



Appeal Decision

Site visit made on 30 June 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/L2630/W/19/3244042

Heckingham Hall, Briar Lane, Heckingham, Norfolk NR14 6QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Nick and Lizzie Roberts against the decision of South Norfolk Council.
 - The application Ref 2019/1816, dated 29 August 2019, was refused by notice dated 17 October 2019.
 - The application sought planning permission for development of gallops, manège and parking area without complying with a condition attached to planning permission Ref 2019/1224, dated 22 August 2019.
 - The condition in dispute is No 4 which states that: The hire of the facilities incorporating the gallops and manège shall be restricted to no more than two bookings per day by appointment only and that no more than one horsebox/ trailed horsebox or similar shall be permitted at any one time.
 - The reason given for the condition is: In the interests of highway safety, such that vehicle movements are restricted appropriate to the use associated with the development.
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Decision

1. The appeal is allowed and planning permission is granted for development of gallops, manège and parking area at Heckingham Hall, Briar Lane, Heckingham, Norfolk NR14 6QU in accordance with the application Ref 2019/1816 dated 29 August 2019, without compliance with condition number 4 previously imposed on planning permission Ref 2019/1224 dated 22 August 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: drawing no 18/142/01E.
 - 2) No external lighting shall be provided unless full details of its design, location, orientation, periods of usage and level of illuminance have first been submitted to and agreed in writing with the local planning authority. The lighting shall thereafter be provided only in accordance with these approved details.
 - 3) The hire of the facilities incorporating the gallops and manège shall be restricted by appointment only to no more than one horsebox/ trailed horsebox or similar at any one time. A register of appointment bookings of the gallops and manège shall be maintained at all times and be made available for inspection upon written request by the local planning authority.

- 4) No loudspeaker, amplifier, relay or other audio equipment shall be installed or used with the development permitted.
- 5) The means of surface water drainage shall be carried out in accordance with the submitted details contained in the Planning Statement V1.0 and shall be retained as such thereafter.
- 6) The hedge to be planted around the boundary of the gallops shall be planted in the first available planting season following commencement of development in accordance with drawing no 18/142/01E. Any plants which die, are diseased, are removed or otherwise fail within the first five years following planting shall be replaced with the same species and size of plant unless otherwise agreed in writing with the local planning authority. Thereafter, the hedge shall be retained at a minimum height of 2 metres unless otherwise approved in writing by the local planning authority.

Background and Main Issue

2. The further developments approved are associated with the existing equestrian facilities at Heckingham Hall, which include livery stabling. The site is within countryside and the surrounding highway network comprises narrow rural lanes. Whilst these allow alternative routes to and from the site, the roads are generally of little more than single-vehicle width, restricted in terms of forward and junction visibility and without footways, lighting or formal passing provision.
3. The Council, on the advice of the local highway authority, considers the surrounding highway network not up to a standard necessary to safely accommodate any increase in the movement of horse-carrying vehicles or trailed horse boxes. This is due to the size of these relative to road widths and the passing difficulties which might ensue which would necessitate hazardous reversing movements.
4. The permission was granted on the basis of the galloping area removing the need to transport horses off-site to facilities elsewhere and otherwise being available for hire only on a pre-booked basis involving one horse-carrying vehicle/horse box at a time. The Council resolved to restrict this to a maximum of two daily appointments, reflecting the highway safety concerns. Based on these factors, the main issue in the appeal is the effect that the removal of the condition would have on the safety of users of the surrounding highway network.

Reasons

5. The surrounding road network described above is typical of many countryside areas. Modern farm machinery and motor vehicle usage have outgrown such historic rural roads, which fall short of current highway design standards. This might be tolerable in rural areas, where the limited highway widths and visibility would be capable of accommodating mainly farm traffic and the more limited amount of development found in the countryside.
6. Such highway conditions also engender care, caution and appropriately lower speeds in the majority of drivers. Despite the limitations of the prevailing highway network, land uses other than farming are generally considered appropriate in the countryside, such as equestrian activities. I have accounted

for these factors and recent driving licence regulations encouraging the use of smaller, van-type horse transporters. However, the deficiencies in the standard of the surrounding road network would still justify some control over the level of commercial equestrian use associated with the approved development. If associated traffic was excessive, the restricted road widths and lack of passing bays would give rise to vehicular conflict, with the potential resort to reversing movements. In the context of a general lack of forward and junction visibility, such manoeuvres would be contrary to the interests of the safe use of the highway, including for both pedestrians and cyclists.

7. Keeping equestrian traffic to a level that preserved an acceptable degree of highway safety would require maintaining a condition that restricted the commercial hire of the facilities. The currently permitted two bookings per day would be unduly restrictive. It might be impractical to enforce a minimum three quarters of an hour gap between booking periods in order to avoid vehicles meeting. However, provided there was a condition which limited the commercial hire to single horse transporter bookings, this would be adequate to provide the Council an enforceable means to avoid any material harm to highway safety and for the operations to comply with Policy DM3.11 of the South Norfolk Local Plan 2015.

Conditions

8. I have repeated the uncontested conditions from the extant permission with just minor changes. The manège was in place at the time of my visit and so, the development having already started, a standard condition setting the period for commencement is no longer necessary. Condition 4 is replaced by a revised version, here condition 3, which restricts external hire to an appointment only basis and limited to no more than one horsebox/ trailed horsebox or similar at any one time.

Conclusion

9. I conclude that, subject to the replacement I have imposed, the removal of the condition would not have a materially harmful effect upon the safety of users of the highway network serving the appeal site. For the reasons given, and as set out above, the appeal therefore succeeds.

Jonathan Price

INSPECTOR