



Appeal Decision

Site visit made on 13 March 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/D3830/W/23/3326080

Albourne Equestrian Centre, Henfield Road, Albourne, Hassocks BN6 9DE

- 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 Albourne Equestrian Centre against the decision of Mid Sussex District Council.
 - The application Ref: DM/23/0811 as validated by the Council on 30 March 2023, was refused by notice dated 24 May 2023.
 - The development is described as a Section 73A retrospective planning application for the change of use from mixed site use comprising equine with trailer & caravan training site to mixed use site comprising equine, with open storage of motor vehicles and associated activities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the development had been carried out before the date of the application, I shall treat the application as one made under Section 73A of the Town and Country Planning Act 1990 for retrospective planning permission for development as already carried out, namely the use of the land as a mixed use site comprising equine, with open storage of motor vehicles and associated activities.
3. The application form I have been provided with was not signed or dated, and I have therefore referenced the application date as the Council's validation date as recorded on the Council's delegated decision sheet.
4. The National Planning Policy Framework (Framework) was revised in December 2023 after the application was determined. The Council has referred to this version in its appeal statement. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellants on the revised Framework.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the local area.

Reasons

6. The appeal site relates to part of the Albourne Equestrian Centre which lies to the north of the Henfield Road (B2116) in a rural location, outside of any settlement and within the countryside, as defined for the purposes of development plan policies. The appeal site shares the main access off Henfield Road with the equestrian centre and comprises a large flat area of hardstanding to the north of the main stable block. I understand that this area of the site has the benefit of planning permission on appeal for an indoor riding school in 2003 under the Council's reference 01/00365/OUT and bunds to form grass banks for spectator seating have been created along part of the boundary. I am advised that in 2015 and under the Council's reference DM/15/2212 a Section 73A application was permitted for the change of use of the equestrian land to a mixed use site comprising equine, trailer and caravan training. I have no further details regarding that permission in terms of its scale and activities, although I have noted that a condition attached to the 2015 permission restricted any overnight parking associated with the caravan and trailer training use to 10 vehicles.
7. At the time of my site visit, part of the area of hardstanding was used for vehicle parking and storage; I would estimate that there were some 50 plus cars parked in this area. Give the number of cars parked, it has the appearance of an open commercial storage area and appears wholly unrelated to the equine activities on site, for which separate areas of parking are provided.
8. Paragraph 180 of the Framework confirms that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other matters, and under criterion b) *recognising the intrinsic character and beauty of the countryside...* Policies in the Mid Sussex District Plan (District Plan), including Policy DP12, also seek to protect the countryside for its intrinsic character and beauty and this objective is also found under Policy ALC1 of the Albourne Parish Council Neighbourhood Plan (Neighbourhood Plan).
9. Although the appeal site area is not seen from the public highway, a pedestrian right of way crosses the equestrian centre, from which open views of the car storage area are available. I do not consider that such views, at close range, of a relatively intensive, commercial operation are in keeping with this rural location. The presence of a large concentration of vehicles does harm the enjoyment of the countryside and does not contribute to its intrinsic character and beauty.
10. There is support in the Framework, including at paragraphs 88 and 89, and in the Local Plan and Neighbourhood Plan policies and in particular Policy DP14 of the District Plan and Policy ALC1 of the Neighbourhood Plan that some economic activities are appropriate in rural areas to create and support a diverse rural economy. However, and although, from the information before me the land potentially can be considered as previously developed land, the vehicle parking and storage uses do not fall within any of those categories set out under these policies as being appropriate to supporting the rural economy, both in terms of the use itself as well as the scale of the operation.
11. There is limited information before me to demonstrate that the storage of parked cars, contributes, on its own, to sustainable growth and the vitality of

the rural economy. Furthermore, neither the size of the site nor the scale of operation in terms of the number of cars parked can be regarded as small scale and it does harm the appearance of the local area, particularly for users of the public right of way which crosses the site.

12. Furthermore, given the nature of the operation and the location of the site, I also consider that the business fails to meet the criterion under Policy DP21 of the District Plan which seeks to ensure that schemes are sustainably located to minimise the need for travel. The policy does acknowledge that there may be circumstances where development needs to be located in the countryside but there is no information before me to indicate that the use of storing motor vehicles requires a countryside location.
13. I therefore conclude that the mixed use site comprising equine, with open storage of motor vehicles and associated activities and, in particular the use of part of the site for the open storage of motor vehicles does harm the rural character and appearance of the rural area. This conflicts with Policies DP12, DP14, DP21 and DP26 of the District Plan, Policy ALC1 of the Neighbourhood Plan and the Framework with particular reference to Sections 6 and 15, all of which, amongst other matters, seek to protect the countryside and its character and appearance.
14. References have been made to the draft District Plan which will, once adopted, replace the current adopted Plan. However, it does not appear that the draft Plan has progressed to a stage where I am able to afford much weight to its emerging policies and I have therefore focussed on the policies in the adopted Plan. The Council's decision notice also relied on policies from its adopted District Plan.
15. The Appellants have contended that the commercial activities are necessary in order to support the continuation of the equestrian centre. Although there is no detailed information before me, the equestrian centre is an established rural operation and appeared at the time of my site visit to be in active use. I have also taken into account the contribution that the Centre makes to supporting local charities such as the South Downs Group of the Riding for the Disabled Association whereby the facilities at the Centre are made available to riders from this Association, at no charge. I have no reason to doubt the benefits of this use of the equestrian centre to the riders of the Association.
16. There is also an email from the Cardinal Newman Catholic School which refers to the equestrian centre becoming one of the registered venues for training but no further information is provided. It is not clear whether this is proceeding and on what basis.
17. I have had regard to the Appellants' statement that without the income from the commercial activity they would not be able to continue to operate the equestrian centre and in turn offer the benefits that they do offer to the various charities. Whilst I have no reason to doubt the statements by the Appellants, there is very limited information before me to be able to assess the financial imperative to require this particular commercial use of the car storage business to support the equestrian centre and in turn its charitable activities. Furthermore, this has to be balanced against the harm I have concluded to the rural area from the operation of the car storage business. In the absence of such information, I am not persuaded that it has been demonstrated that the commercial use is necessary in this location and that the benefits set out could

not be secured in a manner that would be less harmful to the character and appearance of this rural area.

18. At the application stage the Appellants proposed that the use could be conditioned to relate to the duration of their current tenancy, but I have no details in this regard. I do not consider that this would overcome the harm I have concluded which is not related to the specific operator of the equestrian centre.
19. The Appellants have also contended that the permission for the indoor riding school remains extant. If the permission remains extant, this use and structure would be directly related to the equestrian centre and does not, in my view, compare with the harm, in visual impact terms, from the unrelated use of car storage.
20. I have taken all these matters into account but do not find that, taken individually or all together, they are, in the particular circumstances of this case and on the basis of the information before me, sufficient to outweigh the harm I have concluded.

Conclusion

21. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR