



Appeal Decision

Site visit made on 6 June 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/Y9507/W/21/3283414

Freshcombe Lodge, Truleigh Hill, Shoreham BN43 5FB

- 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 & Mrs Goble and Ryan against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/05607/FUL, dated 8 December 2020, was refused by notice dated 8 April 2021.
 - The development proposed is for the replacement stable building, change of use of land to provide a 20m x 40m sand school, creation of a butterfly bank, wildflower meadow and wildlife corridor.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, with particular regard to the South Downs National Park (SDNP) and;
 - groundwater sources and features.

Reasons

Character and appearance

4. Freshcombe Lodge is located beyond a settlement boundary in the SDNP where the countryside is typified by rolling arable fields and sparse rural type development. The appeal site is bordered by a bridleway to the east and is accessed via a track that leads down from the adjacent South Downs Way (SDW) to the north. The host dwelling has a parking and turning area to the front and a cluster of outbuildings to the side and rear. Beyond this there is an enclosed post and rail paddock that has a number of shelter/structures, including a timber stable-block and an equestrian exercise area to one side which leads onto the fields beyond where far-reaching views of the sea can be seen.

5. The proposal is to demolish the existing stable-block and two out-buildings within the paddock and to construct a new stable. The equestrian exercise area would be replaced with a 'sand-school' and there would be a butterfly bank, a wildflower meadow and a wildlife corridor.
6. The appeal site is located within the SDNP outside a recognised settlement boundary. Consequently, for planning purposes the proposal is located in the countryside. Therefore, the development should conserve and enhance the landscape and scenic beauty of the SDNP as required by Paragraph 176 of the Framework, to which I attach great weight.

a) Stable

7. The main parties agree that the current stable is in a state of dilapidation and that horses require shelter in the open and windswept location. I see no reason to disagree. However, while the proposed unlit 'c'-shaped stable would be smaller than the existing structure and have a blank elevation on the southern side, the fact remains that the proposed development would extend further down the slope of the paddock. As such, notwithstanding the demolition of two existing shelters, the proposal would add to the sprawl of the existing buildings in this location. Consequently, the proposal would elongate the foot-print of the built-form in this highly sensitive location and be at odds with the open and rolling countryside where development is mostly limited.

b) Sand-school

8. Turning to the 'sand-school' element of the proposal. While I acknowledge that the 'sand-school' would have a low-profile and be constructed in muted materials on the flattest ground available, the fact remains that the development would be glimpsed from the nearby bridleway. As such, notwithstanding the storage/removal of some equestrian equipment from the appeal site, such as show-jumps, the equestrian paraphernalia associated with the proposed 'sand-school' would nonetheless detract from the mostly unencumbered nature of the adjacent fields. Indeed, the alien feature and its intended use would further erode the windswept spaciousness and appearance of the SDNP in this location, which I note has already been somewhat degraded by grazing and telecommunication poles, as well as other atypical development, including two existing 'sand-schools' nearby.
9. The appellant has brought to my attention that the care and exercise of horses on the 'sand-school' would be similar to other equestrian uses in the surrounding area. However, even if there were to be a limited and reduced number of horses at Freshcombe Lodge, the regular activity associated with the additional 'sand-school' would nevertheless harm the general quiet and tranquillity of the area, and hence the character of the SDNP.
10. In addition, the excavation and construction works required to 'sink' the development would be likely to erode the established and undeveloped topographic slope of the appeal site.
11. Therefore, while I accept the appellant's contention that a sharing arrangement with another 'sand-school' is likely to be impractical or unwelcome, I cannot concur with the findings of the appellants' 'Landscape Appraisal' that suggests that the proposal would result in an averaged neutral/minor landscape and visual effect.

12. To the contrary, overall I conclude that the siting, extent and the uncharacteristic use of the proposal would not conserve or enhance the open downland landscape character of Truleigh Hill.
13. It follows then that the proposal would be contrary to Policies SD4, SD5, SD6 and SD24 of the South Downs Local Plan 2019 (SDLP) and the first purpose of the National Park which say that development proposals will only be permitted where they conserve and enhance landscape character.
14. For similar reasons, the proposal does not meet the aims of Paragraph 130 (c) of the Framework which requires developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Groundwater

15. The site lies within an 'Aquifer Partnership Area' and includes an area of major groundwater within a 'Source Protection Zone' and a 'Nitrate Vulnerable Zone'. While the evidence before me is less than ideal, I recognise that the appellants have given some thought regarding maintenance and use of the stable and the proposed 'sand-school', including but not limited to; the clearing, storage and re-use of manure, surface-water drainage, the use and disposal of chemicals, and the use of water, woodchip and hay/haylage.
16. Accordingly, I have considered whether an otherwise unacceptable development could be made acceptable through the use of a condition/s in respect to groundwater. However, from the limited evidence before me, I cannot be certain whether the appellants' approach would reduce the potential for nitrates to get into the water course or effect the quality of the groundwater source even if secured by condition.
17. Therefore, taking a precautionary approach, I conclude that the proposal would not meet the requirements of SD17 and SD24 of the SDLP, and the first purpose of the National Park, which say, amongst other things, that development proposals that affect groundwater, surface water features and watercourse corridors will not be permitted.

Other Matters

18. The proposed consolidation of the paddock to reduce grazing at Freshcombe Lodge is noted. As are the ecological benefits of the proposal, that include a butterfly bank, a wildflower meadow and a wildlife corridor which the appellant contends could not be achieved elsewhere on the site without being seen from the SDW. Moreover, that the proposal would enable horses to be exercised on site rather than on roads, bridleways or distant to the appeal site. However, even in combination, these matters do not outweigh the harm I have found above.

Conclusions

19. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR