



Appeal Decision

Site visit made on 3 August 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Appeal Ref: APP/L1765/W/21/3266445

Poplars Farm, Curdridge Lane, Curdridge SO32 2BH

- 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 Philip Gamblin (Larways Ltd) against the decision of Winchester City Council.
 - The application 20/00700/FUL, dated 16 March 2020, was refused by notice dated 8 July 2020.
 - The development proposed is change of use of land to equestrian, erection of 11 looseboxes with ancillary structures and associated parking area.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr Philip Gamblin (Larways Ltd) against Winchester City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The development has already been carried out. I have deleted the word 'retrospective' from the banner heading above as this is not a description of development.

Main Issue

4. The main issue is the effect of the development on the ecological value of the site.

Reasons

5. The stables and some of the associated sheds are set round a yard surfaced with scalpings that is located within Grange Wood, designated as ancient semi-natural woodland and a site of importance for nature conservation. At the time of my visit, 3 horsebox trailers were also parked in the yard. A larger parking area and some additional storage structures lie to the east on the edge of the woodland. The parking area and track have also been surfaced with scalpings.
6. Ancient woodland is defined as an area that has been wooded continuously since at least 1600AD. In addition to the trees, which include mature examples of beech and oak, the ecological value of the woodland lies in the rich mixture of woodland flora and fauna that has developed as a result of the land being

continuously wooded for centuries. It is for this reason that the site has the local designation as a site of importance for nature conservation.

7. Policy CP16 of the Winchester District Local Plan Part 1 requires development to maintain, protect and enhance biodiversity. New development is required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated. Policy DM24 of the Winchester District Local Plan Part 2 requires that development should not result in the loss or deterioration of ancient woodlands. These policies are consistent with paragraph 180 (c) of the National Planning Policy Framework¹ (the 'Framework') which states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
8. The Council considers that a small clearing in the woodland was enlarged by the removal of trees to facilitate construction of the stable yard. This is denied by the appellant. Aerial photographs of the wood show an almost continuous canopy until the introduction of the stables, which can be partially seen. However, this may be as a result of their light coloured roofs, which stand out against the green canopy, and the photographs being taken at different times of the year. On the site itself, there is no obvious sign of trees having been removed, although it is possible that some clearance took place but is no longer apparent because of the presence of the stable buildings and the scalping surface. I consider the evidence to be inconclusive on whether trees were removed to enlarge the clearing.
9. The stables and associated buildings are sited under the canopies of trees and within their root protection areas. The buildings are relatively lightweight and sit on the ground rather than on foundations, but nevertheless their presence and the activities associated with them are likely to have compacted the soil. This compaction is likely to be greater than any previous use of the clearing for woodland management given the more intensive use and number of buildings and scalping surface. Leachate from the equine use could also cause harm in the future, as could disturbance of the ground to provide surface water drainage. The appellant's arboricultural consultant² and the Council's Tree Officer have differing views on whether harm has been caused to the woodland but from what I saw on site I consider at least some compaction has taken place, and the activities associated with the use have the potential to cause harm to the long term health of the trees.
10. More importantly, the buildings, compacted surfaces of the yard and access track, and on-going activities on the site have an adverse impact on the ecological value of the site by eroding the flora and fauna and resulting in continued disturbance to the quiet woodland environment. The Council's Ecologist and Biodiversity Officer considers it will cause a significant loss to biodiversity as does a detailed objection from the Woodland Trust. The appellant's ecological assessment also acknowledges that there have been direct and indirect losses to the ancient woodland and site of importance for nature conservation³. Having regard to these views, I consider that the development has harmed the ecological value of the site and will continue to do so unless stopped.

¹ This repeats paragraph 175 of the previous 2019 version of the Framework

² Helen Brown Treescapes, Arboricultural Impact Assessment with Management Plan, September 2020

³ Philips Ecology, Extended Phase 1 Ecological Assessment, June 2020, updated January 2021

11. The appellant has put forward an arboricultural management plan to help compensate for the damage caused to the ancient woodland and mitigate future disturbance. This would include better management of the woodland, removal of invasive species, additional native planting and provision of bat and bird boxes.
12. However, this fails to recognise the approach adopted in Policies CP16 and DM24, and paragraph 180 of the Framework, whereby the loss or deterioration of irreplaceable habitats, such as ancient woodland, should be refused unless unavoidable or where there are wholly exceptional reasons, and only then to consider whether suitable compensation can be achieved.
13. I acknowledge that equestrian development is normally acceptable in principle in the countryside and is supported by Policies MTRA4 and DM12 of the Winchester District Local Plan Part 2, but I have been presented with no overriding reasons why the stables need to be sited in the ancient woodland as compared to a less ecologically sensitive location. Even if there is no other suitable location, I do not consider that the economic and recreational benefits arising from the equestrian use amount to the wholly exceptional reasons needed to justify the loss or deterioration of ancient woodland, which is of national significance.

Conclusion

14. I conclude that the development causes harm to the ecological value of the ancient woodland and therefore conflicts with Policy CP16 of the Winchester District Local Plan Part 1 and Policy DM24 of the Winchester District Local Plan Part 2.
15. While it gains support from other policies in the Plan, notably Policies MTRA4 and DM12, I consider that the development conflicts with the development plan when taken as a whole. It also conflicts with national planning policy in paragraph 180 of the revised Framework. The economic and recreational benefits of the scheme, and the management plan, do not outweigh the harm so caused.
16. I therefore conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR