



Appeal Decision

Site visit made on 17 February 2025

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 27th February 2025

Appeal Ref: APP/C3810/W/24/3350135

Land west of Hoe Lane and east of A259, Charles Purley Way, Flansham, Yapton

- 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 Ms Robyn Rees of Flansham Farms Ltd against the decision of Arun District Council.
 - The application Ref is Y/102/23/PL.
 - The development proposed is Construction of barn to provide stables, indoor equestrian riding arena and agricultural storage. Alterations to existing access, parking area and associated landscaping.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.

Reasons

3. The mostly grassed appeal site is situated outside the built up area boundary of any settlement designated in the Arun Local Plan 2011-2031 (LP) so it is, in policy terms, in the countryside. The site is located roughly north east of the A259 Charles Purley Way (A259), roughly south east of a Public Right of Way (PRoW) and permissive cycleway, roughly south west of Hoe Lane, which also includes a PRoW, and roughly north west of an agricultural field. Most of the site is within the appellant's control, but part is within the highway land by the A259. The part of the site within the appellant's control includes a field, which is part of the appellant's roughly 65 ha agricultural land holding. The holding includes the fields to roughly south east, north east, north west, and the fields on the opposite side of the A259, beyond which lies a golf course to roughly west. Part of the site is a little lower than the nearby A259 public highway. A few dwellings lie beyond the far side of Hoe Lane by the site's east corner, but due to the intervening vegetation, they can barely be seen from the A259. So, the area to roughly north east of the A259, and to roughly south west close by, is mainly characterised by the broadly flat and mainly open agricultural landscape.
4. The proposal includes alterations to the field access from the A259, and a barn style building within the field, which would include an indoor riding arena, stables and other facilities, with a parking and turning area and a holding yard to roughly north west and south east of the building respectively. The building's floor levels would be raised above the present ground levels.

5. LP Policy EQU DM1 aims to permit non-residential horse related development subject to several criteria, including that it will blend into the landscape in terms of its siting, design and materials, that it is well related to the existing bridleway network, and that the impact of the development would not have an adverse impact on the character and appearance of the area. LP Policy SO DM1 seeks to not permit the use of land in Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry, unless the need for the development outweighs the need to protect such land in the long term.
6. The substantial and lengthy low pitched composite sheet roofed and timber clad building with its roof lights, roller shutters and window and door openings would be fairly close to and broadly aligned with the A259. Whilst there are few details of the finish of the holding yard, the parking and turning area would be hard surfaced. Much of the site would be partly screened by the proposed and existing partly planted bunds towards the site's north west and south west boundaries. However, due to the scale, form and siting of the building, the extensive hard surfaces, and as the proposed bunds would contrast starkly with the mainly flat agricultural landscape, the proposal would be incongruous, and especially so in south eastward views from the A259.
7. The building seeks to reflect the form and character of the modern barns that can be found within the countryside. However, because the building would be poorly related to any farmstead cluster or other visible group of buildings, and as the proposed bunds would be at odds with the isolated open surroundings of the few barns that are thinly spread within the wider rural landscape, the proposal would be at odds with its surroundings. The many openings in the building's walls and roof, which would be discordant when lights are on after dark, the clutter of cars, trailers and horse boxes on the parking area, and the dominant bunds, would erode the rural character in views from the generally busy A259, and from the nearby parts of the PRow's and cycleway. As the planting on the bunds could not reasonably be controlled by condition for more than a few years, it could not be relied upon to partly screen the proposal in the long term. So, for reasons including the scale, form and alignment of the building and the bunds, the proposal would fail to blend into the local landscape.
8. Moreover, most of the land within the site falls within the definition of the best and most versatile agricultural land (BMV land) in the National Planning Policy Framework (Framework). Whilst the appellant says, amongst other things, that as the land was subdivided when the A259 was built, its scale and siting make it hard to use for agriculture, and that it is one of the holding's smaller fields, almost no sustainability and options appraisal, mitigation measures or soil resources plan have been put to me. As most of the site would be within the footprint of, or close to, the building and/or its services, and as much of the remaining land would be hard surfaced or remodelled, there would be little prospect that the land could or would be returned to productive agricultural use in future. So, the proposal would cause an unjustified loss of BMV land.
9. The appellant says that, as this part of the holding is unproductive, the proposal would diversify the agricultural business. However, as no business plan has been put to me, as an unspecified part of the building with or without adaptation might be used for agriculture, and as the proposal would be partly for the appellant's personal use, the benefits of farm diversification attract little weight.

10. Moreover, as most bridleways are within the north part of the District, the proposal would be poorly related to the bridleway network. The appellant and perhaps the livery users could exercise their horses outdoors within the holding, but due to the scale of the holding, the proposal would be likely to increase the number of vehicle trips due to livery users travelling further afield to exercise their horses. Also, if other parts of the holding were to be used for exercising and/or grazing horses that are not needed for agriculture, the proposal would erode the holding's agricultural productivity, and that use would be at odds with the mainly agricultural landscape.
11. As the appellant and her family's horses are presently kept at livery elsewhere, the proposal could reduce the vehicular trips associated with their care. However, as it is likely that the other horse related trips for farriers, vets, feed suppliers and so on would be increased, the proposal would not be likely to materially reduce the travel movements related to the appellant's horses. The planning circumstances of riding schools within the District have not been put to me, so their locations provide little support for this damaging scheme. The appellant's suggested conditions including those for landscaping and materials would not be enough to make this unacceptable development acceptable. Moreover, as the commercial units on the far side of the railway lines are a considerable distance away, they have little impact on the rural character and mainly open appearance of the locality.
12. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to LP Policies EQU DM1 and SO DM1, LP Policy C SP1 which aims to permit development in the countryside where it satisfies one of several criteria, LP Policy D DM1 which seeks a high standard of design and respect for context, LP Policy LAN DM1 which seeks to protect landscape character, and Policy E1 of the Yapton Neighbourhood Plan 2011-2031 (NP) which seeks to resist development on grade 1 and grade 2 agricultural land unless one of 2 criteria is met. It would also be contrary to the Framework which aims to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.

Other matter

13. As the Council's concerns about non-statutory biodiversity net gain in its reason for refusal 4 could reasonably be dealt with by condition if the proposal were to be otherwise acceptable, the proposal could satisfy LP Policy ENV DM5 and NP Policy E5 which aim to enhance biodiversity.

Conclusion

14. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
15. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR