



Appeal Decision

Site visit made on 30 November 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/Y9507/W/21/3284896

Land North of Hurst Farm Bungalows, Hurst Lane, Privett, Alton GU34 3PJ

- 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 Jane Soul against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/04927/FUL, dated 5 November 2020, was refused by notice dated 28 April 2021.
 - The development proposed is the change of use from grazing of horses to equestrian and the change of use of two of the existing larger mobile field shelters to permanent stabling with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has already been carried out and is therefore retrospective. I have considered the appeal on this basis.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the countryside, including the landscape character of the South Downs National Park.

Reasons

4. The appeal site comprises a sloping parcel of land, measuring approximately 1.8 hectares. It is enclosed, in the main, by a mature hedgerow and trees along its boundaries. The site is accessed via a gate adjacent to the highway. At the time of my visit, the site was in use for the grazing of horses, with several shelters in existence, used for stabling.
5. The appeal site and surrounding area are located within the South Downs National Park. The area has a rural character and countryside setting, largely comprising agricultural land with narrow lanes edged by dense hedgerows and woodland. Within the locality are occasional houses and farmsteads. Established building materials within the surrounding area are varied but typically include brick, flint and timber cladding, with tile or corrugated metal roofing.
6. Policy SD24 of the South Downs National Park Local Plan (LP, 2019) requires that development proposals for equestrian development are of a scale and intensity compatible with the landscape, demonstrate good design, re-use or

otherwise be sited next to existing buildings, are located near to existing infrastructure, provide new landscape features and demonstrate a conservation-based land management approach. LP Policies SD4, SD5 and SD7 seek to conserve and enhance landscape character and the relative tranquillity of the national park. Paragraph 176 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving landscape and scenic beauty within national parks which have the highest status of protection in relation to these issues.

7. Individually, the existing structures that have been converted to stables are reasonably modest in scale, constructed in appropriate materials of timber cladding and corrugated metal. They are set to the northern part of the site behind high and mature hedgerows which line the road. From that perspective, the structures are not readily visible from the north. However, the structures, and wider site, can be readily viewed from the site access, formed of a gap in the hedgerow, and from the road to the east of the site.
8. Irrespective of the use of materials, the arrangement of the proposed stable buildings near to the site entrance effectively form a yard area. This is visually and functionally separate from the remainder of the site, which is used for grazing, separated by fencing. Within that yard area I observed equestrian paraphernalia, including water troughs, feed buckets, stored straw and a manure heap. Much of this is visible from outside the site, particularly from the site entrance. Also visible across the site are post and rail fences and moveable electric fencing subdividing it into smaller paddock areas. These features together clutter the site and detract from the largely unspoilt character of the surrounding countryside.
9. Cumulatively, the stable structures, together with associated yard and equestrian paraphernalia, appear out of character with the area and are inappropriate in this landscape setting.
10. LP Policy SD24 states a preference for existing buildings to be converted or reused in lieu of new development. I appreciate that equestrian uses are not always closely associated with established farms or dwellings. In this case, there are no existing buildings on the site capable of conversion.
11. The above policy also requires that the development is well located and well screened by new landscape features which reflect the landscape character of the area, together with a conservation-based land management approach. As reasoned above, the site is reasonably well screened from the north by mature landscaping although it is visible from the site entrance and from public vantage points to the east. I note the appellant's submitted biodiversity checklist and ecosystems services statement. These set out that the development would preserve the ecological benefits of the site, which is already low, that there would be no increased risk to flooding and that landscaping has been considered and would be retained in its current form with no enhancements required.
12. The Council's second reason for refusal makes reference to the over-intensive use of the site. The appellant advises that there would be no increase in the number of horses on the site as a result of the proposal. Horses kept here are rescued and some have ailments preventing them from being ridden. I also note that the use of the site is for private use only and acknowledge that some horses might be more appropriately classed as ponies and are unshod. The

appellant advises that ponies are rotated with no more than 6 grazing at one time, for periods up to 3 hours. Moreover, the appellant also owns a parcel of land adjacent to the site, which could also be used for additional grazing. In any case, the appellant argues that the proposal is for supplementary feeding and rugging, which would reduce the reliance on grazing.

13. At the time of my visit, the ground both within the yard area and within part of the paddock areas was considerably muddy, more so than any surrounding land that I observed. However, I acknowledge that this was a snapshot in time, during the winter and following a period of heavy rain. I am of the view that the condition of the land would be improved in dryer months. Accordingly, I am not of the view that the site shows signs of over-intensive use.
14. I take account of the appellant's suggestion that a condition could be imposed to limit the number of horses on the site to twelve. Whilst such a condition could be imposed should the appeal be allowed, it does not overcome the harm I have identified to landscape character in respect of the structures, yard or paraphernalia more generally.
15. Overall, I conclude that the scale, siting and design of the development, would be inappropriate and out of keeping with the character and appearance of the surrounding countryside. It would also fail to conserve and enhance the landscape and scenic beauty of the South Downs National Park, an area to which the Framework attributes the highest status of protection. The development would be contrary to the relevant provisions of LP Policies SD4, SD5, SD7 and SD24 which, in summary, seek to conserve and enhance landscape character and the relative tranquillity of the national park.

Other Matters

16. Basingdene Cottage is a grade II listed building, lying approximately 50 metres to the north east of the appeal site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on me to have special regard to the desirability of preserving those listed buildings or their settings or any features of special or architectural historic interest.
17. Basingdene Cottage is an attractive detached two-storey cottage with thatched roof. It is best viewed from the lane the runs directly past it. Like other nearby buildings, the cottage is set within its own plot.
18. There is no dispute between the Council and appellant that the setting of the listed building would not be harmed by the proposal. There is very limited intervisibility between the appeal site and listed building. Based on the evidence before me, I have no reason to disagree with those findings. As such, the proposal would preserve the special historic interest and setting of the listed building.
19. I acknowledge the submitted noise impact statement. That no unacceptable noise exists or would be created as a result of the development forms a neutral matter in my determination of the appeal.
20. I note the comments made by the appellant in respect of the determination of the planning application at committee. I have also had regard to the officer report that went to that meeting. This is a legitimate procedure and committee members are not obliged to take the advice of their officers. That the case was determined by members, contrary to the recommendation of officers, does not

alter my conclusion on the main issue. Similarly, members of the public have the legitimate opportunity to respond to both planning application and appeal consultation processes.

21. The appellant has set out that the use of permitted development rights forms a fallback position. Specifically, they set out that more moveable and open shelters could be constructed on the site, each within its own enclosure, without the need for planning permission. It is also raised that should the appeal fail, horses would be transported to and from the site on a daily basis for grazing whilst being stabled elsewhere. Nevertheless, little detail of such a fallback scheme is before me and, without this information, a full and detailed comparison with the case before me cannot be made. As a consequence, I find the suggested fallback position to have limited weight in the determination of the appeal. These matters do not alter my conclusion on the main issue.

Conclusion

22. For the reasons above, having had regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be dismissed.

A. Price

INSPECTOR