
Appeal Decision

Site visit made on 13 July 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Appeal Ref: APP/Y9507/W/20/3250057

Hurst Farm, Hurst Lane, Owslebury SO21 1JQ

- 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 Hoult against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/02508/FUL, dated 22 May 2019, was refused by notice dated 7 January 2020.
 - The development proposed is the erection of an equestrian barn and construction of a manège.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an equestrian barn and construction of a manège at Hurst Farm, Hurst Lane, Owslebury SO21 1JQ in accordance with the terms of the application, Ref SDNP/19/02508/FUL, dated 22 May 2019, subject to the conditions set out in the attached schedule.

Application for costs

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

Preliminary Matter

3. Although not mentioned in the application form description of development, the appeal proposal includes an access track and a parking area and this is reflected in the Authority's determination of the application. I have therefore dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on the landscape character of the South Downs National Park (SDNP), and the living conditions of occupiers of nearby dwellings, having particular regard to noise, odour and external lighting.

Reasons

Landscape character

5. The appeal site is a large field in the countryside in the SDNP. The Authority has granted planning permission for its use as horse paddocks for private

recreational equestrian use.¹ The surrounding area has a distinct rural appearance comprising fields, copses and some dispersed built development including residential, agricultural, recreation and equestrian uses. The appeal site is largely enclosed by rows of mature boundary trees and hedgerow, except for a short break at the field gate access which allows some unobstructed views from Hurst Lane. The height and density of the boundary planting varies although during winter months the visual screening effect of this planting would be reduced.

6. The proposed access track would be reasonably long and a small part would curve out into the appeal site. However, this part would be visible only next to the access — most of the track would run tight along the inside edge of the appeal site and therefore be screened in views by trees and hedgerow. Whilst the proposed parking area and manège would project further away from Hurst Lane, both would still be screened by the boundary planting and, moreover, would be significantly more distant from the access, so less noticeable. As a result, these parts of the development would not be visually intrusive.
7. The proposed barn would be located further into the appeal site. However, the angle of view from the access would be relatively acute, and so limit the extent of direct views, and from elsewhere along Hurst Lane it would be screened by the boundary planting. In addition, this corner of the appeal site is towards the cluster of agricultural and residential buildings in and around the junction of Hurst Lane, Thompson's Lane and Whaddon Lane. The barn would not therefore be isolated and on two sides its relatively low eave and ridge heights would be framed against taller background planting and/or larger agricultural buildings on gently rising land. It would not therefore be unduly conspicuous or intrusive and to the limited extent that it would be seen, its size and design would be appropriate for the intended use — the vast majority of the appeal site would remain open and undeveloped.
8. Furthermore, a planning condition for new landscaping has been suggested which would make the development acceptable in planning terms, were planning permission to be granted. This would supplement existing planting where appropriate; in particular, along Hurst Lane and next to the appeal site access and along the open field sides of the proposed barn, manège and parking area. This would ensure that the development made a positive visual contribution to the appeal site and to the landscape character of the SDNP and would be capable of being enforced by the Authority.
9. Consequently, the proposed development would not cause harm to the landscape character of the SDNP. It would accord with Policy SD4 of the South Downs Local Plan, July 2019 (LP). This Policy includes that the design, layout and scale of development should reflect the context and type of landscape in which it is located, conserve and enhance landscape character and not undermine the integrity of the predominantly open and undeveloped land between settlements. It would also respect the National Planning Policy Framework (Framework) paragraphs 170(a) and (b) and 172. These include that development should protect and enhance the natural environment, and great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, including the intrinsic character of the countryside.

¹ Authority application reference SDNP/16/03622/FUL.

Living conditions

10. Having regard to the proximity of the nearby dwellings and their gardens on the opposite side of Hurst Lane, which I saw at my site visit, I acknowledge that the appeal proposal would generate additional activity on part of the appeal site where limited activity exists at present. I also accept that this would result in some noise, odour and external lighting beyond the scope of the existing permitted equestrian use. There is no objective evidence before me in these regards and it is a matter of planning judgement.
11. The appeal proposal would be a modest equestrian development with no increase in the number of horses at the appeal site than is already permitted by the existing planning permission. Private use by the appellants to carry out required tasks and to tend horses would therefore be unlikely to result in high daily activity levels associated with the proposed use. Whilst I would expect the instruction of horses and riders, and other conversations, to be apparent on occasions I have no reason to assume that activity at the appeal site would necessarily lead to prolonged, or any, shouting.
12. Albeit with provision to stable up to 8 horses, the barn would be located furthest away from the dwellings and gardens. Some of the required tasks at the appeal site would be conducted out of sight or sound inside the barn, such as horses being mucked out, fed, washed down and groomed, and outside storage of manure and waste bedding would be limited to a single specific location.
13. The parking area and part of the manège would be closer to the houses and gardens. However, given the extent of the horse paddocks at the appeal site and access to nearby rural lanes, I would not expect the exercise and riding of horses to take place exclusively using the manège. The parking would be for a limited number of vehicles and while I would expect some visits to the appeal site by others, such as vets, farriers, feed and bedding merchants, this would likely be commensurate with the reasonably limited scale and nature of the equestrian activity so that traffic movements would nonetheless be relatively low and infrequent across the entire day.
14. Furthermore, planning conditions have been suggested which would make the development acceptable in planning terms, were planning permission to be granted. These include to ensure that the development would be for private recreational equestrian use, to control external lighting, potential artificial noise sources and outside storage, and to manage the collection and disposal of waste. Such conditions would ensure that the scale and nature of the equestrian activity would not cause harm to the living conditions of the occupiers of the nearby dwellings and would be capable of being enforced by the Authority. I also note that the Authority's Environmental Health Officer made no adverse comment and notwithstanding any planning conditions, the Authority would also be able to investigate any alleged statutory nuisance or other impact, such as vermin, using its separate Environmental Health powers.
15. Considering the above, I find that the proposed equestrian use would not be at an intensity or nature of use or be so close to the nearby dwellings and their gardens, that it would cause unacceptable or unduly intrusive levels of disturbance, even over long periods of the day. Accordingly, the proposed development would not cause harm to the living conditions of occupiers of nearby dwellings, having particular regard to noise, odour and external

lighting. It would accord with LP Policy SD24(d) which supports new equestrian buildings, stables, yard areas and facilities in rural areas adjacent to existing buildings provided they respect the amenities and activities of surrounding properties and uses. It would also respect Framework paragraph 127(f) which includes that development should ensure a high standard of amenity for existing occupiers.

Other Matters

16. I recognise that there is local resident and Owslebury Parish Council concern about traffic generation from the proposed development and visibility at the access onto Hurst Lane. However, on the evidence before me, there would be no intensification of the equestrian use on the appeal site (ie numbers of horses, thus associated vehicular traffic) beyond that previously granted planning permission by the Authority. Furthermore, the Highway Authority did not object to the proposed entrance gates and I have no reason to come to a different view in that regard.
17. I also acknowledge that an alternative site for the proposed development has been advocated in some interested party representations, and that since the appeal was lodged the Authority has granted planning permission for an alternative siting for the proposed manège which may be preferred by some people. However, these matters are not before me and, in any event, I have determined this appeal on its planning merits.

Conditions

18. I have considered the conditions suggested by the parties and where necessary amended the wording in the interests of clarity and in the light of the tests and advice in the Framework and in the Planning Practice Guidance. I agree that in addition to the standard time limit condition, a condition is necessary to specify the approved plans to ensure certainty. I have also included conditions to ensure that the development is constructed using external and surfacing materials compatible with the landscape character of the SDNP, to ensure satisfactory surface water drainage so the development can be used as intended, to ensure no harm to ecology (including enhancement) and to ensure that sufficient car parking is provided for the scale and nature of the permitted equestrian use.
19. For the reasons explained in the main issues above, I also agree that it is necessary and reasonable to seek some new landscaping at the appeal site and to control external lighting (including to ensure no harm to protected species), potential artificial noise sources, outside storage, the collection and disposal of waste and to ensure that the development would be for private recreational equestrian use (including to ensure no harm to highway safety).
20. I do not agree that it is necessary to impose a 'materials' condition because the Authority has already approved these details, which are also referred to in the planning application form. For the reasons explained in the second main issue above, I do not agree that it is necessary or reasonable to impose a condition to limit the hours of equestrian use. Furthermore, residential use of the barn is excluded from the description of development and in condition 13 below so any alleged breach of planning control in this regard could be investigated by the Authority using its Planning Enforcement powers. In addition, I do not agree that it is necessary or reasonable to control the hours when construction work

could take place because the development is relatively small-scale and likely to have a reasonably short construction period; in any event, the Authority has Environmental Health powers to investigate alleged nuisance in this regard.

Conclusion

21. For the reasons given, the appeal succeeds.

Robin Buchanan

INSPECTOR

Schedule of 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:
 - SDNP/WIN/324/AJW/001 Site location plan
 - SDNP/WIN/324/AJW/002 Block plan
 - SDNP/WIN/324/AJW/003 Proposed elevations and plan
 - SDNP/WIN/324/AJW/004 Fence plan and construction detail
 - 2036-001 Proposed access
 - 2036-002 Swept path analysis
- 3) Notwithstanding condition 2, the materials to be used in the construction of the access track and parking area shall be a hard core, in a colour to match the access track which runs alongside the southern boundary of the appeal site.
- 4) The disposal of surface water shall be carried out in accordance with the 'soakaway detail' plans (not to scale) and 'soakaway calculations' already submitted (by emails dated 21 and 25 October 2019) and approved by the local planning authority. No part of the development shall be brought into use until the approved surface water details have been implemented and shall thereafter be maintained in accordance with the approved details.
- 5) The recommendations within Section 15 of the Extended Phase 1 Ecological Assessment (Philips Ecology, July 2019) shall be adhered to throughout the development construction period. No part of the development shall be brought into use until the enhancement provisions within section 16 (for the siting of two house sparrow bird boxes) have been implemented and these shall thereafter be retained in accordance with section 16.
- 6) No part of the development shall be brought into use until three car parking spaces have been marked out and provided on the site within the proposed parking area. These spaces shall thereafter be retained at all times for car parking.

- 7) The development hereby permitted shall not be brought into use until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identifying those to be retained and set out measures for their protection throughout the course of development, and a programme for planting. The approved landscaping shall be carried out in accordance with the approved details.
- 8) The existing and proposed landscaping shall be retained thereafter for a minimum of five years, or other period as may be agreed by the local planning authority in the approved details. If during site preparation or construction works, or within the agreed landscape retention period, any planting is removed, uprooted, destroyed or dies, new planting shall be planted at the same place and shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- 9) No floodlighting, whether free standing or affixed to an existing structure, shall be provided on the site at any time. Details of any other external lighting on the site shall be submitted to and approved in writing by the local planning authority prior to any part of the development being brought into use. Any external lighting scheme should be in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. The details to be submitted shall include a layout plan, with beam orientation, and a schedule of equipment and design for luminaire type, mounting height, aiming angles and luminaire profiles. The external lighting shall thereafter be installed, operated and maintained in accordance with the approved details.
- 10) Manure and waste bedding shall be stored on a trailer to be located within the proposed parking area and removed from the site at regular intervals, and not less than once a month. Large scale storage or burning of any waste shall not take place on the site.
- 11) No music or amplification equipment or tannoy systems shall be used on the site at any time.
- 12) Except for one horsebox and one manure trailer, no other vehicles, whether motorised or not, and no caravans and no storage or shipping containers shall be kept or stored at the site.
- 13) The use of the equestrian barn and manège hereby permitted shall be restricted to the keeping of horses for private recreational use by the owner of the land only, and shall not at any time be used for any other form of equestrian activity such as for any commercial riding, breeding or training purposes.