from the appeal site, including the use of field tape, electric fences and the parking of vehicles at the site. However, these are matters that are beyond the scope of the operational development before me.

Conditions and conclusion

24. I have noted the Authority's suggested conditions set out at Appendix B to their letter dated 5 November 2019. These appear consistent with the requests of the parish council. Furthermore, I have noted the appellants' responses setting out that the conditions do not meet the tests set out within the Planning Practice Guidance.
25. The appellant sets out that no lighting is proposed beyond the existing, which I have noted on my site visit. I do not find that a condition to require details of future lighting is reasonable or necessary in these circumstances. Details of horse manure and stable waste have been identified within the appellants' final submissions. I observed such provision on my site visit. I find the information is satisfactory and that a condition to control the matter further is unnecessary. The Authority seek further details of surface water drainage. I observed on my

site inspection that surface water drainage around the stables is not ideal. However, I found it consistent with the conditions where grazing animals congregate, such as field gates and water troughs. Moreover, due to the topography, the surface water runs from the stable block into the field and disperses similarly to how it would have done prior to the erection of the building. As such I find the condition unnecessary.

26. The Authority seek to restrict the commercial keeping of horses. However, I find such a condition unnecessary as this would result in a material change of use requiring planning approval. The Authority seek to remove permitted development rights for a number of items including field shelters, fences and chattels. However, some of the items are unlikely to meet the definition of development. Moreover, this does not relate to the operational development before me. Finally, as the development has been carried out already, I do not find that the standard implementation and approved plans conditions are necessary.

27. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR