



Appeal Decision

Site visit made on 22 October 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/C1760/W/23/3335590

Land to North East of Manor Farm, Chilworth Old Village SO16 7JP

- 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 Mrs and Mr Sam and Terry Davis against the decision of Test Valley Borough Council.
 - The application Ref is 23/00609/FULLS.
 - The development proposed is Change of use from arable to equestrian use, erection of stables, hay barn, jump shed, construction of manege and parking, installation of septic tank, and erection of fencing.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from arable to equestrian use, erection of stables, hay barn, jump shed, construction of manege and parking, installation of septic tank, and erection of fencing at Land to North East of Manor Farm, Chilworth Old Village SO16 7JP in accordance with the terms of the application, Ref 23/00609/FULLS, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mrs and Mr Sam and Terry Davis against Test Valley Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. At the time of my site visit, the manege and parking included in the description above appeared to be substantially completed. However, I note from the planning history set out in the Council's Statement of Case that there is a pending planning application for just the parking and manege¹. As I cannot be sure that what has been implemented is what is before me now, I have determined the appeal on the basis of the plans before me now.

Main Issues

4. The main issues are:
 - whether the proposal would be in a suitable location, having regard to the development strategy for the area; and
 - the effect on the character and appearance of the countryside, with particular regard to the Local Gap.

¹ 24/00709/FULLS

Reasons

Suitable Location

5. The appeal site lies outside of any defined settlement boundary and is therefore classed as open countryside. Policy COM2 of the Test Valley Borough Revised Local Plan DPD (Local Plan) (adopted 2016) relates to the settlement hierarchy. It permits development outside the boundaries of settlements if it is essential for the proposal to be located in the countryside.
6. The proposed stables are considered necessary for the stabling and shelter of the horses, supporting the health and welfare of the animals. The proposed hay barn would also be necessary for the keeping of the horses. The manege would be necessary to support the exercising of the horses during inclement weather. Finally, the jump shed and associated parking are both also considered justified and necessary to support the proposed equestrian use. It is an appropriate use for a countryside location. The nature of the proposal, due to the land required, cannot be located in a built up area within a settlement boundary. It is therefore essential for the proposal to be located in the countryside, outside of any defined settlement boundary.
7. Despite the allegation of the Council that the proposal would be a commercial livery, the appellant has confirmed that the use of the proposal would be private, restricted to the appellant and a small circle of friends. The total number of horses that would be kept at the proposed yard would be 9. I have no substantive evidence to come to a different conclusion and a suitably worded condition would ensure that it wouldn't be used for commercial purposes. I am therefore satisfied that the proposal would not be a commercial use in the countryside.
8. The Council claim that the size and scale of the proposals were unjustified development in the countryside, and that the proposal would result in an unacceptable impact on the character and function of the countryside contrary to Policy COM2. However, from the evidence before me, that is not a requirement of the Policy. Nevertheless, the scale of the proposal would be an appropriate use to see in a rural location and thus would be suitable to the character and function of the countryside.
9. Therefore, for the above reasons, the proposal would therefore be in a suitable location having regard to the development strategy for the area. It would be in accordance with Policy COM2 of the Local Plan which permits development outside the boundaries of settlements if it is essential for the proposal to be located in the countryside.

Character and Appearance

10. The proposal relates to a triangular parcel of land situated between Botley Road (A27) and Old Chilworth Road. There is an existing small stable building, and it is understood that the site has been used by horses previously. The surrounding landscape is characteristically agriculture in use, with Chilworth golf course to the west. There is an existing vehicular access from Old Chilworth Road. Established vegetation encloses the site along Botley Road and a low hedge runs along Old Chilworth Road. There are also a number of mature trees which run on the opposite site of Old Chilworth Road, enclosing the golf club. The site sits at a slightly higher elevation above Old Chilworth Road, with

a grass verge/embankment running alongside the road, rising up to the appeal site.

11. The site is located within the Local Gap between North Baddesley and Chilworth. Despite the presence of the existing small building on site, the predominately open and undeveloped nature of this land positively contributes to the character and appearance of the countryside, and the integrity and visual separation of the Local Gap. However, on my site visit I observed that Botley Road is a relatively busy road, without a pavement, and is audible from the appeal site, which reduces the tranquillity of the open countryside location.
12. The proposal, by virtue of it being a new built form in a predominately open field, would alter the character and appearance of the appeal site and the wider open countryside. However, the size and scale of the proposed buildings, partly due to their single storey nature, would ensure that they would not appear unduly prominent within the landscape, conserving the landscape character of the area. The buildings and manege would be sited in the corner of the parcel of land that benefits from screening hedgerows and trees to the site boundaries. Consequently, it wouldn't be visually prominent. Furthermore, the siting of the proposal would mean that activity could be largely confined to this part of the site, allowing the rest of the wider field to remain open, conserving the physical and visual separation afforded by the Local Gap.
13. The simple design of the buildings and the use of timber cladding for their construction would be appropriate for their intended use and their countryside location. These design features would allow the proposal to be introduced without appearing as a particularly intrusive feature in the countryside setting. These matters would also ensure that the integrity of the Local Gap would not be compromised, and the proposal would not diminish the physical or visual separation provided by the Local Gap. Furthermore, as the proposal would be an appropriate use in a countryside location, this would ensure that the 'separation' of urban areas, which is the intention of the Local Gap, would be preserved.
14. The division of the land in to 9 separate paddocks would be marked out by post and rail fencing. This would be appropriate to the open countryside and would allow open views across the wider site, retaining the visual separation provided by the Local Gap.
15. In addition, the landscaping measures, such as the hedging along the boundaries within both Botley Road and Old Chilworth Road, would help to mitigate any wider views of the building. My site confirmed that a large proportion of this planting has already taken place. I also note that any non-native species such as laurel and conifer would be removed and replaced with native planting. A suitably worded condition would secure the provisions of the Landscape Management Plan² to ensure that the landscape character of the area would be preserved.
16. In my mind, taking into account all of the above, the sensitive siting and design of the proposal, alongside the proposed landscaping measures, would conserve the landscape character of the countryside and would not compromise the integrity of the Local Gap.

² Prepared by Helen Brown Treescapes, dated 13 July 2023

17. Parts of the site are visible from both Botley Road and Old Chilworth Road and there are a number of open views into the site from these points. However, views would be mitigated by the existing and proposed landscaping along the site boundaries. Furthermore, neither road have pavements alongside so are not heavily used by pedestrians. Botley Road is subject to a speed limit of 50mph and as noted above, is a relatively busy road so it does not encourage pedestrians to walk alongside. Therefore, any glimpses from the A27 would be transient from the drivers of any vehicles. Additionally, when viewed from Botley Road, the proposed built form would be seen against the backdrop of the mature trees that enclose the golf club to the west, significantly mitigating its prominence in these views.
18. Due to the site level changes between the appeal site and Old Chilworth Road, views of the proposal, in particular of the manege, would be possible. However, the views of both the manege and the proposed stable block buildings would be seen against the backdrop of both existing and proposed landscaping, which would help to mitigate the visual impact of the proposed built form, especially in long views from the south. Furthermore, whilst the proposal would not be completely invisible, a view of an equestrian use in a countryside location would not be entirely out of character.
19. Therefore, for the above reasons, I conclude that the proposal would not harm the character and appearance of the countryside, with particular regard to the Local Gap. It would be in accordance with criterion a of Policy E2 and criteria a and b of Policy E3 of the Local Plan. These policies, in combination, seek to ensure that development within Local Gaps do not diminish the physical separation and/or visual separation and that it would not compromise the integrity of the gap. To ensure the protection, conservation and enhancement of the landscape of the Borough, development will be permitted provided that it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located.

Other Matters

20. Interested parties and the Parish Council have expressed a wide range of concerns including ecology and biodiversity, the impact of external lighting, highway safety, and the removal of existing vegetation. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that a number of these matters can be controlled and maintained by appropriately worded conditions.
21. Concerns have also been raised in regard to alleged work which the appellant has already undertaken on the site. Whilst these works may have been concerning for interested parties, it does not materially affect my consideration of the planning merits of the appeal proposal.
22. I also note the concerns raised in regard to the 'continued arable designation of this land is crucial as in a key position as the Local Gap and Strategic Gap'. However, the relevant Local Gap policy, Policy E3 of the Local Plan, does not prevent all development within a local gap and does not require sites within the Local Gap to remain in arable use.
23. I note the concern that the proposed structures could be converted into housing in the future and that it would set a precedent for more extensive house building, should the appeal be allowed. However, my decision is based

firmly on the merits and circumstances of the appeal proposal before me now. As such, it does not set any precedent that can apply more generally in the area in regard to house building.

24. Finally, I note that the Chilworth Old Village Conservation Area (CA) is located approximately 0.3km away, measured from the southern boundary of the appeal site. I also note that the Council state that there are a number of listed buildings in the CA. However, given the nature and extent of the proposal, and the separation distance from the CA and the Listed Buildings in the CA, I consider that the settings of these designated heritage assets would be preserved, and their significance would not be harmed. The Council has raised no concerns in this regard either.

Conditions

25. I have assessed the Council's suggested conditions in light of the advice provided in the Planning Practice Guidance (PPG). A condition setting a time limit for the commencement of the development is required by statute. It is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.
26. A condition requiring the proposal to be constructed in accordance with samples already submitted to the Council is necessary to safeguard the character and appearance of the area. To ensure that biodiversity is conserved, it is reasonable to require the measures set out in the Ecological Impact Assessment to be carried out.
27. It is necessary to ensure the enhancement of the development by the retention of existing trees and natural features, that the provisions set out in the Arboricultural Impact Assessment shall be undertaken in full. As already mentioned, it is also considered necessary to ensure that the provisions of the Landscape Management Plan are implemented in full in the interests of the character and appearance of the area and the Local Gap.
28. In the interests of public health and safety and in order to protect the natural environment and prevent pollution, a condition is necessary to ensure that there is suitable provision of storage of horse manure and soiled bedding in a certain area. I have amended the site plan reference to refer to the correct amended plan.
29. It is considered reasonable in the interests of the character and appearance of the area to attach a condition which restricts the boundary treatment of the paddocks to only be post and rail fencing. It is also considered necessary in the interests of the character and appearance of the area and the Local Gap to restrict external storage, parking of vehicles, trailers, mowers, or other paraphernalia to not be deposited outside of the buildings or car park area.
30. In the interests of highway safety, it is necessary to attach a condition to ensure that the car parking spaces are provided and retained. As already alluded to, a condition which restricts the use of the proposal to not be used for any commercial purpose is considered reasonable and necessary, in the interests of highway safety and living conditions of nearby residents.
31. Finally, in order to protect the character and appearance of the area, conditions are considered necessary to restrict overnight parking and for no external lighting to be installed at the site.

Conclusion

32. For the reasons set out above, having considered all other matters raised, I conclude that the appeal is allowed.

Laura Cuthbert

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 not be carried out except in complete accordance with the details shown on the submitted plans, numbers DRE Rev E, site location plan, 10296/01, DRE-C, DRE-B, DRE-J, DRE- Rev C 2, DRE-D 1, tree protection plan, DRE-D 3, DRE-D 4, DRE-D 7, DRE-D 8, DRE-D 2, DRE-D 5, DRE-D 6.
- 3) The external materials to be used in the construction of external surfaces of the development hereby permitted shall be in complete accordance with samples submitted to the local planning authority on 23rd August 2023 – namely timber cladding and merlin grey pre-finished steel.
- 4) Development hereby permitted shall proceed in accordance with the measures set out in Section 5 of the Ecological Impact Assessment (ECOSA, April 2023). Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.
- 5) The development hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Arboricultural Impact Appraisal and Method Statement reference 23016-AIA-PB dated 27th February 2023.
- 6) The development hereby approved shall be undertaken in full accordance with the provisions set out within the landscape management plan (Helen Brown Treescapes, 13th July 2023) and accompanying landscape plan. All planting shall be completed before the end of the current or first available planting season following the grant of planning permission. Any trees or planting that are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting. Furthermore, all conifers, laurel and other non-native evergreen trees and hedging as planted on the site and along the boundaries shall be removed from the site prior to first use of the facilities hereby permitted.
- 7) The development hereby permitted shall include provision of storage of horse manure and soiled bedding in the location shown on the submitted proposed site plan, reference DRE Rev E Sheet 2. No storage of manure and soiled bedding shall take place outside of this storage area hereby approved. Any muck and soiled bedding shall be disposed of from the site every two months as a minimum. The development hereby permitted shall not be brought into use until the works for such storage have been

completed in accordance with these approved details. The approved storage area shall subsequently be maintained in accordance with these approved details.

- 8) The paddocks forming part of the development hereby approved shall be demarcated with post and rail fencing only.
- 9) No external storage, parking of vehicles, trailers, mowers, or other paraphernalia shall be stacked or deposited in the open outside of the buildings or car park area hereby permitted.
- 10) The development hereby permitted shall not be occupied or brought into use until the car parking spaces have been provided in accordance with the approved plans. The areas of land so provided shall be retained at all times for this purpose.
- 11) The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.
- 12) No overnight parking of any vehicles shall take place on the site.
- 13) No external lighting shall be installed at the site.