



Appeal Decision

Site visit made on 1 April 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/Y9507/W/20/3259372

Hayden Barn Cottage, Hayden Lane, Warnford SO32 3LF

- 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 A Cooper against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/00708/FUL, dated 17 February 2020, was refused by notice dated 21 August 2020.
 - The development proposed is erection of private recreational stable to be used in association with Hayden Barn Cottage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the site visit, I noted the stable block and the track which are to be repositioned and altered as part of the proposal. As requested, I also visited the garden of the neighbouring dwelling, 'The Hayloft', to assess the proposal.

Main Issue

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the stable block would have a functional relationship with the agricultural use of the land.

Reasons

Character and appearance

4. The appeal proposal comprises the relocation of an existing stable block to the north-west corner of an existing paddock. It also involves alterations, including elongation, of a track around the paddock to serve said stable block. The paddock lies to the north of the appellant's residential dwelling and garden and to the east of an area of woodland in the same ownership. A single neighbouring dwelling exists to the west, separated by an intervening boundary comprising part-hedgerow with some trees and part-fencing.
5. The wider area falls within the South Downs National Park (NP). One of the main purposes of the NP designation is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. The National Planning Policy Framework affords NPs the highest status of protection in this regard.

6. Whilst the area around the appeal site has features consistent with the characteristics of the NP, the appeal site itself has an appearance of a manicured, enclosed paddock which is seen in association with the host dwelling, neighbouring dwelling and their associated outbuildings. To the north, the nature of the maintained grassland also results in a degree of domesticity that has lessened the more rural and farming-dominated qualities of the area.
7. The current siting of the building lends to a degree of visibility from wider public viewpoints, including from the minor rural road to the south and nearby trail road and Public Right of Way (PROW). Whilst not as widely visible from public vantage points, the current track that has been laid is also unsympathetic and appears overly large and coarse.
8. The stable block to be relocated is modest in scale at approximately 3.2 metres high, 10.2 metres wide and 3.4 metres deep with a shallow pitched roof. The lack of a stain for the relatively new timber, combined with the light roof colour, lend to a stark external appearance. These aspects are intended to be addressed to achieve a darker finish on the walls and roof to make it more recessive in the landscape. Minor alterations to the land levels would be required to provide the level base and access track, but to a lesser extent than was necessary to accommodate the building and track as presently sited.
9. Overall, the modestly scaled building is typical of its intended function and does not appear disproportionately large relative to the paddock, or out of context with the landscape, given the proximity of domestic buildings nearby. The stable block would be more discreet in the landscape once relocated owing to landform and features, such as trees, including those to be planted. The track would also be more sensitively scaled, surfaced and less impactful.
10. For the above reasons, the proposal would not have a harmful effect on the character or appearance of the area and would preserve the natural beauty of the wider NP. It would therefore comply with, in particular, Policies SD4 and SD24 of the South Downs Local Plan 2014-33 (adopted 2019). Amongst other things, these Policies seek to ensure new development is of a design, layout and scale that conserves and enhances existing landscape character and, in relation to equestrian development, is of a scale compatible with the landscape.

Use of land

11. In the absence of any confirmation that the site has an alternative use, either granted by way of a Certificate of Lawfulness¹ or through substantive evidence to confirm the likely acquisition of lawfulness through the passage of time, it appears that the site has an agricultural use. I have not been provided with any evidence to support the assertion that horses have been kept on the site, and whilst the sales particulars may have referred to a 'paddock', this does not confer or authorise any specific land use.
12. The high court case in *Sykes v Secretary of State for the Environment and other* [1981] 42 P. & C.R. referred to agricultural use and the grazing of horses. The Sykes case makes it clear that the use of land for the purposes of grazing horses *can* constitute an agricultural use where horses are being kept on the land with a view to their grazing and are kept there for 24 hours a day, seven days a week over a period.

¹ Certificate of Lawfulness of an Existing Use under Section 191 of the Town and Country Planning Act 1990

13. The stable block is to be repositioned within a paddock of restricted size and there is no evidence to suggest that it would be capable of accommodating the intended number of horses, i.e. 2 to 3, wholly or primarily on a permanent grazing basis. In my undisputed view, it would be likely that a significant proportion of the diet of the horses would need to be supplemented with forage and feed that would need to be brought to the site. In this context, the stable block would go beyond the basic provision of shelter, which could be met by other means, and could not be held to have a functional relationship with the existing agricultural land use. This general approach has been followed by my colleague in relation to a proposal for a stable block elsewhere².
14. As the stable block is intended to be used in association with the paddock, it will necessitate a material change of use of land to one for 'the keeping of horses', which may need to exclude the domestic garden of the appellant. The current proposal before me, although inclusive of the paddock within the red line site area, is not described in such a way so as to encapsulate the intended change of use. Both main parties have been invited to comment on the implications for the appeal and the Authority accept that this is an overlooked aspect of the proposal which is otherwise common practice, with an alternative decision of this nature made by the Authority having been submitted³.
15. Whilst the broadening of the description to include the change of use of land has been suggested and would not be entirely unexpected by any interested parties, having regard to the Wheatcroft principles⁴, it is not possible to permit such material alterations to the nature of the proposal at this stage. To do so could prejudice the interests of others. Conversely, it would be an illogical outcome to permit the proposal involving the stable block without due regard to the lawful use of the host site. Thus, the appeal must fail on this basis.

Other Matters

16. The suggestion that the neighbour's efforts to rehabilitate birds would be affected by the proposal does not appear borne out by the evidence. Similarly, a material increase in the number of horse boxes on public roads in the area is unlikely to be solely related to the proposal given its modest scale.
17. Subject to conditions, I do not consider that the noises, smells or intensity of use of such a modest stable block would give rise to materially harmful effects to the living conditions of neighbouring occupiers.

Conclusion

18. Whilst the proposal would not harm the character or appearance of the area or the NP, the agricultural use of the land would not support the keeping of horses.
19. Consequently, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

² Appeal ref: APP/W1525/W/18/3216809

³ Application ref: SDNP/20/00600/FUL

⁴ Wheatcroft Ltd V SSE [1982]