



Appeal Decision

Site visit made on 9 March 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2022

Appeal Ref: APP/Y9507/W/21/3282980

**Land to the rear of 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/21/02821/FUL, dated 19 May 2021, was refused by notice dated 3 September 2021.
 - The development proposed is described as "Part retrospective planning permission for the change of use of land from agricultural to equestrian, and the erection of a private recreational 3-door stable, to be used in association with the dwellinghouse of 'Hayden Barn Cottage'".
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Decision

1. The appeal is allowed, and planning permission is granted for "Part retrospective planning permission for the change of use of land from agricultural to equestrian, and the erection of a private recreational 3-door stable, to be used in association with the dwellinghouse of 'Hayden Barn Cottage'", at Land to the rear of Hayden Barn Cottage, Hayden Lane, Warnford SO32 3LF, in accordance with the terms of the application, Ref SDNP/21/02821/FUL, dated 19 May 2021, and the plans submitted with it, subject to the attached Schedule of conditions.

Application for costs

2. An application for costs was made by Mrs A Cooper against South Downs National Park Authority. This application is the subject of a separate Decision.

Preliminary Matters

3. The effects of relocating a private recreational stable on the site have already been considered as part of an appeal¹ in 2021. The Inspector took the view that the relocation of the stable block would cause no harm to the character and appearance of the area and found no conflict with Policy SD24 of the South Downs Local Plan - adopted 2 July 2019 (South Downs LP), which supports equestrian uses, subject to a number of criteria being fulfilled. Notwithstanding this, the appeal was dismissed, as the proposal had not been "described in such a way so as to encapsulate the intended change of use".

¹ APP/Y9507/W/20/3259372.

Main Issue

4. The main issue is the effect of the proposal on water quality, having particular regard to the risk of pollution to groundwater, surface water run-off and watercourse corridor features.

Reasons

5. The appeal site lies within an area of rural character, within the South Downs National Park (NP). It comprises a paddock situated to the rear of a detached property known as Hayden Barn Cottage, which sits within spacious grounds, with a woodland area giving the site a verdant character. The appellant is seeking planning permission for the change of use of land from agricultural to equestrian, as well as the relocation of the unauthorised stable block, which has been erected within proximity to the boundary shared with The Hayloft.
6. The concerns raised by the Authority relate primarily to the effects that the proposed change of use could have on water quality, as a result of the changes in level which have previously occurred across the appeal site, notably to create a flat area for the siting of the stable block in its current position. The Authority considers that these could lead to contamination associated with water run-off from the grazing land and nitrates, which could enter the aquifer feeding the river Meon. Furthermore, there are concerns that the water damage which has affected the boundary wall of the Hayloft has occurred following land level changes on the appeal site.
7. As part of the previous appeal, the Inspector noted that “minor alterations to the land levels would be required to provide the level base and access track, but to a lesser extent that was necessary to accommodate the building and tract as presently sited”. It is noted that the land changes which took place in the area where the stable block is currently located would remain unaltered as part of the implementation of the appeal scheme.
8. The proposed equestrian use would be restricted to the occupiers of the appeal property, for recreational purposes, and would therefore remain limited in scale. In all likelihood and in the absence of substantive evidence to the contrary, the equestrian use of the site would be far less harmful to the water quality of the local area than the agricultural activities which could be lawfully carried out. The appellant notes that agriculture is widely recognised as a large contributor to nitrate concentration in groundwater, something which is not disputed by the Authority. In this context, the proposed equestrian use would represent a better alternative, particularly as suitably worded conditions could be imposed to ensure that horse manure and stable waste are carefully managed and disposed of.
9. The appellant’s submissions are supported by a Hydrogeological Appraisal², which confirms that the groundwater table is likely to be circa 30 metres below ground, thus providing a high potential for attenuation of any contaminants in the unsaturated zone. The condition requiring details of the storage and disposal of effluent from the horses and manure would provide additional certainty to ensure that the use would not contaminate the land or the wider environment.

² Prepared by H2Ogeo, Issued 2 March 2022.

10. The Hydrogeological Appraisal also confirms that the development is unlikely to cause significant water runoff. In this respect, I note that the site lies on chalk formation, and that the proposed track would be permeable. The relocation of the stable block would also be subject to a condition requiring details for the disposal of foul and surface water to be agreed by the Local Planning Authority. The appellant has also provided a flow route diagram, showing that the appeal scheme would not affect surface water flows.
11. Having regard to the available information, I am overall satisfied that, subject to the imposition of conditions, the appeal scheme would cause no unacceptable harm to the water quality of the local area. There would therefore be no conflict with Policy SD17 of the South Downs LP, which seeks to protect the area's water environment, and requires development proposals to incorporate measures to eliminate the risk of pollution to groundwater, surface water and watercourse corridor features.

Other Matters

12. A number of comments have been made by interested parties, notably in respect of the effect of the appeal development on the character and appearance of the surrounding area, and the South Downs NP, and living conditions of neighbouring occupiers. However, these considerations were subject to a detailed assessment as part of the previous appeal, the Inspector finding that "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". As there are no reasons for me to disagree with this view, I confirm that the development would conserve the landscape and scenic beauty of the South Downs NP. Furthermore, and subject to the imposition of conditions, the appeal scheme would have no harmful impact on the living conditions of neighbouring residents.
13. I have also had regard to the concerns raised regarding the effect of the development on the owl enclosure sited on the adjacent property. However, and as noted above, the noise caused by up to three horses would remain modest in scale, particularly when compared with the greater disturbance which could be associated with the use of the site for agricultural purposes.

Conditions

14. I have considered the conditions suggested by the Council, making minor amendments where necessary, to ensure compliance with the tests as set out within paragraph 56 of the Framework and the National Planning Practice Guidance³. I shall impose conditions specifying the relevant drawings which the development must accord with, in the interests of certainty and to provide clarity.
15. Conditions are also considered necessary to ensure that the existing structure is relocated, the concrete base removed and the land restored to grass. Furthermore, I shall add a condition requiring details of the materials for the roof to be agreed with the Local Planning Authority and a condition restricting the addition of other temporary or permanent structures, to protect the character and appearance of the surrounding area. A condition is also needed to restrict the development for private recreational use. Conditions regard the

³ Paragraph: 003 Reference ID: 21a-003-20190723.

recommendations set within the Ecological Appraisal, submission of a Biodiversity Enhancement plan, and requiring lighting details to be agreed with the Local Planning Authority are needed to safeguard the area and protected species, and to maintain biodiversity.

16. Additionally, I consider it necessary to impose conditions requiring details of the storage and disposal of manure/stable waste, as well as for the disposal of foul and surface water to be agreed in writing with the Authority, in the interests of the amenities of the local area. In respect of condition 11, it is my view that this does not need to be a pre-commencement condition, and the wording has therefore been amended to ensure that the approved details are submitted relatively quickly and implemented prior to the relocation of the stable block.

Conclusion

17. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Within 3 months of the date of this permission, or an alternative timescale agreed in writing with the Local Planning Authority, the stable building hereby approved shall be relocated to the approved position shown on the Proposed Block Plan Revision A. The concrete base of the existing structure shall be removed and the affected area restored to its former condition (grass).
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Site Plan & Site Sections A-A & B-B (Reference 0570/PL/02 A), Stables Plan & Elevations.
- 3) Within 1 month of the date of this permission, details of the material(s) to be used for the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, within 1 month of the relocation of the stable block hereby permitted, and retained as such thereafter.
- 4) Within 1 month of the date of this permission, details of the stain colour proposed for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, within 1 month of the relocation of the stable block hereby permitted, and retained as such thereafter.
- 5) The recommendations included within the Ecological Appraisal carried out by Davidson-Watts Ecology (dated February 2020) shall be adhered to throughout all phases of the development hereby permitted.

- 6) No external lighting shall be provided at the site, unless details have been firstly submitted to and approved in writing by the Local Planning Authority. Any lighting details shall be provided in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. The information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to the variation.
- 7) Within 3 months of the date of this permission, a Biodiversity Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority. This shall include details of native hedgerow planting and woodland management such as removal of rhododendron, as well as an implementation timetable. The approved Biodiversity Enhancement Plan shall be implemented in full in accordance with the agreed timetable, unless otherwise agreed in writing by the Local Planning Authority.
- 8) Other than those approved as part of the development hereby permitted, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new field shelters, fences, chattels or other temporary or permanent structures, shall be installed or placed on the land without the prior written consent of the Local Planning Authority. No new vehicular parking areas or access tracks shall be constructed/installed on the site.
- 9) Within 3 months of the date of this permission, details of the facilities for the storage of horse manure/stable waste and its means of disposal from the site shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details when the stable block is relocated. The facilities shall thereafter be maintained in accordance with the approved details, unless other agreed in writing by the Local Planning Authority.
- 10) The development hereby permitted shall be restricted to the keeping of horses for private recreational use by the owner of the dwelling known as Hayden Barn Cottage and shall not at any time be used for any other form of equestrian activity such as for any commercial riding, breeding or training purposes.
- 11) Within 1 month of the date of this permission, details of the disposal of foul and surface water, including details of how the animal waste will be safely stored and removed from site and how the existing/proposed landscaping has changed surface water flow routes (access track hardstanding and level changes) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the relocation of the stable block and shall be thereafter retained.

END OF SCHEDULE