



Appeal Decision

Site visit made on 30 January 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2024

Appeal Ref: APP/J4525/W/23/3332020

Land to the rear of South Market Street, Hetton-le-Hole, Houghton le Spring, Grid Ref Easting: 435631, Grid Ref Northing: 547749

- 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 Julie Flaws & Michael Lawson against the decision of Sunderland City Council.
 - The application Ref is 23/01818/SUB.
 - The development proposed is described on the planning application form as: "Revised planning application for Change of Use to outdoor equestrian arena".
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Decision

1. The appeal is allowed and planning permission is granted for development described as "Revised planning application for Change of Use to outdoor equestrian arena", at Land to the rear of South Market Street, Hetton-le-Hole, Houghton le Spring, Grid Ref Easting: 435631, Grid Ref Northing: 547749, in accordance with the terms of the application, Ref 23/01818/SUB, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. No site address was given on the planning application form. I have therefore taken the site address from the appeal form, which includes the grid references provided on the planning application form.
3. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with specific regard to outlook; and
 - whether the proposed development would comprise suitable development in the countryside.

Reasons

Character and appearance

5. The site lies to the rear of a row of terraced houses. It is separated from the residential properties by a service lane, from which it is accessed. The adjacent land stretching along the service lane is occupied by a range of buildings including garages and sheds that appear to be associated with allotments. The structures are concentrated on land near to the service lane, with open countryside beyond.
6. The Council acknowledges that the principle of an equestrian arena in the open countryside would be acceptable, but notes that such a development in the proposed location would not reflect the character of the existing built form.
7. The adjacent landholdings and their associated buildings, structures and boundary treatments stretch outwards towards the open countryside to varying degrees. Although the proposed equestrian arena would extend further outwards than many of the adjacent buildings and structures, the only structures associated with the proposed development would be the boundary treatments. These would be of modest height, and although they would be visible in views of the wider countryside, their appearance would be compatible with the rural nature of the surroundings. I am therefore not persuaded that the proposal would appear alien, would erode the open nature of the area or would adversely affect the existing views of the open countryside.
8. For the reasons given above, the proposal would protect the landscape character of the site and surrounding area and would appear compatible with the existing built form of the area. It would therefore accord with Policies BH1 and NE8 of the Core Strategy and Development Plan 2015-2033 – January 2020 (the CSDP), which seek, in relation to this issue, for the scale, nature, design, materials and siting of development to be compatible with existing neighbouring development, to avoid harm to landscape quality, and to respect and enhance the positive qualities of nearby properties and the locality.

Living conditions

9. The appeal site is separated from the nearby residential properties by the narrow service lane. The proposed boundary treatments would be visible from the rear-facing windows and rear gardens of the nearest residential properties. Nevertheless, the main rear-facing windows are set in from the rear boundaries of the properties by a reasonable distance, limiting the direct effects of the proposal on outlook from these properties.
10. The land opposite the residential properties, comprising the appeal site and the adjacent allotment land, has varying boundary treatments along its length, including some examples similar to that forming part of the appeal proposal. As such, although there is limited enclosure to the appeal site at present, the proposed boundary treatments would not appear incongruous, and their scale would still allow visibility of the countryside beyond from the neighbouring houses.
11. For the reasons given above, the proposed development would not unduly inhibit the outlook from neighbouring properties. Accordingly, it would safeguard the living conditions of neighbouring occupiers. It would therefore accord with Policies BH1 and NE8 of the CSDP, which seek, in respect of this

issue, to ensure a good standard of amenity for all existing and future occupiers of land and buildings, and to not result in a scale of activity that has a detrimental impact on the surrounding area.

Whether suitable development in the countryside

12. The main parties do not dispute that the site lies in the countryside. As such, Policy NE8 of the CSDP applies, which sets criteria for development that will be supported in the countryside.
13. The introductory paragraph to Policy NE8 states that the open countryside will be protected and access enhanced. To my mind, the key aim of the policy is to protect the open countryside from harm resulting from unsuitable development, with such harm potentially occurring via any number of factors.
14. Part 1 of Policy NE8 supports development for uses including outdoor sport and recreation. The policy does not define the types of outdoor sport or recreation facilities that will be supported, nor whether this policy support would differ for private, public or commercial facilities. In this case, although the proposal would be for private use, it would clearly be a facility for outdoor sport and recreation.
15. Such uses are supported provided they comply with several criteria. I have previously found that the proposal would not harm the character or appearance of the area or the living conditions of neighbouring occupiers, and accordingly criteria ii) and iii) are addressed. Criterion iv) seeks evidence that there are no existing on-site buildings suitable for the proposed use, and I do not find this applicable given the nature of the proposal.
16. This leaves criterion i) which requires proposals to demonstrate there is a clear need. However, it provides no specific clarification as to what will amount to a clear need for the development.
17. The purpose of the equestrian arena would be to school the appellant's horses in dressage. The appellant states that they currently travel a considerable distance to an equivalent facility to do this. The appellant's argument for need is primarily based on the site's location adjacent to the appellant's paddock, and the associated sustainability benefits through reduced travel.
18. I am provided with limited evidence regarding the location of such facilities in the area and whether there are any closer facilities than those currently used by the appellant. Nevertheless, even acknowledging the proposal would be for the private use of the appellant only, there would be some sustainability benefits to the proposal by virtue of its location adjacent to the paddock. Whilst this does not necessarily demonstrate a need for the proposal, given the lack of harm identified in respect of other issues, it further supports the suitability of the site for its intended purpose. Given the proposal would accord with other criteria of the policy in respect of sport or recreation facilities, I am satisfied that the development would accord with the policy's overarching aim to protect the open countryside.
19. A separate strand of Policy NE8 relates to the development of previously developed land, and this has been discussed by both parties. However, having found the proposal would be acceptable as a form of outdoor sport and recreation, it is not necessary to consider this matter further.

20. For the reasons given above, the proposal would comprise suitable development in the countryside and would accord with Policy NE8 of the CSDP, the aims of which have previously been set out.

Conditions

21. The Council has provided a list of suggested conditions that I have considered against the provisions of paragraph 56 of the Framework and the Planning Practice Guidance (the PPG). To ensure compliance with these provisions I have amended certain conditions.
22. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty.
23. The Council suggests a condition to limit the approved development to personal use only. It appears the Council's main reason for suggesting this condition is to prevent disturbance to neighbouring occupiers through the potential commercial use of the development. I concur that the likely effects would be more intensive should the development operate for commercial purposes, and it is reasonable and necessary to impose such a condition. I have slightly amended the suggested wording to clarify that the development should not be used for commercial purposes.
24. A condition has been suggested relating to reporting of unexpected land contamination. The suggested condition is reasonable and necessary given the findings of the preliminary site investigation submitted with the planning application.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan – 001
Site Plan As Proposed – 002A
Detailed Plan As Proposed – 003B
Fence & Gate Details As Proposed – 004A
- 3) The development hereby permitted shall be used as an outdoor equestrian arena for personal use only and for no commercial purpose.
- 4) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

**** End of Conditions ****