



Appeal Decision

Site visit made on 9 February 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2024

Appeal Ref: APP/L1765/W/23/3322470

Oak View Stables, Sutton Wood Lane, Bighton SO24 9SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by M and J Baughan against the decision of Winchester City Council.
 - The application Ref 22/02662/FUL.
 - The application sought planning permission for the continued use of agricultural land for personal equestrian purposes; erection of stables and barn without complying with conditions attached to planning permission Ref 12/02340/FUL dated 26 March 2013.
 - The conditions in dispute are Nos 5 and 6 which state that: *"5. No more than four horses shall be kept on the site at any one time; 6. The paddock associated with the stables hereby permitted shall not be used for the storage or siting of horse transport vehicles, horse boxes and shelters, caravans, mobile stables or any other structures, vehicles or chattels unless otherwise agreed in writing by the local planning authority."*
 - The reasons given for the conditions are: *"5. For the avoidance of doubt and to ensure adequate stabling and grazing land for the four horses proposed; 6. In the interests of the amenities of the locality."*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance (PPG) sets out that an appeal under Section 73 of the 1990 Act will consider only the disputed condition(s). I have approached the appeal on that basis.

Background and Main Issue

3. Planning permission was granted in 2013¹ for the use of agricultural land for personal equestrian purposes; erection of stables and barn. The permission has been implemented.
4. The planning permission included conditions limiting the number of horses that can be kept on the site and restricting structures on the site's paddock areas. The reasons given for the conditions are to ensure adequate stabling and grazing land for four horses and in the interests of the amenities of the locality.
5. The appellant wishes to modify the conditions to extend the number of horses that can be kept on the site and to allow temporary field shelters in the paddock areas for animal welfare reasons.

¹ Reference 12/02340/FUL

6. The main issue is the effect that varying the conditions would have on grazing and stabling provision at the site, and on the rural character of the area.

Reasons

7. The appeal site comprises a parcel of land measuring approximately 2 hectares. It is, in part, enclosed by mature hedgerows and trees along its boundaries. The site is accessed via a gate adjacent to the highway. At the time of my visit, the site was used for the stabling and grazing of 4 horses. A sand school exists along the east boundary.

Condition 5

8. The appellant seeks to vary the existing condition to allow the keeping of up to 6 horses on the site. This, as set out in their evidence, would not include foals. While I appreciate that the requirements of land for horses will vary depending on a number of factors, including their size, I consider a horse of any age, from foal upwards, would meet the definition of a 'horse' insofar as the wording of condition 5 is concerned.
9. The site currently contains 4 horses. At the time of my visit, the ground within part of the paddock areas was muddy, more so than any surrounding land that I observed. However, I acknowledge that this was a snapshot in time, during the winter and following a period of heavy rain. I am of the view that the condition of the land would be improved in dryer months. Accordingly, I am not of the view that the site, at present, shows signs of over-intensive use.
10. However, if 6 horses that did not include foals were allowed to be kept on the site, as specifically sought by the appellant, this could technically result in the keeping of up to 12 horses in total, if each were to have its own foal (whether now or at any point in the future). The keeping of 6 horses (the size of which could change over time) and an unlimited number of foals (counted separately by the appellant) would undoubtedly intensify the use of the site. Irrespective of management practices, this would likely reduce the quality and appearance of the landscape setting. I have no substantive evidence before me to demonstrate that the site could provide adequate grazing and stabling conditions for this potential number of horses.
11. The appellant also sets out plans to breed and sell horses at the site. This does not provide adequate justification for the increase in the number of horses kept here. In any case, I note that condition 4 of the original permission prevents the commercial sale of horses at the site. However, the variation or removal of that condition is not before me.
12. I do not agree with the appellant in their argument that the condition, as it stands, does not allow for horse-back visitors to the site during the day. So long as the visiting horses are not kept on the site, as per the wording of the condition, I do not see this as a matter in dispute.
13. The appellant's animal welfare and management process arguments are acknowledged, as is the guidance within the Equestrian Development Supplementary Planning Guidance (SPG) and the British Horse Society (BHS) standards. In respect of the BHS standards, it is noted that these can be lowered where, amongst other things, the horses have on site access to individual stabling. This would not be the case if the number of horses on site were increased above 4. Moreover, I have already set out above that the size

and type of horses kept at the site would likely change over time. This cannot reasonably be controlled. Ultimately, I conclude that the proposal would likely intensify the use of the land, with insufficient evidence to demonstrate that adequate grazing and stabling conditions could be provided.

Condition 6

14. The surrounding area has a rural character and countryside setting, largely comprising agricultural land with narrow lanes edged by dense hedgerows and woodland. Within the locality are occasional houses and farmsteads. Established building materials within the surrounding area are varied but typically include brick, flint and timber cladding.
15. Policy DM12 of the Winchester District Local Plan Part 2 (LPP2, 2017) supports equestrian development in countryside locations where it respects existing landscape patterns and minimises visual impact, avoids isolated or scattered development, and would not have an adverse impact on the character of the landscape.
16. The appellant seeks to modify condition 6 to allow for moveable field shelters across the site. These are argued to be necessary in providing improved welfare for the horses, particularly during extreme weather conditions. However, no detail of the proposed shelters is illustrated on any plans before me, with only an example shelter shown within the supporting documents. As such, there is uncertainty around the proposal. Although it is stated that the proposed structures would be moveable, I have no information before me in this respect, or how frequently and by what means they would be moved.
17. I noted during my site visit that two timber structures currently exist within the wider site. These do not form part of the appeal proposal, however they illustrate the impact of structures within the paddock areas. Whilst these are of timber and individually are relatively modest in scale, they add clutter and sporadic development to the site, are at odds with the surrounding open fields, and detract from the largely unspoilt character of the surrounding countryside and landscape setting. The SPG clearly sets out that new equestrian buildings should be linked in with any existing buildings on the site to appear less obtrusive. This is not the case here at present and it has not been demonstrated that this would be the case as proposed.
18. That the structures would not, in the appellant's view, be highly visible from some public vantage points, and that the site is not located within a national park or Area of Outstanding Natural Beauty, does not change the harmful impact the field shelters would have on the rural character of the area.
19. While the appellant's animal welfare arguments are acknowledged, and I do not doubt the appellant's care and management processes, there is no evidence before me which demonstrates that the proposed structures are the only suitable method of protection during extreme weather events. Moreover, it is not set out why horses could not be kept in the existing individual stables during those extreme events, instead of a reliance on additional shelters.

Conclusion

20. Overall, I conclude that the proposed development would be inappropriate and out of keeping with the character and appearance of the surrounding countryside and landscape setting. The development would be contrary to the

relevant provisions of Policy CP20 of the Winchester District Local Plan Part 1 (2013) and LPP2 Policies DM12, DM15 and DM16. These policies, in summary and when taken as a whole, seek to conserve and enhance landscape character. This is in a similar vein to the provisions of the SPG and the National Planning Policy Framework insofar as equestrian development and the protection of landscape setting is concerned.

Other Matters

21. I acknowledge that the original planning permission was obtained by a previous owner of the site and that circumstances have changed. Nevertheless, the planning permission runs with the land and not the individual owner or occupier. There are no exceptional circumstances before me that would lead me to an alternative conclusion on this matter or the main issue.
22. My attention is drawn to a previous planning application at the site under reference 14/01541/FUL. This was refused and relates to an alternative scheme. Whilst this is useful for context, it is not relevant to the consideration of the scheme before me and has not led me to an alternative conclusion on the main issue.
23. That the scheme would not harm highway safety or the residential amenities of surrounding occupiers is not in dispute between the main parties and I have no reason to disagree with those findings. Nevertheless, this does not outweigh or overcome the harm identified above.

Conclusion

24. For the reasons above, having had regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR