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# Appeal Decision

Site visit made on 13 November 2024

**by C Rose BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> December 2024**

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**Appeal Ref: APP/B9506/W/24/3348671**

**Skymers, Stoney Cross Plain Road, Newtown, Minstead, Hampshire SO43 7GF**

- 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 C Bruce against the decision of New Forest National Park Authority.
  - The application Ref is 24/00344FULL.
  - The development proposed is Manege.
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## Decision

1. The appeal is allowed and planning permission is granted for Manege at Skymers, Stoney Cross Plain Road, Newtown, Minstead, Hampshire SO43 7GF in accordance with the terms of the application, Ref 24/00344FULL, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are:
  - whether the development preserves or enhances the character or appearance of the Forest Central (South) Conservation Area and conserves or enhances the landscape and scenic beauty of the National Park, and
  - the effect of the development on the living conditions of neighbouring occupiers at The Cottage with particular regard to outlook, overlooking, noise and disturbance.

## Reasons

3. The site comprises a grassed area of land used as a paddock. The appeal site is located close to a tennis court and swimming pool serving Skymers that is located on higher ground to their west. The appeal site contains a small dilapidated stable building and is close to a moveable stable. The main stable block is a short distance to the north-west. The location for the manège is not readily visible from the public roads serving the immediate area.
4. Beyond the site boundary to the south is a small paddock, stable building and dwelling known as The Cottage. The Cottage is on higher ground such that its main elevation and outdoor space look down and over the appeal site.

### *Character and appearance and landscape and scenic beauty*

5. The site is located within the CA, which in this location is characterised by its open heath and woodland interspersed by sporadic built development. These

characteristics and the natural open nature of the area form the significance of the CA and character and appearance of the landscape in this part of the New Forest National Park. The appeal site demonstrates these characteristics by way of its association with Skymers and the open nature of the paddock area close to woodland.

6. Policy DP53 of the New Forest National Park Local Plan 2016-2036 (August 2019) (LP) permits the development of outdoor manèges provided that they do not result in any detrimental impact on the landscape and ecology of the New Forest, and do not involve the installation of lighting. The proposal does not involve the installation of lighting.
7. In addition to LP Policy DP53, Supplementary Planning Document 'Guidelines for Horse Related Development' (September 2011) and subsequent addendum (October 2019) (SPD) are also relevant to this appeal. Paragraph 6.16 of the SPD states that the standard manège normally measures 20m x 40m and comprises a level surface area enclosed by a kickboard and post and rail fencing with the choice of surface material important. It further states that as a flat surface is needed it is essential to choose a location where the re-grading of land surface is not necessary.
8. The construction of the manège would involve a change in ground levels given that the land in the chosen location slopes gently across and down the site. There would be low level enclosing post and rail fencing. The manège would be the exact size of a normal 'standard' dimensions of manège as set out in the SPD. The surface materials are consistent with the SPD and the proposal would not occupy a significant proportion of the wider paddock associated with Skymers.
9. Although the proposal would require an element of cut and fill to provide a level surface, the extent of cut and fill would be limited. Furthermore, from my site visit it was clear that with the exception of the areas associated with the swimming pool and tennis court (that it is reasonable to expect the appellant to want to retain), the remainder of the land and paddock associated with Skymers that would be large enough to accommodate the manège slopes significantly more than the appeal site. This includes the land close to and adjoining the existing stables. As such, the appellant proposes to locate the manège on the part of the land that would require the least amount, and only a limited extent of levelling reducing any visual effect.
10. Although not detailed on the proposed plans, it is likely that there will be a number of horse jumps on the manège at times. Such structures generally have bold colouring and angular profiles but given the size of the manège they would be generally modest in scale and few in number, therefore being more capable of better assimilation into a rural setting. In relation to this, the proposal also includes the provision of new native hedge planting and I note that the Council's Landscape Officer supports this positive addition to the landscape character in the short and long-term. I have no reason to disagree, even acknowledging that the planting, as with that to the neighbouring property, may take some time to establish.
11. Given the above, even acknowledging that the SPD states that it is essential to choose a location where re-grading is not necessary, given that the manège would be viewed in association with the surrounding buildings, rectangular tennis court and swimming pool, would not be visible from the public domain,

and the re-grading would be minimal with planting proposed, I find no harm from the re-grading and no detrimental impact on the landscape, National Park or setting or significance of the CA that would remain open in a woodland setting.

12. Therefore, the proposal would maintain the open character of the wider area in which it is not uncommon to find menages within paddocks and associated with dwellings. My finding is supported by paragraph 6.15 of the SPD and the supporting text to LP Policy DP53 that acknowledge that the availability of manèges may reduce the use of the Open Forest. In this regard, and although very small in extent, the proposal would help to conserve and enhance the landscape and scenic beauty of the wider National Park.
13. Paragraph 6.15 of the SPD and the supporting text to Policy DP53 also states that manèges are only likely to be acceptable where they are contained within or closely related to an existing group of buildings.
14. In relation to this, and although I acknowledge that the manège is proposed to be located to the eastern extent of the paddock, the land is nonetheless viewed in close association with Skymers, its stable building, the stables associated with The Cottage and The Cottage itself. It would also replace an existing, albeit small, stable building. As a result, I find that the manège would be closely related to an existing group of buildings.
15. Given that the appeal site is used as a paddock, given the comments from the Council's Ecologist stating that there is no likelihood of significant impact on habitat or protected species, and given the remaining area of paddock for grazing, there is little evidence that the proposal would harm ecology.
16. It follows from the above that the development would preserve the character and appearance of the CA and conserve and enhance the landscape and scenic beauty of the National Park to which I have given great weight. As such, it complies with LP Policies DP2, DP53, SP7, SP16 and SP17. Amongst other things, these seek to ensure proposals demonstrate high quality design and construction, ensure outdoor manège do not have a detrimental impact on the landscape, ensure that great weight be given to conserving the landscape and scenic beauty of the National Park, ensure development does not harm the special interest, character or appearance of a conservation area and does not erode the Park's local character or result in a gradual suburbanising effect.

#### *Living conditions*

17. The appeal site would be highly visible from the main aspect to the neighbouring property at The Cottage that comprises its ground and upper floor windows, decking and patio/garden areas. However, the majority of these views are raised above the appeal site and comprise a wider outlook across the majority of the land associated with Skymers.
18. By reason of the raised open outlook, presence of a small paddock area and associated stables forming part of The Cottage in very close proximity to the appeal site, and low-level nature of the development, the manège would not harm the outlook from The Cottage.
19. Given the 'standard' size of the manège, private use for the occupiers of Skymers, lack of lighting, and given that the appeal site is currently used as a paddock and adjoins a paddock associated with The Cottage, I do not find that

the proposal would result in a level of noise or disturbance that would be harmful to the living conditions of the occupiers of The Cottage.

20. Furthermore, the proposed plans show some proposed native hedgerow planting on the site boundary that would help to screen parts of the manège. While I acknowledge above that such planting would take some time to establish, it would nonetheless complement the existing boundary planting to The Cottage and further aid the reduction of any effect from the proposal.
21. I have had regard to riders sitting at a high level with views towards The Cottage. Nonetheless, there are existing open views between the site and The Cottage that is raised significantly above the appeal site. Furthermore, any riding would not be constant due to the need to rest the horses and ancillary nature of the use. As such, I do not find any harmful levels of overlooking.
22. It follows that I conclude that the development would not harm the living conditions of neighbouring occupiers at The Cottage with particular regard to outlook, overlooking, noise and disturbance. As such, the proposal would accord with LP Policy DP2 that seeks to ensure that development would not result in unacceptable impacts on amenity in terms of additional impacts.

### **Other Considerations**

23. I note reference by the neighbouring occupiers to a development at Eastwoods, but I do not have the full details of the proposal to be sure that it is directly comparable. Furthermore, I am required to consider the appeal on its merits.

### **Conditions**

24. I have had regard to the tests in the Framework in relation to conditions and to the conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
25. Conditions are necessary to ensure that a landscaping scheme is agreed and carried out, that no lighting is installed, and that all materials, waste or spoil are stored within land owned by Skymers. These are required to protect the character and appearance of the area and living conditions of neighbouring occupiers. I have amended the suggested conditions to remove the 'tail-pieces' in the interests of certainty.
26. Conditions are also necessary to ensure that the manège remains ancillary to the residential use of the host dwelling and cannot be used for commercial riding or training. This is in order to protect the living conditions of nearby occupiers.
27. A final condition is necessary to ensure that all trees and hedges on the site are retained and protected during construction in the interests of protecting the character and appearance of the area.

### **Conclusion**

28. For the reasons given above the appeal should be allowed.

*C Rose*

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 drawing nos: dor sht 2 Revision x Proposed Topo; dor sht 3 Revision x Maps; dor sht 4 Revision x Sections; DWG 01 Existing Field Shelter (to be demolished); and APS000027 40m x 20m OUTDOOR ARENA WITH NO FENCE.
- 3) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) All materials, machinery and any resultant waste materials or spoil shall be stored within the blue line application site.
- 6) No external lighting shall be installed on the site.
- 7) The manège the subject of this permission shall only be used for the exercising of horses belonging to the owner of the site (or their successors in title) and shall not be used for any commercial riding or training purposes or as an equestrian show arena.
- 8) The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement/the recommendations as set out in BS5837:2012.

## **END OF SCHEDULE**