



Appeal Decision

Site visit made on 5 May 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2023

Appeal Ref: APP/M1710/W/22/3309406

Land south west of Frensham Pond Hotel, Bacon Lane, Churt, GU10 2QB

- 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 K Ditchburn against the decision of East Hampshire District Council.
 - The application Ref. 52857/010, dated 23 June 2022, was refused by notice dated 5 October 2022.
 - The development proposed is placement of 4no. mobile field shelters.
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Decision

1. The appeal is allowed and planning permission is granted for placement of 4no. mobile field shelters on land south west of Frensham Pond Hotel, Bacon Lane, Churt, GU10 2QB in accordance with the terms of the application, Ref. 52857/010 dated 23 June 2022 and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall be retained in accordance with the details shown on the following approved plans: 274_1_000 Rev.A; 274_1_510; 274_1_200 Rev.G.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the local landscape and countryside.

Reasons

3. The appeal site lies to the west of Bacon Lane and comprises an elongated parcel of land that runs parallel to the Lane. It forms part of a larger triangular field that is also owned by the Appellant. The whole landholding extends to some 8.5 acres and is used for equestrian purposes. Access to the site is from Bacon Lane and is obtained via a locked gate in the southern corner of the landholding. The latter leads to a shared track that runs along the western boundary of the landholding and provides access to adjoining land as well as the appellant's stables, sand school and hardstanding area for parking, all of which are sited in the north western corner of the landholding.
4. As with the majority of the Appellant's landholding, the appeal is divided into paddocks that I understand are used year round to graze the four horses that are kept on the land. The appeal site is relatively level, though it does slope down slightly from the appeal site towards the stables/sand school. The eastern boundary of the appeal site to Bacon Lane is formed by a low wooden

post and rail fence beyond which is an extensive screen of mature hedging and trees that runs the length of this boundary. The south western boundary of the appeal site is formed by a high hedge, on the other side of which is the shared access and this hedge extends the length of the western boundary up to the stables. The northern boundary of the appeal site abuts an extensive mature wood which runs along the northern boundary of the landholding and provides an attractive green backdrop to the stables/school. As such, the appeal site is relatively self-contained by strong boundaries and public views of the appeal site and larger landholding are therefore limited.

5. Other than some residential properties and the Frensham Pond Hotel & Spa to the east and north east of the appeal site, the land immediately to the west, east and south of the appeal site comprises open fields that appear to be largely used for equestrian purposes, together with some agricultural use. Within those fields are similar stable buildings, paddocks and field shelters that are visible from Bacon Lane given that their boundaries to the Lane are formed by lower level hedging/planting.
6. The appeal proposal relates to the provision of four field shelters. As these are already in place planning permission is sought retrospectively for their retention. The four shelters are spaced evenly along the eastern boundary of the appeal site and comprise traditional single storey timber structures with a shallow pitched roof and an open front.
7. The Council contend that the retention of the shelters, in combination with the equestrian structures already approved and existing on the larger landholding, would harm the character of the local landscape and open countryside. Whilst, as I observed on site, the shelters are not fixed permanently to the ground and are on skids that makes them mobile, I have determined the appeal on the basis of their current positioning, as shown on the submitted plans and on my understanding that the requirement for planning permission emanates from an Article 4 Direction that takes away permitted development rights for such structures.
8. The Council has referred to policies CP20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy (May 2014) (JCS) and policy C12 of the East Hampshire District Local Plan: Second Review (March 2006) (LPR). These seek, amongst other requirements, to: conserve and enhance the special character of the natural environment and wider landscape; ensure that new development respects the character, identity and context of the countryside through securing a high quality design; and for equestrian uses, to ensure that proposals do not harm by itself or in combination with existing equestrian facilities the character of the local landscape including the countryside setting of settlements. A similar approach is to be found in the National Planning Policy Framework (July 2021) (Framework) with paragraph 174 stating that planning decisions should contribute to and enhance the natural environment through various measures, including recognising the intrinsic character and beauty of the countryside.
9. Although I understand that the area to the north and north east of the appeal site, which includes Frensham Great Pond, lies within an Area of Outstanding Natural Beauty, the appeal site does not and it also does not form part of a nationally designated landscape. Even so, it is located within the countryside where, as the Framework confirms, the emphasis is on ensuring that new

development does not result in harm to its intrinsic character and beauty, and the value derived from the local landscape.

10. As I confirmed above, the Council approved the sand school and hardstanding area for the existing stables in May 2021 and in doing so would have satisfied themselves that that proposal would not lead to any harm to the countryside or wider landscape. Other than these structures and the low fencing that divides the paddocks, the only other structures on the Appellants landholding are the proposed four field shelters. The Council contend that the four shelters add significant new built form to what was essentially an open field. I do not agree. The proposed shelters are modest in scale and have a simple form which reflects their intended use. No hedging or trees has been removed to accommodate the shelters and they have been sited against the extensive mature hedging/trees that forms the eastern boundary of the appeal site. The four shelters are well spaced along this boundary, rather than being grouped together or being located more centrally within the landholding.
11. The proposed shelters are located on the opposite side of the Appellants landholding to the existing stables/sand school, with a considerable distance separating them and with the stables/sand school siting at a slightly lower level and against the backdrop of the mature wood. As such, the stables/sand school and new shelters are not easily viewed together other than from within certain parts of the landholding itself.
12. From Bacon Lane the proposed shelters are largely hidden from view by the extensive hedging/trees on the eastern boundary. As I observed on my visit apart from one shelter that can be seen in passing, as the screening is less dense, it is difficult to locate the remaining shelters when walking along Bacon Lane. I accept that this position changes in the Winter months, but even at that time of the year, as the Council's submitted photographs show, only glimpsed views of the proposed shelters are possible. Moreover, those views are of modest timber structures whose form and design is not dissimilar to other structures that you would commonly expect to see on land that is used either for equestrian or for agricultural purposes.
13. For the above reasons, the proposed shelters do not individually or collectively with the stables/sand school add significant new built form to the site. I am also satisfied that they are acceptable in visual terms given the limited public views, the modest nature of the proposed shelters, their spacing and siting against the mature hedging/trees on the eastern boundary. I accept there would be glimpsed views of the shelters from Bacon Lane, particularly in the Winter months, but these would be limited and would not be harmful in that they would be views of structures that you would expect to see in a countryside location. As I also confirmed above, similar structures are visible within the surrounding fields but they do not look out of place, they do not detract from the areas scenic character and are an established part of its fabric. As such, the proposed shelters would not result in any visual harm to the landscape character or intrinsic beauty of the open countryside. Similarly, there would be no cumulative impact with the existing stables/sand school.
14. The Council contend that the Appellant has not provided any justification or evidence of need for the proposed shelters. As I confirmed above, the policies of the development plan recognise and accept the need for a countryside location for equestrian uses, and the appeal site, together with the larger

landholding, already forms part of an approved and established equestrian use. I also note that the issue of need was not raised in the Council's reason for refusal and no specific policy reference has been drawn to my attention which provides support for the requirement to demonstrate a need for the shelters.

15. Even so, evidence has been provided by the Appellant and interested parties, including reference to the advice of the British Horse Society, to show that the provision of the proposed shelters has been based on the reasonable needs of the four horses that are kept on site and in the interests of their welfare. The Appellant has stated that the horses cannot be kept as a 'herd' and on my site visit the horses were indeed being kept in separate paddocks. The Appellant also states that the shelters provide protection in extreme or inclement weather throughout the year and that existing boundary hedging/trees do not provide sufficient or appropriate protection from the changing weather conditions and the increasing implications of climate change.
16. There is no substantial evidence before me that challenges the statements made by the Appellant or interested parties on the question of need and animal welfare or any other submissions that would lead me to reach a finding that the shelters were not required.
17. Accordingly, I find that the retention of the proposed field shelters would be acceptable and would not result in any harm to the character and appearance of the local landscape or countryside. As such, the appeal proposal would be compliant, in this respect, with policies CP20 and CP29 of the JCS, policy C12 of the LPR and paragraph 174 of the Framework.

Other Matters

18. Interested parties have raised concerns in relation to the impact of the appeal proposal on highway safety and residents living conditions. There is no detailed evidence before me to suggest that either of these concerns would result in any harm and they are not issues that the Council have raised. The Council's Delegated Report states that there is no evidence that the proposal would lead to an increase in traffic. I am satisfied, therefore, that none of these issues would give rise to any harm or any conflict with the policies of the Framework or the development plan.

Conditions

19. The Council has suggested a condition requiring the development to be retained in accordance with the approved plans and I have considered this against the advice in the Framework and the Planning Practice Guidance, on the use of planning conditions. I agree that such a condition is reasonable and necessary to reflect the details of the application and the development for which planning permission is sought retrospectively. I have, however, added a list of plans for clarity.

Conclusions

20. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR