



Appeal Decision

Site visit made on 09 December 2025

by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/Y9507/C/23/3329847

Land to the West of Parsonage Barn, Oxenbourne Lane, East Meon, Petersfield, GU32 1EW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Anthony Ward-Thomas against an enforcement notice issued by South Downs National Park Authority.
- The notice was issued on 29 August 2023.
- The breach of planning control as alleged in the notice is: Within the last 10 years and without permission the change of use of the land to equestrian use and the operational development consisting of the formation of a new access and sand gallop track around the perimeter of the field.
- The requirements of the notice are to:
 - (i) Cease the use of the Land for equestrian use;
 - (ii) Dig up and permanently remove all the sand for the equestrian track from the site;
 - (iii) Replace the areas where the sand track has been removed with 250mm of topsoil and re-seed with grass or turf;
 - (iv) Remove the access gate and associated posts from the new access onto Stony Lands Lane approximately hatched in blue on the attached plan; and
 - (v) Replace the hedging that had been removed to create the new access with native hedging to block up the access in the area hatched in blue on the attached plan.
- The period for compliance with the requirements is 6 months from the date the notice takes effect.
- The appeal is proceeding on the ground[s] set out in section 174(2) (a) & (d) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected by:
 - (i) The addition of the word “material” in-between the words “the” and “change of use” in the description of the breach.
2. Subject to that correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the land to equestrian use and operational development consisting of the formation of a new access and sand gallop track around the perimeter of the field at land to the West of Parsonage Barn, Oxenbourne Lane, East Meon, Petersfield, GU32 1EW, as shown on the plan attached to the notice and subject to the conditions appended to this decision.

Preliminary Matters

3. Part of the breach of planning control, as described by the enforcement notice, is an alleged “change of use of the land to equestrian use”. Whilst it is not a matter

raised by either party, planning permission is only required for a “material” change of use, as set out at section 55(1) of the Town and Country Planning Act.

4. In order to ensure that the deemed planning application under Ground (a) is considered on the correct basis, I have corrected the notice to make clear that the development in question involves a “material” change of use. I am satisfied that no injustice will arise given the way the respective cases are presented.

The Appeal on Ground (d)

5. The onus rests with an appellant to demonstrate their case under ground (d), on the balance of probability. If the Council has no evidence of its own, or from others, to indicate that an appellant’s version of events is less than probable, then there will be no dismissal of an appeal on Ground (d), providing that appellant’s evidence is sufficiently precise and unambiguous.
6. According to the Council the sand track was completed in 2022, with the enforcement notice being served in 2023. The appellant does not dispute that and there is no suggestion that the operational development is immune from enforcement action due to the passage of time. The Ground (d) appeal relates solely to the alleged material change of use.
7. The appellant contends that the land covered by the notice has been used for the grazing of horses and sheep for at least the last 20 years as the previous owners kept ponies and rented the land from the local farmer. He also notes that there have been stables on land adjacent to that covered by the notice for at least 20-30 years, with planning permission being granted for equine use and stables in 1997 and 2020.
8. The Council does not explicitly dispute the fact that the land has historically been used for grazing of horses and sheep but notes that grazing of horses would not constitute a material change of use from agricultural use. In the opinion of the Council there was no evidence of the land being used for the grazing of horses at the time the notice was served and no grazing or agricultural activities were taking place.
9. Little factual evidence is presented by either party. However, the introduction of the sand school track has clearly altered the character of the use to the extent that animals could not graze on the area covered by the track itself. It would also seem to be impractical to keep sheep or other livestock on the land if the purpose is to exercise horses, presumably at speed given that they are Point to Point thoroughbreds. Thus, the introduction of the track has brought about a material change in the character of the use which would appear to be focussed on the exercising and grazing of horses as opposed to a purely agricultural and/ or grazing use.
10. The description of the use as “equestrian use” within the notice seems, to my mind, to encompass the current activity and that would include the exercising and grazing of horses. The appellant has not produced any evidence that the land has been used for other agricultural purposes since the sand track was installed and no appeal under Grounds (b) or (c) is before me.
11. Accordingly, I am satisfied that the matters alleged have occurred and that the construction of the sand school track brought about the material change of use of

the land as a whole. That change occurred within 10 years of the date the notice was served and the development is not immune from enforcement action due to the passage of time. It follows that the appeal on ground (d) must fail.

The Appeal on Ground (a)

12. The main issues in the determination of the appeal on Ground (a) are:

- i) The effect of the development on the character and appearance of the area and its effect on the landscape, scenic beauty and tranquillity of the South Downs National Park; and
- ii) Whether the removal of a section of hedgerow to facilitate new access gates has had a harmful effect on biodiversity and, if so, whether that could be adequately mitigated.

Character and Appearance and Effect on the South Downs National Park

13. The appeal site lies within the South Downs National Park. In line with paragraph 189 of the National Planning Policy Framework (the Framework), I am required to give great weight to conserving and enhancing the landscape and scenic beauty of the area. At a more intimate level, the site is within the Meon Valley which sits between higher chalk downs. In the immediate vicinity the topography is gently undulating but the land rises up sharply towards Buster Hill and the ridge to the south, from which panoramic views can be gained.
14. The prevailing character is distinctly rural, with pastoral and arable fields enclosed by hedgerows alongside narrow lanes. Built form is limited to the small hamlet at the junction with Oxenbourne Lane and Harvesting Lane, which includes the stables associated with the use of the appeal site, along with scattered farmsteads. Overall, it is a highly scenic and attractive landscape within which one can appreciate the characteristic downland form.
15. Equine related uses are not unusual within the wider area, as acknowledged within the South Downs Local Plan (2019) (the Local Plan)¹. Consequently, the use of the land for the exercising of horses and associated grazing does not appear incongruous. In visual terms, the sand track is extremely discreet. I viewed the site from the various public vantage points identified in the appellant's Landscape and Visual Assessment and the sand track could not be seen in any of them, except when stood directly adjacent to the new access gate on Stonylands Lane. The Council, nor anyone else, has directed me to any other locations from which the development can be seen.
16. Stonylands Lane is not depicted as a public right of way on the map provided. It is not clear if it is part of the adopted highway but a sign at the end of the track states "No Through Road for Motor Vehicles". There is a Byway Open to All Traffic (BOAT) further to the south, beyond the two farms served by Stonylands Lane but that does not seem to link up to the lane, at least in any formal sense on the rights of way network. Therefore, the lane would primarily appear to be a track providing access to the two farms as opposed to a right of way used regularly by the public.
17. Even if that is not the case, anyone passing along the Lane would experience the sense of enclosure provided by the hedgerows on either side. Even in winter, the

¹ Paragraph 6.53 of the Local Plan, as set out in the appellant's Planning Statement

sand track was not visible through the hedgerow and only becomes apparent once one is stood at the gate. Even then, only a small part of the sand track is visible close to the entrance and its appearance doesn't differ greatly from any track or unmade surface that one will often find adjacent to rural gates with hardcore laid to prevent access points becoming rutted in wet weather.

18. The sand has mellowed in colour since it was initially laid, as is evident from a comparison between photographs shortly after installation and what I witnessed on my site visit. The Council has referred to the change in the contours of the land. However, aside from one small section on a bend towards the top end the track generally follows existing contours and has not resulted in a notable change in the land form.
19. Overall, the track has no impact on the wider landscape in a visual sense, nor on the way the landscape and scenic beauty of the area is appreciated. The prevailing pattern of pastureland surrounded by hedgerows remains. The small gap in the hedgerow formed through the creation of the access gate has minimal impact of itself and does not appear unusual in a landscape where farm gates are a common feature.
20. Moreover, the use for equine purposes is consistent with the rural nature of the area and will not lead to a reduction in tranquillity. The horses are privately owned and stabled adjacent to the land identified in the enforcement notice such that there should be no additional traffic. I imagine they are exercised regularly in any event. Although the sand school track would enable year round exercise at a more intensive level it is not an unduly noisy activity and is well away from public rights of way.
21. Overall, I am satisfied that the development has had no adverse impact on the character and appearance of the area and has conserved the landscape, scenic beauty and tranquillity of the National Park. In those respects, it complies with the aims of Policies SD4, SD5, SD7 and SD24 of the Local Plan, Policy EM5 of the East Meon Neighbourhood Plan (2017) (the NP) and paragraphs 187 and 189 of the Framework.

Hedgerow and Biodiversity

22. As noted, the development has resulted in the removal of a small section of hedgerow to enable a field gate to be installed. It does not appear that any assessment of the value of the hedgerow, in terms of biodiversity, was undertaken before the works were carried out. There is some conflict with the aims of Policy SD11 of the Local Plan in that respect which states that development proposals that affect trees, hedgerows and woodland must be accompanied by a full site survey, ecological survey, arboricultural method statement and associated tree protection plan.
23. Nonetheless, the extent of removal is comparatively small in relation to the substantial length of hedgerow around the pasture as a whole. In addition, it is not unreasonable for access to be provided within a field boundary, as is often the case in respect of agriculture or other rural based activities and the extent of removal is no greater than necessary to provide access to the development both for horses themselves but also for maintenance of the track. Paragraph 5 of Policy SD11 states that loss of hedgerows should be avoided but, if unavoidable, appropriate replacement or compensation will be required.

24. In this case the appellant has put forward a plan showing potential replacement planting, albeit that the plan appears to show hedgerow on the track itself as opposed to adjacent to it. Nonetheless, a scheme to be submitted and agreed by the Council could ensure sufficient hedgerow replacement to offset the impact of the removed section. Clearly, mitigation would take time to establish but given the extensive amount of hedgerow within the area I am satisfied that the overall impact on biodiversity would be negligible and that the limited break for the access gate would not represent a notable impediment to wildlife using the corridor of hedgerow in a wider sense.
25. Thus, whilst there is some conflict with Policy SD11 in that a full assessment of the impact of the work was not undertaken prior to commencement any harm could be adequately mitigated through compensatory planting with a suitable hedgerow mix adjacent to the new entrance.

Other Matter

26. Reference has been made to a previous appeal for a sand school on adjacent land. That was over 20 years ago on a different parcel of land and the development was notably different given that it was for a rectangular arena as opposed to a track in this instance. Consequently, the circumstances were notably different and that decision does not alter my conclusion in this instance.

Conditions

27. The Council has set out four proposed conditions in the event the appeal is allowed. The appellant has indicated that he accepts the principle of those conditions. I am satisfied that a condition limiting use for private, non-commercial, purposes is necessary to ensure that use of the track is limited in scale in the interests of the tranquillity of the area and to ensure use is on the basis of the details put forward by the appellant.
28. I have amended the suggested wording to remove reference to the terms of the General Permitted Development Order because such reference is superfluous. No permitted development right has been identified that would grant permission to change from a private equine use to a commercial one. Similarly, the suggested condition refers to the use being incidental to a dwellinghouse. It is not clear that the use is incidental to a dwellinghouse and the enforcement notice alleges the use is an equine use, as opposed to a residential one. Consequently, I have simplified the wording to make clear that the use shall be for a private, non-commercial, purpose which will be sufficient to control the nature of the use.
29. I am also satisfied that a condition to prevent lighting of the track is necessary in the interests of the character of the landscape, to maintain dark skies and tranquillity. Similarly, a condition to prevent horse jumps or other moveable structures is necessary to ensure that the development continues to respect the character and form of the landscape and to avoid visual clutter.
30. No reason for the suggested condition relating to the disposal of manure has been put forward. The land has been used for grazing for numerous years and there is no reason why the development under consideration will have led to any increase in the level of manure generated. Horses will continue to be stabled off site. It is general practice in any event to remove horse manure from pasture in the interests

of horse health and pasture quality and I find it unnecessary to impose a condition on the management of the site in the absence of a clear planning reason.

Conclusion on Ground (a)

31. For the reasons given above, I am satisfied that the development has conserved the landscape, scenic beauty and tranquillity of the National Park and that the minor effects of the removal of the hedgerow to enable the installation of an entrance gate can be adequately mitigated through the imposition of conditions. Subject to that and other necessary conditions, the proposal complies with the aims of the Development Plan for the area, taken as a whole, and with the relevant policies of the Framework.
32. It follows that the appeal on ground (a) should be allowed and that I shall grant planning permission for the development that has already taken place.

Overall Conclusion

33. I conclude that the appeal succeeds on ground (a) and I shall grant planning permission for the development as described in the notice, as corrected. The enforcement notice will be corrected and quashed.

Chris Preston

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) The sand track hereby permitted shall be removed and all materials brought onto the land for the purposes of installing it shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the planting of a hedgerow adjacent to the new entrance to the site shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation and details showing how it will be maintained thereafter.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained in accordance with the details so approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The development hereby permitted shall be used only as a private, non-commercial sand training track only and shall not be used for any commercial purposes or in connection with any commercial livery use.
- 3) No external lighting / floodlighting shall be installed on the site unless details have first been submitted to and approved in writing by the Local Planning Authority. Any lighting that is approved shall be installed, operated, and maintained in accordance with the approved plans.
- 4) No moveable structures or equestrian horse jumps shall be erected or moved onto the site without prior written consent of the Local Planning Authority.