



Appeal Decision

Site visit made on 13 February 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/L3815/W/23/3326088

Land at Oakview, Fletchers Lane, Sidlesham, West Sussex PO20 7QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Heath against the decision of Chichester District Council.
 - The application Ref is SI/23/00431/FUL.
 - The development proposed is the erection of an L-shaped stable block.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of an L-shaped stable block at Land at Oakview, Fletchers Lane, Sidlesham, West Sussex PO20 7QG in accordance with the terms of the application, Ref SI/23/00431/FUL subject to the conditions in the attached schedule.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, but the revised version will be referenced in this decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, and whether the appeal site is a suitable location for the proposed development having regard to relevant policies relating to the countryside.

Reasons

Character and appearance

4. The appeal site forms one of the parcels of land between Fletchers Lane and Boxham Lane. The parcels of land facing Fletchers Lane are mainly residential dwellings, including 'Oakview' of which the appeal site is behind. The rest of the parcels are of varying sizes used for a mix of traditionally countryside uses including nurseries and equestrian, thus creating a patchwork of rural buildings set within a pastoral backdrop along the length of Boxham Lane. The appeal site is one such parcel of land and therefore forms part of the rural character and appearance of Boxham Lane.

5. The appeal site has a mature and dense hedge along the boundary with Boxham Lane. There is a less dense hedge along one side of the site which allows views of the agricultural buildings beyond. The other 2 sides of the appeal site are delineated by fencing providing clear views of Oakview to the rear, and the relatively narrow paddocks, with various buildings on them, to the side. Directly behind the paddocks is a large complex of glass houses which are dominant in views from the site as well as along Boxham Lane as they are built up to the road. This gives the appeal site a reasonably enclosed and semi built-up setting.
6. It is understood historically that the appeal site may have been glass houses on it. That there were previous structures on site accords with my own site observations where there appeared to be a large amount of rubble beneath the predominating overgrown vegetation which covers most of the site.
7. The proposal seeks to erect a stable block towards the boundary with Bloxham Lane and broadly in line with the road facing elevation of the nearby green houses. Its location towards the site access would limit the need for excessive ancillary development, such as vehicle access ways. The building would be single storey, with a low roof profile and of an agricultural vernacular using timber boarding and onduline sheeting, both materials prevalent in countryside settings and on the surrounding buildings. It would be simplistic in design and form, thus in keeping with the functional nature of its proposed use. The semi-enclosed character of the appeal site would ensure the proposed building would be largely screened and the hedge along the boundary would ensure any visual impact on Boxham Lane would be minimal. The proposal would therefore be well related and in keeping with the patch work of rural buildings scattered throughout the immediate area, and the equestrian use in this location would not be out of character.
8. It is appreciated the proposed building is not directly next to adjacent structures. However, in this instance, would not be harmful to the overall landscape and rural character of the area, as the site is surrounded by a mix of development forms and types which inform the rural character of the area. That the manure storage could be visible from the access gate is noted. Due to the density of the boundary hedging this would be minimal. Nevertheless, a management scheme could be conditioned to ensure it is properly maintained and does not become an eyesore.
9. Consequently, I find the proposal would not harm the character and appearance of the area and would comply with Policies 45 and 48 of the Chichester Local Plan: Key Policies (LP), as far as they require new development to respect the landscape and rural character of the area.

Location

10. LP Policy 55 specifically deals with equestrian development setting out 8 criteria which need to be demonstrably considered. That the policy wording only requires the criteria to be 'considered' and not 'met,' as with other LP policies, is noted. Therefore, the lack of proximity to the bridleways and that the site is potentially best and most versatile agricultural land does not automatically mean the proposal is unacceptable.
11. It is acknowledged that the proposal is some distance from the nearest bridleway, but also that there are very few bridleways in the wider area, as

shown in Appendix C of the Council's Statement of Case. It is, however, recognised that horses are not barred from the public highway and the site is surrounded by multiple country lanes, located away from the more heavily used roads in the area. Therefore, there is scope for the exercising of horses in the immediate area and routes to access the designated bridleways if required.

12. The appellant has also highlighted 6 approved planning applications for horse stabling within the vicinity of the appeal site which the Council did not consider the lack of proximity to bridleways as harmful. Although SI/13/01782/FULL which was approved prior to the current LP being adopted, and SI/21/01236/FULL where the proximity to bridleways is not mentioned, are not directly comparable. I am satisfied that the other 4 examples (SI/15/03511/FUL; SI/18/02925/FUL which was approved by appeal APP/L3815/W/19/3232132; SI/18/03322/FUL; and SI/20/02343/FUL) are similarly located to the appeal site, in relation to the bridleways and were considered under the same development plan. They, therefore, confirm my findings in relation to the local area being acceptable for horse-riding without direct access to bridleways.
13. The Council, on consultation of its mapping system states the application site is Grade 1 agricultural land, the technical information to support this assessment has not been provided nor whether this grading was impacted by the erection and subsequent demolition of the previous structures on site. As observed on site, the land is not readily usable for agricultural purposes in its current state.
14. Nevertheless, the proposal is not seeking to fully develop the site and would concentrate development in one area. The building would be of simple construction and could be removed with minimal impact on much of the site. Accordingly, even if the field were some of the best and most versatile agricultural land, in this instance, I do not find that the proposal would cause its irreversible loss.
15. It is noted that, no objection have been raised in relation to the adequacy of the site and proposed building for the number of horses proposed, and the compatibility of an equestrian use in this location with its surroundings in relation to the protection of water courses and ground water; nor has the potential requirement for additional housing been raised. The proposal would not harm the landscape, as discussed in the first main issue, and matters relating to the management of the site could be conditioned.
16. Consequently, for the above reasons I am satisfied the proposal would comply with LP Policy 55, and the appeal site is a suitable location for the proposed development having regard to relevant policies relating to the countryside.

Conditions

17. The Council has suggested some conditions and the appellant has made comment on them. I have considered them against the advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity and in some cases removed duplication. Several of the Council's conditions were framed by the removal of permitted development rights. However, I do not find this necessary and so I have reworded them accordingly.

18. In addition to the standard time limit condition, 1, I have imposed conditions 2 and 3 requiring the development to be carried out in accordance with the approved plans and specification of the approved use, as this provides certainty. In the interest of the character and appearance of the area I have imposed conditions 4, 5 and 7. Conditions 5 and 7 will also ensure the proper management of the site as referred to in the main issues. Condition 6 has been imposed to ensure the protection of the ecology of the area, and condition 7 will also support this.

Conclusion

19. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

R J Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 1 – Location Plan; Drawing 3 – Proposed Site Plan; and Drawing 5 – Proposed Floor Plans and Elevations.
- 3) The use of the development hereby permitted shall be limited to private, non-commercial equestrian uses only.
- 4) No development above slab level shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be put into use until a scheme for the management and maintenance of the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for, but is not limited to:
 - on-site storage;
 - waste storage and disposal; and
 - field subdivisions.The development shall then be managed and maintained in accordance with the approved scheme.
- 6) The development hereby permitted shall not be put into use until a scheme for ecological enhancements and their maintenance has been submitted to and approved in writing by the local planning authority and the enhancements installed. The enhancements shall then be maintained in accordance with the approved scheme.

- 7) Any external lighting or floodlighting shall be installed in accordance with details that have first be submitted to and approved in writing by the local planning authority.

END OF SCHEDULE