



Appeal Decision

Site visit made on 20 October 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/Z3825/W/22/3308843

Land at Leechpond Hill, Leechpond Hill, Lower Beeding RH13 6NR

- 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 Harvie against the decision of Horsham District Council.
 - The application Ref DC/21/1263, dated 26 May 2021, was refused by notice dated 12 May 2022.
 - The development proposed is construction of equestrian rehabilitation and training centre comprising stable building and indoor sand school with internal facilities. Alterations to vehicle access and creation of new access road and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have referred to progress on the Council's emerging Local Plan. Based on the evidence before me, the policies it contains are in draft and have not been subject to formal examination. As such they attract only limited weight and the appeal has been determined having regard to the development plan at this time.
3. The Submission Lower Beeding Neighbourhood Plan (the SLBNP) has now been subject to examination although has not been formally made. The relevant policies are discussed in turn below.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area including the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

5. The National Planning Policy Framework (the Framework) is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, among other designations, have the highest status of protection in relation to these issues.
6. The site lies within the High Weald AONB and Leechpond Hill forms part of its western boundary. Several landscape character assessments cover the site, as set out in the appellant's Landscape and Visual Appraisal (LVA). The High Weald AONB Management Plan focuses on the purpose of the AONB and defines its significance and character. It identifies components of character which include its deeply incised, ridged and faulted landform, and small, irregularly shaped and productive fields often bounded by, and forming a

mosaic with, hedgerows and small woodlands, and typically used for livestock grazing, small holdings, and non-dominant agriculture. It identifies that fragmentation of farm holdings is among the top issues in the AONB due to an increase in non-farming land ownership. The AONB Management Plan also acknowledges that people value, among other things, the relative sense of tranquillity and intimacy that the landscape provides.

7. The LVA cites the Horsham District Landscape Character Areas 2003, where the site falls within the area defined as Crabtree and Nuthurst Ridges and Ghylls. Its character is described as including a well wooded and enclosed landscape of steep wooded ridges and ghylls, a strong network of small to large sized woods, shaws and hedgerows which enclose mainly small pasture fields. It states that views are generally confined, with occasional long views over the undulating ridges, and that the area retains a strong rural unspoilt character.
8. Similar characteristics of this area are also set out in the Landscape Character Assessment of West Sussex 2003, where the High Weald Fringes are described as comprising an intricate pattern of small pastures, enclosed by hedgerows and shaws, a pattern of small, irregular-shaped fields and larger fields and varied traditional rural buildings with diverse materials.
9. The appeal site itself comprises part of a large expanse of predominantly open grassland which is bound to the north and east by strong boundaries with ancient woodland, which follow established watercourses and give a strong sense of enclosure to the wider site. The site forms part of an undulating landscape surrounded by a wooded gill valley which slopes downwards relatively steeply to the north and more gently to the east, allowing long views over the wooded landscape to the southeast. Buildings and structures associated with kennels lie to the south east of the site, nestled into the low levels of the valley, and a residential property sits to the south of the site, close to the edge of Leechpond Hill.
10. The area of proposed development adjoins Leechpond Hill and is separated from the road by a hedgerow which includes a number of taller mature trees. A variety of other structures exist on the opposite side of Leechpond Hill, including a tennis club and village hall which gently transition into the settlement of Crabtree to the south.
11. Despite some noise from the road and from nearby uses, there is a relative tranquillity to the appeal site arising from its uninterrupted open nature and long views. Other uses to the west of Leechpond Hill are experienced in the context of a different local character on that part of the road, and I observed the effects of the nearby kennels on tranquillity to be limited by its sunken location within the valley. As such, the appeal site and its environs encompass a number of the characteristics which define the special landscape character and the AONB, and the site contributes positively to the character and appearance of the area.
12. The area of the proposed works is positioned to the north western corner of the wider field, with an access track which would run adjacent to Leechpond Hill. The Council accept that the proposed use lends itself to a countryside location and the design and materials of the proposed buildings are not in dispute. However, they would be significant in their footprint and scale, and positioned on the most elevated part of the wider site. Despite their position towards the

corner of the site, they would consequently appear as prominent additions and detract from the site's open qualities.

13. The buildings would be set on a large area of level ground created through a cut and fill method. This would substantially alter the natural undulating slopes of this part of the site, giving an artificial and engineered appearance. This would be exacerbated by the proposed extent of hard surfacing, and consequent steep slopes to the north of the buildings. I note that additional alterations to the landform may also be required, for example to accommodate the drainage swale shown on the landscaping plan. For these reasons I consider the effects on the characteristic landform would be greater than minor adverse, as set out in the LVA.
14. The proposal would considerably diminish the sense of tranquillity on the appeal site, through the introduction of the built forms and activities, including those by staff, visitors and deliveries associated with the use which is intended to be in operation throughout the year. Given the characteristics of the other nearby uses set out above, I do not consider that they would lessen the proposal's effects, and the overall effects on tranquillity would be adverse.
15. The supporting drawings show a significant number of rooflights across both buildings, and the proposals would introduce frequent vehicle movements across the site which could give rise to effects on dark skies. The appellant states that the rooflights could be omitted, and additional external lighting could likely be controlled to reduce its effects to some degree. While there may be existing effects arising from vehicles on the road and other nearby uses, these proposed effects would nonetheless spill into the landscape character to the eastern side of the road. Overall, given the undeveloped nature of the site, and in the absence of substantive evidence to the contrary, the proposal is likely to contribute to the deterioration of dark skies, and I cannot be satisfied that the effects on this aspect of the landscape character would be negligible.
16. In terms of effects on views, I find that the effects on the views from the footpaths of Leechpond Hill (view 2) would be notably more than negligible. This is particularly as views are currently experienced through gaps in the hedgerow, albeit in glimpses, to the open slopes of the site and beyond, and given the proximity of the development to the western boundary and the continued likelihood of a degree of visibility into the site, even with enhancements to the hedgerow. While part of the ground level would be lowered close to the western boundary, the scale of the buildings would be apparent and detract from the openness of the site. In addition, users of the public footpath to the south of the site experience a sense of tranquillity and spaciousness, particularly as it moves away from the road. The LVA acknowledges that direct views of the development would be gained from this path (view 3) and it is not apparent why these visual effects would necessarily be negligible after a 5 year period.
17. The proposed scheme of landscaping, including the reinforcement of tree cover and hedging along Leechpond Hill, could provide an enhancement to the wooded aspect of the landscape character and improve biodiversity and connectivity of habitats. This would be limited, however, by the scale of the areas to which those works relate.
18. I therefore have reservations relating to a number of the conclusions set out in the LVA and find the effects of the development on the landscape

characteristics would be more severe for the reasons given. Overall, given the identified harm to those features which contribute positively to the landscape character, the proposal in its entirety would neither conserve nor enhance the landscape and scenic beauty of the AONB.

19. In conclusion, the proposal would cause harm to the character and appearance of the area, and to the landscape character of the AONB. As such it would conflict with policies 25, 32 and 33 of the Horsham District Planning Framework 2015 (the HDPF), which together require development to protect, conserve and enhance the landscape character, and complement locally distinctive characters. Policy 26 relates to protection of the countryside and, even if compliance with the first part of that policy were achieved, the proposal would not meet the second part of the policy due to its effects on the key characteristics of the landscape. It would therefore conflict with Policy 26 as a whole.
20. In addition to those policies given in the decision notice, the Council's Officer Report also refers to conflict with HDPF policies 29 and 30. Given the above findings the proposal would conflict with Policy 30 which relates to protected landscapes and requires conservation and enhancement of the natural beauty and public enjoyment of the AONB. Policy 29 relates specifically to equestrian development and supports it provided that it would be appropriate in scale and level of activity, and be in keeping with its location and surroundings. The proposal would therefore also conflict with this policy. The findings of the Council's Agricultural Consultant, which does not consider landscape effects, do not convince me that the proposal is compliant with Policy 29 overall. The proposal would also conflict with Policy 2 of the SLBNP relating to landscape character.
21. The proposal would conflict with the objectives of the Framework set out above, relating to the great weight to be given to conserving and enhancing landscape and scenic beauty of AONBs, and relating to the intrinsic character and beauty of the countryside.

Other Matters

22. Notwithstanding these findings, the level of harm would not amount to a significant adverse impact on the purposes for the AONB designation. Taken together with the proposal's nature, scale and setting, I do not consider the site to be major development for the purposes of paragraph 177 of the Framework. As such it has not been necessary to assess the proposal in light of the considerations set out in that paragraph.
23. The proposal would provide a state of the art facility, utilising modern techniques in sport technology and science for the training and rehabilitation of injured horses, and which would build performance in competitive horses from the UK and abroad. Multiple facilities would be accommodated together within sheltered and controlled environments allowing use all year round and the scale of the facilities would allow them to be appropriate for a number of varied disciplines, including jumping. The appellant seeks to broaden the availability of these services to a broader market, and the proposal would provide a valuable facility to the equestrian community and to horse welfare.
24. The appellant states the buildings themselves would comprise locally sourced or recycled materials, and would incorporate sustainable measures including

solar panels and rainwater collection and treatment facilities, as well as alternatives to concrete flooring where appropriate. Some landscaping and biodiversity enhancements are also acknowledged and have been considered as part of the assessment of landscape effects above.

25. There would be economic benefits arising from the proposals, particularly during the construction process and on going operation and maintenance of the site. The facility would eventually provide employment throughout the year and be supplemented by a range of other equestrian specialists. There could also be benefits to local services and facilities from visitors to the site. While the appellant states there would be a strong focus on local employment and sourcing of equipment in the UK, there is not evidence of how these would be secured if planning permission were granted. Taken together, I attach considerable weight to the benefits which the proposal would deliver.
26. The main parties agree that a countryside location is generally required for these facilities, and there are specific locational requirements for uses of this nature. However, there is not otherwise substantive evidence to suggest why this particular site, and the harms that the development would entail, would be necessary to achieve the above benefits. While the objectives of the Framework include supporting a prosperous rural economy, it refers to the sustainable growth of businesses and the need for development in rural locations to be sensitive to its surroundings, which has not been found to be the case here. As such the provisions of the Framework do not add weight in favour of the development.
27. For the reasons given, the benefits would not outweigh the harms which have been found to the landscape character, which would be significant and long lasting, and would present conflict with both local and national policy as set out. There are not material considerations here which would outweigh the conflict with the development plan.

The Arun Valley

28. The Council's second reason for refusal relates to the effects of the proposal on the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site, through increased water abstraction. However, Regulation 63(1) of the Habitats Regulations¹ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is dismissed on other grounds it is not therefore necessary to address this in any further detail.

Listed Buildings

29. The grade II listed building of Leonardslee House, and its grounds which are a grade I listed Historic Park and Garden, exist to the south of the appeal site towards Crabtree. The effects of the proposal on those heritage assets are not in dispute and, given their distance from the appeal site and the presence of intervening landscape features and structures, the proposal is not considered to form a part of their setting.

¹ The Conservation of Habitats and Species Regulations 2017

Conclusion

30. The proposal would conflict with the development plan as a whole and there are not other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR