The Planning Inspectorate

Appeal Decision

Site visit made on 1 September 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/Y9507/W/20/3245170
Land at Butts Farm, Butts Farm Lane, Bishop's Waltham SO32 1PE

- 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 Mrs S Taylor and Mrs T Tucker against the decision of South Downs National Park Authority.
- The application Ref SDNP/18/05870/FUL, dated 13 November 2018, was refused by notice dated 19 July 2019.
- The development proposed is change of use of land from agricultural to the keeping of horses for non-commercial use; erection of wooden doors to enclose 2 existing field shelters; erection of 1 metre post and rail fence (pursuant to Article IV direction on the land).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the South Downs National Park.

Reasons

3. The appeal site is within a rural location just outside of the designated settlement boundary of Bishop's Waltham and within the South Downs National Park. The National Planning Policy Framework (the Framework) establishes at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas, which have the highest status of protection in relation to these issues. This encapsulates the conservation aims set out in the earlier English National Parks and the Broads: UK Government Vision and Circular, March 2010.

4. Policy SD4 of the South Downs Local Plan (2014-33) 2019 (SDLP) notes that development proposals will only be permitted where they conserve and enhance landscape character, while SDLP Policy SD5 requires development proposals to adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. The South Downs Integrated Character Assessment (Updated 2011) indicates that the site lies within the South Winchester Downland Mosaic Character Area, which has a strong rural character where fields are typically enclosed by woodland or thick hedgerows. The Winchester City Council Landscape Character Assessment 2004 indicates that the site lies within the South Winchester Downs Landscape Character

Area. The key characteristics of which include a rural landscape of predominantly arable farming with some mixed farming and the built form strategies seek, amongst other things, to conserve the well-screened setting of Bishop's Waltham with its lack of urban fringe activities.

5. SDLP Policy SD24 permits equestrian development where, amongst other things, it is of a scale and/or intensity compatible with the landscape and the special qualities and responds to local character and distinctiveness. The supporting text to the policy explains that the purpose of the policy is to ensure the careful planning, design and management of land on which horses are kept. It goes on to make clear that it is important that equestrian activities have a positive impact and protect natural beauty.

6. The site is at the northern edge of a field and adjoins woodland, Beechen Copse, to the north. Thus, it positively contributes to the intrinsic character and beauty of the rural landscape. By virtue of its location it is part of a landscape that forms the gateway to the South Downs National Park and its proximity to the settlement of Bishop's Waltham make it a site sensitive to land use change. The site area is approximately 150 square metres and comprises two field shelters. The existing metal storage container used for agricultural storage (described as a portacabin on the submitted plan), which separates the two shelters, is excluded from the proposed development which seeks to change the use of the land from agricultural to the keeping of horses for non-commercial use. The proposal would also include the erection of wooden doors to enclose the two field shelters and the erection of a one metre high post and rail fence with timber gates around the perimeter of the site.

7. The appellants confirm that the existing field shelters on the site are mobile structures and I saw at the time of my site visit that the shelters do not have floors and are not physically linked. I also saw that the one of the field shelters contain sub-divided areas. In combination with the proposal to erect wooden doors, capable of being shut to manage the access to and from them, I consider that they would no longer amount to structures designed to function as nothing more than field shelters freely accessible at all times. Indeed, the appellants confirm that the change of use proposal is to allow horses to use the field shelters as stables rather than simply field shelters. Furthermore, the proposed fencing around the perimeter of the site, and hence around the two shelters, which would function as stables, is intended to delineate the area of land intended for equestrian use where horses would be groomed and kept. Taking into account the aforementioned factors and as a matter of fact and degree, I consider that the proposal would result in a form of development that would formalise the existing structures into a permanent location. Indeed, the appellants have not indicated that the proposal is for anything other than a permanent development.

8. Consequently, although the site area is relatively small, the proposed development would represent a permanent formal equestrian use of the land at odds with the landscape character of the area as described above. Although visible from some of the houses to the south, as a result of the topography of the area and its position at the edge of a field, I recognise that the appeal site is not readily visible from the public domain. However, the proposal would, nonetheless, introduce an urban fringe activity in the form of equestrian use within the landscape and in doing so adversely affect the undeveloped rural character of the area.

9. Notwithstanding the modest scale of the proposed development there would still be a significant change given that the existing mobile field shelters would be formally established as permanent stables for the keeping of horses. Thus, the proposal would have a detrimental impact on the character of the surrounding agricultural land and woodland in the context that the appeal site lies within an area characterised by the sharp transition between the settlement of Bishop's Waltham to the south and the open downs to the north. Furthermore, in this regard, the proposed development would fail to conserve the well-screened setting of Bishop's Waltham with its lack of urban fringe activities.

10. The appellants say that if the appeal were to fail and they are required to move the field shelters to another location on land within their ownership, then anywhere else would inevitably result in them being sited in a prominent position. Be that as it may, I do not consider that the re-positioning of the two field shelters would result in a more harmful activity than the appeal proposal before me insofar as moving the field shelters would not change the field shelters to stables or change the use of the land from agricultural to equestrian.

11. I note that the appellants say that they use the private path through the woodland when moving their horses to other land in their ownership and say that the regular usage of the woodland by shod horses is not desirable. However, I also note that the appellants say that a horsebox is used to transport the horses to and from the site for grazing as required. Therefore, based on the evidence before me, the appellants have an alternative means of transporting the horses to and from the appeal site to the one which involves the regular, and purportedly undesirable, usage of the woodland path.

12. The appellants indicate that if the appeal were to fail the footpath that crosses the woodland in their ownership to the north of the appeal site would be closed to the general public. However, the footpath is on land outside the boundary of the appeal site, therefore its use is not a matter directly connected to the proposal before me. In any event, whether the footpath remains open to the general public or is closed off, it is not a matter that is determinative to the outcome of this appeal.

13. For the reasons outlined above, I conclude that the proposed development would cause harm to the character and appearance of the South Downs National Park. Accordingly, in this regard, it would be contrary to Policies SD4, SD5 and SD24 of the SDLP which, amongst other things, seek to ensure that development proposals respond to local character and distinctiveness, and conserve and enhance landscape character. The proposal would also conflict with the Framework which places great weight on conserving and enhancing landscape and scenic beauty in National Parks. It would also fail to support the first purpose of the South Downs National Park which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR