
Appeal Decision

Site visit made on 24 February 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/K0425/W/22/3301741

Kimble Farm, Dudley Lane, Southend RG9 6JP

- 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 Shlewet against the decision of Buckinghamshire Council – West Area (Wycombe).
 - The application Ref 21/08323/FUL, dated 3 November 2021, was refused by notice dated 11 February 2022.
 - The development proposed is described as 'Erection of building to cover existing manege and the creation of a tennis court, including the erection of glass/mesh walls'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for the award of costs has been made by the appellant, which is subject of a separate decision.

Preliminary Matters

3. The description of development above is taken directly from the original planning application form.

Main Issues

4. The main issues are: a) the effect of the proposed development on the landscape character of the area, including the Chilterns Area of Outstanding Natural Beauty; and b) whether the proposal is a suitable form of development having regard to the Council's spatial strategy.

Reasons

Character and Appearance

5. The appeal site comprises an existing manege that is located to the south of Kimble Farm. Save for hardstanding, an access gate and boundary fencing, the manege is free from built form, whilst it is predominantly enclosed by well-established high hedges.
6. The site lies to the south-east of an existing complex of buildings at Kimble Farm, including the farmhouse and a relatively recently constructed hay barn. An existing public bridleway runs along the north-west of the appeal site, which separates the manege from the adjacent built form. There is also a permissive

- path to the southeast of the appeal site, that I understand is predominantly used as a gallops.
7. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and falls within the Landscape Character Area (LCA) 15.2 'Fawley Undulating Plateau' as defined within the Wycombe Landscape Character Assessment (2011).
 8. From my observations, the area surrounding the appeal site is characterised by a rural and largely undeveloped landscape of open fields, enclosed by mature hedgerows, along with pockets of mature trees and woodlands. Available views were often short ranging due to the presence of vegetation, whilst development was sparse and low density. This results in the site and its surroundings having a rather intimate landscape and a peaceful rural character. The appeal site therefore conforms to many of the identified key characteristics of the LCA and positively contributes to the character of the AONB.
 9. Under Paragraph 176 of the Framework great weight should be given to conserving the landscape and scenic beauty of AONBs. Additionally, Section 85 of the Countryside and Rights of Way Act 2000 places a general duty on public bodies to have regard to the purpose of conserving or enhancing the natural beauty of an AONB. The effect on the landscape is therefore an important consideration.
 10. The appeal proposal would involve erection of a building over a substantial proportion of the manège to provide an indoor riding arena. The riding arena would measure approximately 30m in length by 20m in width. It would have an eaves height of approximately 4m and a ridge height of approximately 6m. In addition, a tennis court is proposed at the opposite end of the manège, which would be enclosed by glass and mesh walls. An area of open manège would remain between the two proposed developments.
 11. The proposed equestrian building would have a considerable footprint. Although the proposal is smaller in height than the neighbouring built form the proposal remains of a substantial scale and bulk. The introduction of this sizeable building onto what is an open area of land would have an urbanising effect on the appeal site. This is despite the proposal's position in relation to the existing farm buildings and its general rural characteristics, including materials to assimilate with the nearby hay barn.
 12. I appreciate that public views of the site are relatively localised in their extent due to the surrounding topography and vegetation. Nevertheless, the near proximity of both the public bridleway and permissive path would provide intimate views of the proposal. Regardless of their precise extent of use, from these public vantage points the considerable scale and bulk of the proposed equestrian building would be highly appreciable. This would result in a rather obtrusive and dominating form of development, even taking account of the existing boundary hedge.
 13. Indeed, the appellant's commissioned Landscape and Visual Impact Assessment (LVIA)¹ itself identifies that the proposal would have a high/substantial adverse effect from viewpoints close to and adjacent to the site. Notably, the lane leading to Kimble Farm, the permissive bridleway and

¹ Landscape and Visual Impact Assessment – Dated June 2022, prepared by John W Platts Chartered Landscape Architects Limited.

from the gate to the bridleway at the eastern side of Kimble Farm (i.e. Viewpoints V1, V2, V6).

14. I recognise that the residual visual impacts of the proposal could to some extent be mitigated through additional landscaping measures. However, even accounting for such mitigation measures, I am mindful that the appellant's LVIA still identifies that it is likely that there would remain medium/moderate adverse visual effects associated with the proposed equestrian structure when viewed from close locations. Furthermore, I do not consider landscaping an appropriate solution to screen otherwise unacceptable development, given that there can be no guarantees that the landscaping measures will remain in perpetuity.
15. The appellant has provided aerial images of several large agricultural and equestrian complexes within the surrounding area to support the current proposals. However, I have very limited details of those sites, including their precise locations relative to the appeal property and their site-specific contexts including planning histories. As such, my above views have not turned due to these examples.
16. Overall, the proposal would detract from the character and appearance of the surrounding area, and the special qualities of the AONB. The proposed development is therefore contrary to Policies CP9, DM30 and DM35 of the Wycombe District Local Plan (adopted 2019) (the Local Plan). Together these policies require development proposals to positively contribute to the character of an area and conserve the natural environment, including the natural beauty of the AONB.

Spatial Strategy

17. Local Plan Policy DM44 seeks to strictly control development in the countryside (outside of the Green Belt). The policy identifies only limited circumstances in which permission for development will be allowed. In respect of the appeal proposal, there are two relevant exception criteria. Firstly, DM44 B) which allows for 'Development for agriculture and forestry, outdoor sports and recreation, and for cemeteries where there is a genuine need' (my emphasis added).
18. Neither the policy nor supporting text provide a definition for outdoor sport and recreation. However, the policy is clear that the exception is for development that is specifically for outdoor sport and recreation. The wording of the policy does not allow for development that relates to, facilitates, or are predominantly outdoor sport/recreational activities.
19. I acknowledge that horse riding, the keeping and training of horses and their riders is a predominantly outdoor sport and accepted recreational activity. Furthermore, I also accept that a covered manège would provide a facility that would enable greater opportunities for riding skills to be advanced and thereby greater enjoyment of the activity. As such, the proposal may very well promote the further enjoyment of outdoor sport and recreation through increased participation in associated outdoor horse riding.
20. However, despite the clear relationship with outdoor sport and recreation, the purpose of the proposed development is to enable horse riding to be

undertaken within an indoor facility. It therefore does not meet the very specific exception that is set out by Policy DM44 B).

21. Even if the development of the indoor riding arena was considered to be for outdoor sport and recreation, I am also not convinced that there is a genuine need for the proposed development.
22. Again, no definition of 'genuine need' is set out in Policy DM44 or its supporting text, but the appellant contends that the Council has conflated the meaning of 'genuine need' with 'essential need', which it is argued is a more stringent policy test.
23. In the absence of any definition for 'genuine need' within the development plan, I accept the appellant's approach of the use of the Oxford English Dictionary (OED) to establish a literal meaning. However, whilst the appellant has defined the term 'genuine' to be '*real; exactly what it appears to be; not artificial*' this must also be read alongside the definition of 'need' for full context.
24. The OED defines need as '*require (something) because it is essential or very important rather than just desirable*'. Accordingly, I consider that a 'genuine need' must be real as well as essential or very important, as opposed to merely desirable.
25. The appellant's arguments centre upon the fact that the proposal would enable his children to ride in a safe environment throughout the year, including at times of inclement weather. However, there is a lack of robust evidence before me as to whether this indeed is a genuine need rather than a desirability. For example, I have been provided with no details of the availability (or not) of any commercial riding schools within the local area, whereby such a facility may already be accessible. Indeed, no robust reasons why a personal facility is very important or essential have been presented.
26. I note the Council accepted that there was a genuine need for the proposed tennis court and the appellant's claims that this also weighs in favour of the proposed enclosed equestrian structure. However, from the evidence before me it is unclear upon what basis the Council reached this view. From the available information, whilst I accept the tennis court is an outdoor sport facility, I am unable to satisfactorily conclude that there is a genuine need for it. Again, no details of whether such facilities are already available nearby, nor the need specifically for a private tennis court have been demonstrated.
27. The exception at Policy DM44 J) is also relevant to the appeal. This allows for the redevelopment of previously developed land (PDL), provided that it respects the rural character of the surroundings.
28. There is dispute between the main parties as to whether the existing manège is PDL given the Framework's definition. However, even if I were to consider the appeal site to be PDL, I have found that the proposed scheme would harm the character and appearance of the area. It would therefore not respect the rural character of the surroundings and, consequently, does not comply with the exception under Policy DM44 J).
29. I therefore find that the proposal fails to accord with the Council's spatial strategy for development and conflicts with Local Plan Policy DM44.

Conclusion

30. For the reasons set out above, the proposal conflicts with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Consequently, the appeal is dismissed.

Lewis Condé

INSPECTOR