



Appeal Decision

Site Visit made on 18 August 2021

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021.

Appeal Ref: APP/Y9507/W/20/3271114

Clay Lane House, Clay Lane, Warningcamp BN18 9QN

- 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 Ms Claire Frampton against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/05467/HOUS, dated 8 January 2020, was refused by notice dated 11 February 2020.
 - The development proposed is provision of a steel horse walker and all-weather equestrian exercise arena.
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Decision

1. The appeal is dismissed insofar as it relates to a steel horse walker. The appeal is allowed insofar as it relates to all-weather equestrian exercise arena and planning permission is granted for all-weather equestrian exercise arena at Clay Lane House, Warningcamp BN18 9QN in accordance with the terms of the application, Ref SDNP/19/05467/HOUS, dated 8 January 2020, and subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted:

Site Location Plan	19.2122.01 Revision A
Existing Site Layout (Block Plan)	19.2122.10
Proposed Site Layout	19.2122.11 Revision A
Proposed Sections	19.2122.12
Existing Sections	19.2122.13

- 2) The development hereby approved shall be used solely for the private recreational enjoyment of the owner/occupier of the dwelling known as Clay Lane House and for no other purpose whatsoever.
- 3) Within two months of the date of this decision a scheme for the proposed surfacing (colour and type and mix of materials) shall be submitted to the local planning authority. Once approved in writing by the local planning authority, the development shall thereafter be implemented in accordance with the approved details with a further period of two months.

In the event of a legal challenge to this decision the operation of the time limit specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) No external lighting related to the development shall be installed which exceeds 1000 lumens, which shall be designed and shielded to minimise upwards light spillage.

Preliminary Matters

2. Both the Authority's decision notice and appeal form have the same, if different, Post Code to that given on the application form. I have used that on the decision notice and appeal form as they appear to be correct.
3. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published by the Government. The parties were given the opportunity to make representations on this and the Authority took this up. I have taken these comments into account.
4. At the site visit it was clear that some works for the construction of the all-weather equestrian exercise arena had taken place.

Main Issue

5. The main issue is the effect on the landscape and scenic beauty of the South Downs National Park.

Reasons

6. The appeal site lies within the South Downs National Park. Policy SD1 of the South Downs Local Plan (the SDLP) sets out the Authority's approach to sustainable development stating the purposes of the National Park. This policy indicates that proposals that fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park are likely to be refused. Policy SD2 of the SDLP deals with the effect of development on ecosystems.
7. Policy SD4 of the SDLP indicates that development proposals should be informed by landscape character, reflecting the context and type of landscape, with the design, layout and scale of proposals conserving and enhancing existing landscape features. Policy SD5 of the SDLP indicates that, among other matters, proposals should adopt a landscape led approach making a positive contribution of overall character and utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, materials and day visibility.
8. Paragraph 176 of the Framework states that great weight should be given to conserving landscape and scenic beauty. The same paragraph notes that the conservation of cultural heritage is also an important consideration in this area and should also be given great weight. The interaction of human beings with the landscape is part of the cultural heritage of the Park.
9. Policy SD24 of the SDLP allows for development for equestrian purposes where it is of a scale compatible with the landscape and its special qualities, demonstrate good design which responds to local character, locate facilities adjacent to existing buildings and demonstrate a conservation based land management approach.
10. The appeal site lies within the 'B4-Angmering and Clapham Wooded Estate Downland' Landscape Character Area (LCA) as identified in the South Downs Integrated Landscape Character Assessment. It lies close to the border (Clay Lane marking this) with the 'G4- Arun Valley Sides' LCA. The Authority makes

the point that this border is not a clear line, but rather a transition. From my site inspection I agree with this analysis.

11. The Authority highlights the ancient field systems in this area, which provide a strong sense of historical continuity in a deeply rural and secluded landscape, and part of a larger coherent area of assart¹ fields. Thus the appeal site lies within a landscape that, it is asserted, should be seen as part of a much wider Medieval landscape.
12. Notwithstanding this, it is clear that there has been woodland planting a short distance to the north and east of the appeal site subsequent to the Medieval assarting which has lessened the historic legibility of the landscape. While it is characteristic of the Medieval landscape this has been somewhat eroded. In this I take a difference between the field pattern from the woodlands, hedgerows and highways and the later creation of paddocks by more ephemeral fencing, particularly those created by posts and wires or ropes, since the latter has only a slight effect on the historic integrity of the landscape.
13. Clay Lane House is located on the east side of Clay Lane slightly above the highway. A short distance to the east is a stable block. Both the dwelling and stable block are set towards the top of a short section of rising ground, although the landform continues to rise gently to the north, before dropping down to the next valley floor. There is a footpath towards the bottom of this valley. To the north the land rises again with another footpath running east/west from close of the junction of Blakehurst Lane to Blakehurst Farm. To the south of the appeal site the landform also rises. The landform slopes down to the east of the stable, gently at first and the more steeply.
14. The proposal is for an all-weather equestrian exercise arena, 20 metres by 40 metres in size, located to the north of the stable block, and for a steel mechanical horse walker to the east. The horse walker would be just over 11 metres in diameter and approximately 2.7m high and would be clad in galvanised framed panels with galvanised steel mesh infill. The appellant makes the point that the post and rail fencing around the site of the exercise arena does not form part of the proposal having been constructed utilising "permitted development rights"². As such the fencing does not form part of my consideration other than in determining whether, if allowing the appeal, such a fence would be inevitable and thus affect landscape character and scenic beauty.
15. Although the application has been made as a whole, no case has been made that the two elements, the arena and the horse walker, are interdependent one on the other, and for reasons which will become clear, I consider that they have different effects.
16. The Authority makes the point that it considers that both elements would extend beyond the residential curtilage but development outside that curtilage has already happened when the stable block was constructed. As the Courts have made clear the extent of a curtilage is a judgement and in my view the

¹ An "assart" is defined in the West Sussex Historic Landscape Characterisation Study as a "field system created by the process of 'assarting' or clearance of mainly woodlands or possibly wooded heaths or commons, and the enclosure of the cleared land to fields".

² Under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

area of the stable and its hardstanding does not form a single enclosure with that of the dwelling nor do they form an integral whole. I would, however, concur that the sites of both the arena and the proposed horse-walker would fall outside the immediate environs of the stable block.

17. The proposed arena is located between the ridge a short distance to the north and the stable. This area slopes gently but compared with some other areas in the vicinity is relatively flat. There have been some earthworks, and I fully appreciate that I did not see the arena in a finished state which would inevitably increase the level. When viewed from the footpath to Blakehurst Farm this arena is imperceptible and cannot be seen from the intervening footpath due to the landform.
18. While fencing has been constructed around the arena, it is not an inevitability of a permission for the arena; the arena could equally well function without such a fence. Therefore, this does not need to be a part of my decision making.
19. The proposal for the arena would not affect the Medieval assart field pattern as identified and would not affect a significant part of this fieldscape. While there would be some small effect through the levelling, the location is such that this is minimised and, in my view, this would better preserve the wider landscape by allowing the proper exercising of horses rather than the landholding being over-used and suffer from 'poaching'. This would represent a conservation based land management approach to the overall holding as required in Policy SD24 of the SDLP. Overall, this element would conserve and enhance this part of the National Park.
20. The Authority makes the point that the arena would involve the removal of a significant quantity of spoil without details of where it would be relocated. However, relocation on-site does not form part of this proposal and I have not been directed to any policy requirement for any off-site relocation to be demonstrated.
21. The Authority has also referred to previous appeal decisions relating to other sites. The case in Bishop's Waltham³ was different in that it involved a change of use to equestrianism, which has already occurred here. I would concur with the Inspector in the cases in Selborne⁴ that whether a proposal can readily be seen is of little relevance since this could have an incremental effect on landscape and scenic quality.
22. Turning to the horse-walker, in my view different considerations apply. This would be a comparatively tall feature, with a quasi-industrial appearance emphasised by the nature of the materials that would not respond to local character. While at a slightly lower level than the arena due to the topography it would be taller, conspicuous, and readily seen from the right of way to Blakehurst Farm and would not assimilate into the landscape character. The appellant takes the view that it would have a "temporary" appearance; I disagree. Whilst "temporary" does not necessarily need to be short term, it does imply a limited duration defined by either a date or an event and neither is here suggested. The horse-walker would have considerable substance and presence and would harm the landscape and scenic beauty of this part of the National Park, to which I should give great weight.

³ APP/Y9507/W/20/3245170

⁴ APP/Y9507/W/17/3186581 & 3191016

23. I therefore have concluded that as the two elements are clearly severable, that I should issue a 'split' decision allowing the arena but dismissing the appeal in respect of the horse-walker, as the two elements respectively are in accordance with and contrary to the development plan taken as a whole and there are no material considerations that indicate a different decision in either case.
24. Policies SD4 and SD5 make the point that the proposals should be informed by a landscape character assessment rather than through an "after-the-event" justification and should be landscape led. However, for the purposes of assessing the appeal it is necessary to judge the proposals on the basis of their effects and whether they are acceptable, rather than on whether they could have been designed differently.
25. The part of the proposal that is acceptable would comply with Policies SD1, SD2, SD4, SD5 and SD24 of the SDLP and paragraph 176 of the Framework as set out above. Conversely, those parts of the proposal that are unacceptable would be contrary to these policies and paragraph .

Conditions

26. I have considered the conditions put forward by the Authority against the requirements of the national Planning Practice Guidance and the Framework. As the development has begun there is no need for me to impose a time limit for commencement condition. However, I have imposed a condition specifying the relevant drawings as this provides certainty.
27. In order to protect landscape character and the special qualities of the area, I have imposed conditions restricting the use to be associated with the occupation of Clay Lane House, the materials for the surfacing of the arena, and external lighting. I have utilised a condition for the materials for the surfacing which will require this to be submitted within two months for the same reason.
28. I consider that a Landscape and Ecological Management Plan would not be related to the development being permitted and, given the location of the site away from the highway or nearby dwellings, a Construction Management Plan is not necessary.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

RJ Jackson

INSPECTOR