



Appeal Decision

Site visit made on 2 March 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

Appeal Ref: APP/W0340/W/22/3302184

Isbury Farm, Sheepdrove, Lambourn, Hungerford RG17 7UR

- 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 Dr and Mr Rutter against the decision of West Berkshire District Council.
 - The application Ref 22/00379/FUL, dated 11 February 2022, was refused by notice dated 13 April 2022.
 - The development proposed is new ancillary storage unit/indoor equine school.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether or not the proposal is appropriate for the proposed location having regard to the spatial strategy in the development plan and the effect of the proposal on the character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty ('NWD AONB'); and,
 - ii) The effects of the proposal on the River Lambourn Special Area of Conservation ('SAC').

Reasons

Proposed location for development

3. The appeal site is occupied by a manege and buildings associated with Isbury Farm, which together form a small yard, set within the wider land holding serving a farm and house. The wider land holding extends to about 10 acres and comprises a triangular extent of land located in between two lanes, both known as Sheepdrove Road. Isbury Farm is located within the NWD AONB.
4. Area Delivery Plan Policy 1 ('ADPP1') of the West Berkshire Core Strategy (2006-2026) ('CS') sets out the spatial strategy for the area. For the purposes of this Policy, the appeal site is located outside of any settlement boundary and as such is defined as open countryside, where only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
5. In particular, the supporting text to Policy ADPP1 (paragraph 4.17) says that any development within the NWD AONB will be more restrictive than in the

general countryside, reflecting the national designation of the landscape. This broadly reflects paragraph 176 of the National Planning Policy Framework, ('the Framework') which amongst other things requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB which have the highest status of protection in relation to these issues and that the scale and extent of development within the AONB should be limited.

6. CS Policy Area Delivery Plan Policy 5 ('ADPP5') sets out the area delivery plan for the AONB. This includes support for low impact leisure and green tourism activities which help to sustain vibrant and balanced rural communities. This Policy adds that as a primarily agricultural landscape the traditional land based and rural economy of the area, such as agriculture and the racehorse industry, will continue to thrive and support the social and economic needs of the communities of which they are a part.
7. The above policies also align with Paragraph 84 of the Framework, which in support of a prosperous rural economy advocates that policies and decisions enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.
8. Section 85 of the Countryside and Rights of Way Act 2000 also places a general duty upon public bodies, in exercising or performing any function in relation to land in an AONB, to have regard to the purpose of conserving and enhancing its natural beauty.
9. The proposed building would be located over the manege and, in part, is intended to provide an all-weather indoor equestrian facility.
10. The appellants advise that the existing stables at the site provide storage for fencing equipment, maintenance tools and wood in connection with the farmstead. In order that the stables can be vacated to provide accommodation for horses, this equipment would need to be rehoused. The proposed building would therefore also be used to provide storage for equine equipment and for general household and other equipment associated with Isbury Farm.
11. However, with a footprint of about 800m and a ridge height of near 8.45m, the overall scale of the proposed building would be substantial and there is limited justification to quantify the need for this size of building. Therefore, I am not certain that this constitutes 'limited' development.
12. Also, whilst the building would be designed as open plan, so it can be used for exercising horses, it is unclear how this would be undertaken when part of this is occupied for storage. Furthermore, whilst I do not dispute that Isbury Farm has historically been used for equestrian use and that neither Policy ADDP1 nor ADPP5 of the CS set out any requirement for an active equestrian use, the absence of this does not weigh in favour of the overall assessment of an identified need.
13. Moreover, the proposed building would be for multi-use and therefore not exclusively for equestrian use. Therefore, and whilst I acknowledge that the equestrian related use would be a low impact leisure activity, which would provide some social benefits and economic support to the rural economy, given that this relates to a personal use and not a business, the extent of any such support would be limited, as would its contribution towards maintaining a

strong rural economy. Accordingly, the proposal is not supported by Paragraph 84 of the Framework.

14. Furthermore, CS Policy ADDP5, in recognising the area as a national landscape designation, requires that development will conserve and enhance the local distinctiveness and that development will respond positively to the local context, and respect identified landscape features and components of natural beauty.
15. With the exception of the house, the present buildings at Isbury Farm which include the purpose-built stables, a small barn and a modest tractor store, are all of a single storey scale and incorporate mainly timber cladding with shallow roofs and limited fenestration. Therefore, these are subordinate in scale to the house and incorporate a cohesive and traditional design, which is consistent with their rural setting.
16. By its nature, the manege comprises a surfaced area bound by low fencing, which has a degree of openness and permeability. This complements the low impact design of the majority of the abovementioned buildings.
17. Overall, in localised views from along Sheepdrove Road (north side) and the secondary access to the site from along the south side of Sheepdrove Road, with the exception of the house, due to the limited extent of the other buildings and manege and existing landscaping, the natural and rural quality of the site prevails which complements the character and appearance of the wider countryside within the NWD AONB.
18. In contrast, and despite the building level being set down by about 0.5m in accordance with the existing manege, the proposed building because of its overall scale would be a substantial addition to the appeal site. This would be located close to the north side of Sheepdrove Road and visible from the secondary access. The new building would incorporate large roller shutter doors along two elevations with fenestration along most of its elevations, including the more visible south-east elevation. Overall, by virtue of its form, design and appearance, this would appear as a modern building of an industrial scale. As such, the design and scale of the proposed building would not be entirely compatible in the context of a small farmstead with buildings of a modest scale and traditional style.
19. Based on the submitted Landscape and Visual Impact Assessment, the effects of the proposal would be limited to localised views. Nonetheless, the quality of the site and its contribution to the AONB is most evident in localised views. Therefore, built development of the extent proposed, would introduce a significant degree of encroachment, which would lead to the erosion of the prevailing natural character and appearance of the site and would significantly reduce and undermine the overall quality of the wider landscape it forms a part of.
20. The scheme proposes landscaping to limit views into the site and screen the development. However, on the information before me, I am not persuaded that this and the existing landscaping would sufficiently mitigate the visual effects for the scale of building proposed, particularly in localised views. In any event, the new landscaping would take some time to establish.

21. Drawing on the above reasons, I am not persuaded that the proposal does not constitute appropriate limited development, focused on addressing identified needs and maintaining a strong rural economy and therefore is not an appropriate development for its location having regard to the spatial strategy in the development plan. Furthermore, the proposal would harm the character and appearance of the area, including the NWD AONB. As such, I find conflict with CS policies ADDP1 and ADDP5.
22. Also, the proposed scheme does not accord with CS policies CS12, CS14 and CS19. Together, these policies, amongst other things, require new development to demonstrate high quality design, which respects and enhances the character and appearance of the area and that it is appropriate in terms of its location, setting and design in its local context.

River Lambourn SAC

23. The appeal site is located within the catchment of the River Lambourn SAC a European designated site which is protected by the Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations'). In order for development to be acceptable, these Regulations require it to be demonstrated that it will have no likely significant effect on the River Lambourn SAC, either alone or in combination with other proposals. If it cannot, measures must be proposed to remove the impact, or the proposal should be refused.
24. Natural England ('NE') advise that the River Lambourn SAC is in an unfavourable condition due to an exceeded nutrient (phosphorous) threshold. NE has also issued various guidance for local planning authorities for considering such matters. In particular, the appellants assert that the proposed development does not include any toilet facilities nor propose any overnight accommodation. As such, and based on NE guidance, Annex D: 'Nutrient Assessment Methodology for Development which Generates Wastewater Decision Tree' leads to the conclusion that the development would not adversely affect the River Lambourn SAC by reason of nutrient pollution.
25. However, the purpose of Annex D is to determine whether or not the Nutrient Assessment Methodology would be applicable for a certain proposal. Therefore, this in itself is not determinative.
26. Moreover, whilst I acknowledge that horses can be accommodated at the appeal site by using the existing facilities, on the evidence before me this is not the case at present. On the other hand, as a direct consequence of the proposed building, horses would be brought onto the site. Furthermore, the Council advises that the waste from a single horse produces about 7kg of phosphorus per annum. This could have implications phosphate levels within the River Lambourn.
27. As the competent authority, I am responsible for undertaking Appropriate Assessment ('AA') as to whether integrity of the River Lambourn SAC would be affected by the development. Nevertheless, no information has been supplied on the number of horses that will use this facility and any calculations submitted to assess the impact of phosphorus pollution on the River Lambourn SAC.

28. Had the proposal been acceptable in respect of the other main issues, then I would have invited the main parties to make further submissions in respect of this and also consulted NE.
29. Nonetheless, insufficient evidence has been submitted with the appeal to permit me to undertake the AA. I am therefore unable to conclude that the development would not add to the unfavourable phosphate levels within the River Lambourn SAC.
30. The proposed development would therefore be contrary to CS Policy CS17, which amongst other things requires that habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced.

Other Matters

31. On the basis of a planning permission (reference 17/00995/FUL) granted for development at a separate site, the appellant alleges that the Council has been inconsistent in respect of the application of CS Policy ADDP1, in determining the proposal before me. However, on the information available to me, planning application 17/00995/FUL related to an existing building, this building was also smaller than a building previously approved at the appeal site. As such, the approved scheme is not directly comparable to the proposal before me, which relates to a proposed building. In any event, the application and interpretation of planning policy is a matter of planning judgement. Accordingly, the Council's decision on another planning application is not binding on me as the decision maker.
32. Although there are other large buildings in the area, I do not know the full background to these. Therefore, and having considered the proposal before me on its merits and site-specific circumstances, the existence of these buildings does not alter my findings on the main issues.

Conclusion

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

M Aqbal

INSPECTOR