
Appeal Decision

Site visit made on 7 May 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/L1765/W/25/3359958

Land to the North West of Botley Road, Curdridge, Hampshire SO32 2DP

- 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 Mark James against the decision of Winchester City Council.
 - The application Ref is 24/00876/FUL.
 - The development proposed is the erection of a barn, stable block and extension of hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a barn, stable block and extension of hardstanding at Land to the North West of Botley Road, Curdridge, Hampshire SO32 2DP in accordance with the terms of the application, Ref 24/00876/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. The appeal site comprises an area of grazing land, enclosed by continuous dense hedgerow along Botley Road, either side of its gated vehicular access and gravel hardstanding area. It is also enclosed by mature trees along Wangfield Lane, and wooden post and rail fencing separating the site from a larger field beyond. For planning policy purposes, the site is within the countryside.
4. At the time of my visit, the site contained two wooden field shelters, two tractors, open storage of hay bales, a small container on wood pallets, a caravan and a corrugated container. A horse box and on open top metal container with wheels and rails were also with the hardstanding area. Ground levels noticeably incline from Botley Road across the field, and then taper off towards Vicarage Lane.
5. Planning history shows that the site and the wider field benefit from private equestrian use granted permission in 2021¹. This also includes the construction of a stables and store and appears to have been implemented. The site was then split in to three parcels. The parcel alongside the appeal site facing Botley Road (signposted as “New Barn Farm”) was granted permission in 2024² for a building to store a tractor and hay, along with access alterations and a new track, fencing and entrance gates.

¹ Council Ref: 20/01702/FUL

² Council Ref: 23/02173/FUL

6. The site is within the Shedfield Heathlands Landscape Character Area as identified in the Winchester Landscape Character Appraisal (WLCA) 2022. Its identified key characteristics include gently undulating topography with occasional long views from higher ground, scattered small areas of woodland, small-scale paddocks and straight boundaries, hedges and roads often sub-divided by fences more recently, for use as paddocks. I found the site and its surrounds to be predominantly rural in character and representative of the abovementioned key characteristics.
7. Key issues identified by the WLCA include visual impact of pony paddocks and visually prominent suburban development, lacking local character. However, Policy DM12 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2) (2017) supports horse related facilities and development within a countryside location, subject to criteria. Its supporting text advises that horse-activities are now an integral part of the rural landscape.
8. To my mind, it would therefore be illogical to construe equestrian facilities in this location as a negative suburban type of development. That being said, the Policy DM12 supporting text also sets out that the unrestricted development of such facilities can be detrimental in terms of visual impact.
9. The proposed buildings would be sited close to the highway and open close-range views would be possible adjacent to the vehicular access. This layout would however avoid an elevated situation on an open skyline, as advised by the Council's Equestrian Development Supplementary Planning Guidance (1999).
10. Wider views are largely restricted by intervening mature shrubbery. I also found the New Barn Farm building to be well-screened by the hedgerow along the road, and the current proposed barn appears to be of similar scale and form. I am therefore satisfied that the overall proposal would avoid a dominant or jarring visual impact in a similar manner. There would be intervisibility with the other recently approved equestrian development, mainly from within the field. The appeal scheme would be of similar scale, but it would be well-spaced from the other buildings.
11. The proposed location, scale, appearance and design would therefore respect existing landscape pattern and minimise visual impact, as required by criterion ii) to LPP3 Policy DM12 of the LPP2. The design, siting and use in relation to surrounding development would also avoid a harmful cumulative impact, in compliance with criterion iv) to Policy DM12. Appropriate external material details can be secured by means of planning condition.
12. The natural characteristics of the field would continue to be retained. Its hedged boundaries along the highways would therefore contain the recently approved and current proposed development. Given this and the intervisibility with other equestrian buildings, the proposal would not lead to an isolated or scattered development that would harm the existing landscape. The scheme would therefore comply with criterion iii) to Policy DM12.
13. The appellant's intention is to keep two competition ponies on site, to be mainly stabled. Their requirements in terms of grazing land would therefore be less than that of horses. Even if horses were to occupy the site, it is unlikely that they would be permanently grazing given that stables are proposed. The British Horse Society's minimum recommended ratio of one horse per 0.4 hectares applies to permanent grazing only. I therefore do not envisage that the appeal proposal would

lead to overgrazing of the land. A limit of two horses to be kept at the site can be secured by means of planning condition.

14. In conclusion, the appeal proposal would avoid a harmful impact on the character and appearance of the site and the surrounding area. It thus complies with Policy DM12 ii), iii) and iv) of the LPP2, the relevant requirements of which are already set out above. The scheme also complies with the Curdridge Village Design Statement (2002) as it would be sensitive to the character of the village and in sympathy with the style of existing adjacent properties.

Other Matters

15. The site also benefits from planning permission for a vehicular access track from Botley Road³. It is located on a straight and undulating section of highway subject to 40mph speed limits, as I observed on site, and contains a footway along the appeal site's frontage. Having regard to the above established baseline, the current proposal would not lead to an adverse highway safety impact or a material climate change impact, including from vehicular trips to and from the site, despite the lack of direct bridleway access. Any material change of use beyond a private equestrian use or an agricultural use would likely require additional planning permission.
16. The proposal includes soakaways and rainwater harvesting to avoid adverse drainage impacts. There is no demonstrable evidence before me that the proposal would harm wildlife. Whether or not the appellant owns other equestrian land adjacent to the proposal site, I have found the current proposal to be compliant with the development plan.

Conditions

17. I have considered the Council's suggested conditions against the tests in the Framework and Planning Practice Guidance (PPG), and have amended their wording, where necessary. A condition specifying time limits for the development (condition 1) is necessary in the interests of planning certainty. For the same reason, Condition 2 is necessary to clarify the approved plan details. It is necessary for condition 3 to be a pre-commencement condition, in order to secure appropriate external materials for the countryside location. This location also necessitates the control of external lighting (condition 4). I have amalgamated two of the Council's suggested conditions in to condition 4, for preciseness.
18. Condition 5 is necessary to ensure that the manure storage facility is provided prior to first use of the development and then retained. I have added explicit reference to the approved storage facility and site plan, for clarity. Conditions 6 and 7 are necessary in the interests of countryside character.
19. Having regard to the submitted evidence before me and the PPG, the scheme falls within the scope of the statutory Biodiversity Net Gain (BNG) system⁴. The main parties agree that the development can achieve BNG. Under such circumstances, the grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition" (BGC)). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The BGC is a pre-commencement condition and once planning permission

³ Council Ref: 23/01775/FUL

⁴ Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

is granted, a Biodiversity Gain Plan must be submitted to and approved by the planning authority before commencement of the development.

20. The Council has suggested conditions to secure BNG details and the submission of a Habitat Management and Monitoring Plan (HMMP). However, the PPG⁵ states that as the BGC has its own separate statutory basis (as set out above), decision makers are strongly encouraged to not include the BGC in the list of conditions imposed when granting planning permission. The Council can also secure significant increases from the on-site pre-development biodiversity value for at least 30 years under this separate statutory system⁶. Imposition of BNG and HMMP conditions at this stage are therefore unnecessary.
21. The Council has also suggested a condition requiring removal of all existing structures within six months of the date of this decision. However, as the site already benefits from planning permission for equestrian use, removal of all existing structures prior to commencement of the appeal scheme would be unreasonable. The submitted evidence before also does not sufficiently demonstrate that the existing structures are operational development, or constitute a material change of use from the existing lawful equestrian use. The necessity and enforceability of this condition has therefore also not been demonstrated.

Conclusion

22. The proposal is in accordance with the development plan as a whole, and the material considerations do not indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

R Cahalane

INSPECTOR

⁵ Paragraph: 024 Reference ID: 74-024-20240214

⁶ As set out in Article 37C(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans:
Proposed location plan and site layout (drawing no. C9_24_21_PL_100_B;
Surface Water Drainage Strategy (drawing no. 101 REV A);
Proposed barn plans (unnamed drawings created 22 August 2024);
Proposed barn floorplan (drawing no. SKIT-0322);
Standard apex triple stable block Rev 1.0 (dated 10 September 2024);
Floor plan bespoke apex stable block (Hunter Stabkes, undated);
Manure Storage Facility (Brunner & Co Consultancy, undated).
- 3) No development shall commence until details and/or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the specification, luminosity, operation and layout of lighting. Any approved lighting must be installed and implemented in accordance with the approved details and must not be switched on between the hours of 10pm to 7am the following morning.
- 5) Before the development is brought into use, the approved Manure Storage Facility (Brunner & Co Consultancy, undated) shall be provided in the location as shown on drawing no. C9_24_21_PL_100_B and thereafter maintained in accordance with the approved details for the lifetime of the approved development.
- 6) The development hereby permitted shall only be used for the purposes of private recreational equestrian use, or for maintaining the land. The buildings shall not at any time be used for any other form of equestrian activity such as commercial riding, breeding or training purposes.
- 7) The application site shall only be used for keeping of 2 horses on the site for private recreational use only.