



Appeal Decision

Site visit made on 8 March 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/A3010/W/21/3284965

Land off Scotter Lane, Hayton, Bassetlaw, Retford DN22 9LG

- 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 Miss Kirsty Blythe against the decision of Bassetlaw District Council.
 - The application Ref 21/00514/COU, dated 5 April 2021, was refused by notice dated 22 June 2021.
 - The development proposed is change of use from pasture/grazing to equestrian use to build an all-weather horse arena 20 m x 40 m.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - whether the proposal is appropriate for this location;
 - the effects of the proposal on the character and appearance of the area; and
 - the effects of the proposal on highway safety.

Reasons

Whether Appropriate in Location

3. The appeal site is located off Scotter Lane, a byway which runs from the village of Hayton to the east. For the purposes of planning, it is located in the countryside. I note this is not disputed.
4. Policy DM3 of the Bassetlaw District Core Strategy and Development Management Policies (DPD) (adopted December 2011) highlights acceptable development types in the countryside. These include proposals for new domestic equine facilities which will be supported where they can demonstrate that the buildings or structures are necessary for this purpose in the specific location proposed and whether other more suitable sites are unavailable.
5. I understand that the appellant seeks to continue to use the field for personal equine activities from which they take great enjoyment. However, aside from owning the land subject to the appeal, there is nothing before me to demonstrate why the arena is necessary in this location. Moreover, there is nothing before me to show that other locations more suitable for this purpose

are unavailable. Based on the above, the proposal would be contrary to Policy DM3 of the DPD.

Character and Appearance

6. The appeal site comprises a fenced off section of an agricultural field which was formerly in arable use. Evidently, it has since been sub-divided into several paddocks and grazing land. The appeal field is one of these paddocks and includes several wooden stable and storage buildings and water collection tanks.
7. Policy DM3 of the DPD states proposals for new domestic equine facilities will be supported where they can demonstrate that the scale, design, and form of the proposal, in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses.
8. The local area is rural in character, with the Bassetlaw Landscape Character Assessment (LCA) describing mixed open farmland divided by drainage ditches and well-maintained hedgerows with occasional trees. The LCA goes on to state features such as historic field patterns and opportunities to restore arable farmland to pastoral should be sought and there is a general aim to conserve these features which give the area its intrinsic beauty.
9. The proposal would introduce a substantial area of uncharacteristic and incongruent surface material into the field, replacing the existing grass with sand spread over a membrane. Details on the material are scant, but this appears to be of a yellow colour in the submitted cross section and it would be noticeably dissimilar to the generally darker, more muted colours of local soils and grass, further marking it out from undeveloped land in the area. This would be compounded by the introduction of further fencing to enclose the arena.
10. I understand that the arena would be for personal use and agree that the location is not prominent given it is enclosed by hedgerows. Furthermore, it is possible that the land could be returned to arable use at a later date. However, in the meantime, the proposal would be incongruous in its surroundings, significantly and appreciably eroding historic field patterns and the rural qualities of the local landscape setting, despite some trampling of grass having occurred in the field caused by horses.
11. Based on the above, the proposal would harm the character and appearance of the area contrary to the aims of the LCA and Policies DM3 and DM4 of the DPD. These seek to ensure development respects its wider surroundings, in relation to landscape character, among other things. The proposal would also be contrary to paragraph 170, which advises development should protect and enhance valued landscapes while also recognising the intrinsic character and beauty of the countryside.

Highway Safety

12. Access to the field is along Scotter Lane, a byway, which is partially hard surfaced from its junction with Main Street until just after the bridge. From here, the condition of the lane deteriorates and resembles a compacted dirt track rather than a road. However, it is nevertheless currently used by vehicles to access the appeal site and/or the neighbouring paddocks.

13. It was apparent from my site visit that the field is currently being used for equestrian purposes, and I note this is not disputed. This requires regular visits to the appeal site for welfare and exercise. I am advised that during periods of adverse weather, this involves the appellant driving to the site, loading the horses into a transporter to take them elsewhere offsite for exercise, then travelling back to the site before leaving once more. It is argued that were the arena to be allowed, this would reduce the number of trips from 4 to 2 as the horses could be exercised in the field in periods of adverse weather.
14. Using the site for equestrian purposes would mean the area is visited more frequently than if the field was still in arable use. This would not decrease CO₂ emissions as claimed. However, there is nothing before me to suggest that this proposed use is detrimental to highway safety. The number of trips required as a result of the change of use and riding arena would be minimal and these would likely be taken some time apart. I observed on the site visit a tractor travelling along the lane to access an adjacent field, so it is clearly used by other vehicles. Despite a lack of passing places, it is straight with good visibility in both directions and due to its width and condition, it is unlikely that vehicles would travel along at high speed.
15. Based on the above, the proposal would not harm highway safety and would accord with Policies DM3 and DM4 of the DPD. These seek to ensure proposals for equine facilities would not create or exacerbate highway safety problems. The proposal would also accord with the Framework, which advises in paragraph 110 that it should be ensure that safe and suitable access to the site can be achieved for all users and in paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

16. There is reference to additional landscaping and border planting, which it is claimed would further integrate the arena into its setting. However, there are no details of this before me and as such I afford it little weight.
17. Similarly, while there are other paddocks in the adjoining fields, I have no information on these and whether they have been granted planning permission. My attention is drawn to other applications for similar proposals approved by the Council, although I do not have plans for these. However, from the satellite imagery submitted there appears to be notable differences between these and the proposal before me. The development at The Grange¹ is evidently located in the curtilage of a farmhouse while the arena at Laurels Farm² is also located close to farm buildings. Although I am also directed to an application at Windmill View Cottage³, it is unclear from the image where the arena is located. In any event, the proposal must be assessed on its own merits and the existence of other developments is not justification in and of itself to allow the harm I have identified in this proposal.

Conclusion

18. I have identified harm to the character and appearance of the area by way of the proposal's location and appearance, although I have also found there would

¹ 19/00078/FUL

² 20/00588/FUL

³ 21/00526/FUL

be no conflict with regards to highway safety. Despite this, the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR