

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Winchester City
Council
Planning
Department
Development
Control**

Committee Decision

**TEAM MANAGER
SIGN OFF SHEET**

Case No:	08/01899/FUL	Valid Date	6 August 2008
W No:	20243/02	Recommendation Date	15 September 2008
Case Officer:	Mr Andrew Rushmer	8 Week Date	5 November 2008
		Committee date	2nd October 2008
Recommendation:	Application Refused	Decision:	Committee Decision

Proposal: Equestrian use of land and construction of access track (RESUBMISSION)

Site: Fields Off Harrow Gate Lane Denmead Hampshire

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
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	N	N	Y	N	Y	N
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DELEGATED ITEM SIGN OFF		
		REFUSE for the reason(s) listed
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: 2
Case No: 08/01899/FUL / W20243/02
Proposal Description: Equestrian use of land and construction of access track (Resubmission)
Address: Fields Off Harrowgate Lane Denmead Hampshire
Parish/Ward: Hambledon
Applicants Name: Miss C Jeffries
Case Officer: Mr Andrew Rushmer
Date Valid: 6 August 2008
Site Factors:
Recommendation: Application Refused

General Comments

This application is reported to Committee because of the number of letters of support received, contrary to the officer's recommendation.

Site Description

The application site comprises two enclosures created by the subdivision of what was previously a much larger field extending along the side of the valley to the north side of Harrowgate Lane.

There is a public footpath extending along the valley bottom, linking into other footpaths to the east which afford extensive views along this very attractive area of countryside within the East Hampshire Area of Outstanding Natural Beauty, which is also within the area of the proposed South Downs National Park.

The landscape of the area is one of large open fields and rolling hills, interspersed with copses of mature trees.

The two enclosures are next to another enclosure, which was the subject of a previous application which was refused and then dismissed at appeal, but is still being used for equestrian purposes. Three mobile field shelters are present on the site of the proposed application.

The track leading to the site is currently the subject of enforcement action (Enforcement Notice / Stop Notice) and an appeal against this is in progress.

Proposal

The proposal is for the equestrian use of land and construction of an access track (off Pithill Lane). The access track, which has been partly constructed, is to be constructed from scalping, meaning it will grass-over to a significant degree after construction.

The description on the application form also states that the development is for the private enjoyment of the occupier, and not for commercial or business use.

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Relevant Planning History

06/02403/FUL - Erection of tack room, hay store and two stables (on neighbouring site) - Refused - 03/10/2006 - Appeal Dismissed - 14/06/2007

08/00838/FUL - Equestrian use of land and construction of access track (Amended Description) - Refused by Committee - 24/07/2008

Consultations

Landscape Team: Referred to their previous comments, in which they raised an objection to the proposal.

More specifically, the Landscape Officer considered that the proposal was unacceptable in landscape terms as the site lies within the AONB, and under Policy CE6 of the Winchester District Local Plan Review 2006 the Local Planning Authority should be seeking to conserve and enhance the landscape character of the countryside. The character of this area is described in the Landscape Character Assessment under the Hambledon Downs Landscape Character Area, and one of the key issues in this area around Hambledon is the impact of horticulture, including the subdivision of fields to form paddocks.

Furthermore, the Council's Landscape Architect states that, from the entrance to the site, the field shelters appear as an eye-catching and alien feature in the landscape, lacking any surrounding landscape structure planting and clearly visible from the public path, from where the proposed hard standing would also be visible.

South Downs Joint Committee: Objects

The South Downs Joint Committee states that experience has shown that equestrian uses can have very harmful consequences to landscape character, and this has resulted in clear policies being set out in the South Downs Planning Guidelines to address this issue. Of particular concern is the subdivision (often with inappropriate fencing) of larger fields into smaller holdings, each of which would then be likely to require a separate animal shelter and associated buildings, such as have been proposed for this land. The consequential cumulative effect can have considerable impact on the character of the landscape, transforming a previously very rural, simple countryside into a more fragmented landscape with a suburban or urban fringe character.

The change of use of the land to equestrian would allow an intensive use of the land (beyond simple grazing) and could lead to problems of erosion, thus further undermining the character and visual amenity of the landscape.

Furthermore, the South Downs Joint Committee states that experience has shown that equestrian use of land requires regular visits by owners to feed and exercise horses, with other, less regular traffic generated by horseboxes moving animals on and off the site, deliveries of feed, and visits by vets. In addition, the South Downs Joint Committee states that this is its experience of such uses, regardless of whether the site is being used for the private use of the occupier of the land, or whether it is being used for any business or commercial enterprise.

The South Downs Joint Committee also considers that the access track represents an additional intrusion into the countryside.

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In relation to the Soberton appeal decision referred to by the applicant (and to which the South Downs Joint Committee refers in relation to the track), the South Downs Joint Committee points out that the Soberton site is a more wooded site, on the edge of a settlement, next to a number of residential driveways. Therefore, the Soberton site can be distinguished from this current site.

Finally, the South Downs Joint Committee considers that permitting the present application would represent a dangerous precedent, making it difficult for the Local Planning Authority to resist similar applications, and objects to the application on the grounds of visual impact, impact on the character of the area, potential traffic generation and the setting of a dangerous precedent.

Representations:

Denmead Parish Council: Objects

The Parish Council considers that the proposal represents an undesirable intrusion into an area of countryside, in which no development should take place other than that essential to agriculture and related uses, and that the proposal would detract from the undeveloped rural character and visual amenities of the locality. Furthermore, the Parish Council considers that the proposal would set a dangerous precedent, and that the roads leading to and from the site are of inadequate width to safely accommodate the additional traffic generated by the use of the land for equestrian purposes. Finally, the Parish Council states that the previous applications since 1988 at this site have been refused.

10 letters received objecting to the application for the following reasons:

- Proposed change of use would set a dangerous precedent;
- Detrimental impact on highway safety;
- Proposal would undermine the character of the landscape;
- Detrimental impact to the visual amenity of the area caused by activities and equipment inevitably associated with the equestrian use of land;
- This is not a suitable location for equestrian use of land;
- The proposal will involve the shelters getting moved closer to the track, which will make them even more prominent;
- The proposal will create a flood risk;
- The proposal will result in increased traffic, which will have a detrimental impact on highway safety;
- Permitting the application will result in more buildings being put on the site;
- This site is too remote to be suitable for horses;
- The current use of the land has already destroyed the open nature of the landscape, and increased the amount of traffic in the area;
- The site is already 'a blot on the landscape';
- Development has already taken place which contravenes the decisions taken by the Local Planning Authority in relation to this site;
- Permitting this application will undermine the aims associated with creating the South Downs National Park;
- Question of whether this application should even be considered, given the number of previous refusals in relation to this site;
- Concern that the proposed track is designed to facilitate the development of further

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paddocks in the field, as there is already a suitable track for the existing paddocks at the bottom of the field;

- Detrimental impact on local residents.

19 letters of support received, stating the following reasons:

- Track will have no visual impact and has now largely grassed over;
- The horses are a pleasant sight;
- The visual impact will be softened by trees which have been planted;
- Equestrian use goes hand in hand with farming;
- Not all change is bad;
- Paddocks have enhanced the beauty of the AONB;
- A track is also important in order to achieve quick access to the horses;
- Compared to recent applications which have been permitted this one is relatively minor;
- More attractive than empty land;
- The initial 'greyness' of the track will soon disappear;
- There are lots of other tracks in the area;
- Conditions and restrictions could be placed on the site to prevent it being used for commercial purposes, which would then overcome the concerns regarding the previous application;
- Any potential increase in traffic will be minimal;
- At present the appearance of the land does not have a detrimental impact on the visual appearance of the area;
- The site is very suitable for horses, due to the number of paths and bridleways in the area;
- Equestrian use fits in with the surrounding area;
- No harm will stem from permitting the proposal;
- The field shelters are currently discreet and are of high quality.

Relevant Planning Policy

Winchester District Local Plan Review 2006

RT.11, CE5, CE.6

National Planning Policy Guidance/Statements:

PPS 7 - Sustainable Development in Rural Areas

Supplementary Planning Guidance:

Equestrian Development

Planning Considerations

Principle of development

The principle of the use of the land in question for equestrian purposes is not considered to be acceptable. The Inspector in the appeal at the neighbouring site (which is immediately adjacent to the site in question) stated that:

'[I]t is evident...that the special quality of the landscape could be seriously degraded by the cumulative effect of relatively modest development'.

Furthermore, the South Downs Planning Guidelines adopted October 2007 state that there should be a presumption against the subdivision of existing fields, unless there is

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particular justification such as the restoration of landscape character through reinstatement of lost hedgerows (EQ17).

Permitting the proposal would also create a dangerous precedent, making it more difficult for the Local Planning Authority to resist similar applications. This issue was referred to by the Inspector when determining the appeal at the neighbouring site. More specifically, in addition to the above quotation concerning the cumulative impact of modest development, he stated that:

'In an area of such natural beauty it is important to maintain tight control over new development and to grant planning permission for an unsuitable development would inevitably make it more difficult for the Council to exercise control over other proposals'.

The proposal is not considered to accord with Policy RT11 of the Winchester District Local Plan Review 2006, as permitting the change of use to equestrian land will almost inevitably result in a need for new buildings (though, in relation to this site, the evidence of what is on site already suggests this will be in the form of mobile field shelters, which it is submitted will have the same visual impact as buildings), and, as is evidenced from the landscape consultation outlined above, this will have a detrimental impact on the visual amenity of the area and the landscape character. In addition, a stables in the neighbouring paddock, which was proposed to be located in a more tucked away location than the existing field shelters and was modest in terms of scale, has previously been refused at appeal due to the impact it would have on the landscape, and this seems to suggest that more buildings will inevitably have a detrimental impact on this landscape.

It is also necessary to stress that Planning Policy Statement 7 states that Areas of Outstanding Natural Beauty:

'have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty'.

It is considered that permitting this application would result in the Local Planning Authority failing to deliver the standard of protection which this site requires.

Finally in relation to the principle of the proposed development, the Local Planning Authority must take into account a previous decision of the Authority where it was a refusal. Therefore, the previous refusal of this application weighs in favour of doing so again. Relevant case law can be found under (R (Edward Rank) v East Cambridgeshire District Council [2003] JPL 454).

Impact on the character of the area

The proposal is considered to be contrary to Policy CE6 of the Winchester District Local Plan Review 2006, as the proposal would harm the natural beauty, amenity, tranquillity and distinctive character of the landscape of the AONB, and is not essential for the economic or social wellbeing of the area. More specifically, the use of the land for equestrian purposes creates the potential for the location on the site of various chattels and equipment associated with equestrian use, such as mobile field shelters and jumps, over which the Local Planning Authority would have no control, and would potentially undermine the natural beauty of the landscape. Furthermore, the equestrian use of the land will result in vehicles having to visit the site (e.g. the owner of the horses, often once

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a day (Equestrian Development Supplementary Planning Guidance - 4.36), vets and horseboxes), which will undermine the tranquillity of the AONB. The presence of such vehicles on the site will also have a detrimental impact on the visual amenity of the area (this point is echoed in the Equestrian Development Supplementary Planning Guidance - 4.36). The South Downs Joint Committee in its adopted planning guidelines also draws attention to the tendency for equestrian uses to require buildings for the storage of machinery, equipment and feed, as well as the placing on the land of storage containers, vans and caravans, which would further undermine the visual amenity and character of the AONB (section C3.9-10).

The concerns about the impact on the visual amenity of the area are also highlighted by the Council's Landscape Architect, with the field shelters described as appearing eye-catching and an alien feature, and which are clearly visible from the public footpath running through the field in question.

The proposal would also contradict the landscape strategy for the area outlined in the Landscape Character Assessment 2004, which states that the strategy in this area is to:

'Conserve and enhance the remote character and contrasting scale of open farmland and enclosed wooded areas of the clay plateau'.

Therefore, the proposal is contrary to Policy CE5 of the Winchester District Local Plan Review 2006.

With regard to the access track itself, its initial construction was considered to be visually intrusive and harmful to the character and appearance of the area. However, it has now grassed over and therefore its visual impact has been reduced, although there remains a concern with the position of the track, which extends into an open field. Equestrian related vehicles accessing the paddocks and parking on the hardstanding will be visually intrusive within the open landscape, particularly from the nearby public footpaths, and for this reason the track is considered to be unacceptable. It is also considered likely that, if permission is granted for the track, it will set a precedent and make it difficult to resist any future proposals to extend the track up to the second paddock.

Potential to Address the Concerns Raised Above by Condition

It is considered that the imposition of restrictive conditions in order to address the concerns outlined above is not a reasonable approach to adopt. More specifically, the permitting of equestrian use at this site is not considered to be acceptable in principle. If the principle of equestrian use of land is accepted by permitting this application, then conditions aimed at preventing the detrimental impacts associated with equestrian use are likely to be unreasonable, as it would in effect result in a paradox whereby equestrian use was permitted, but then prevented from actually taking place. Furthermore, this issue was addressed at the Committee meeting on the 24th of July 2008 when Members considered the proposal and were not minded to grant consent subject to the imposition of any such conditions.

Highways/Parking

In connection with the appeal at the neighbouring site, which utilised the same access onto Pithill Lane, the Inspector considered the highways aspects to that scheme, and had no concerns. Therefore, it is considered that it would not be reasonable to raise any highway concerns in connection with this current application.

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Recommendation

Application refused for the following reasons:

1. The proposed change of use of the land to equestrian and the associated use of the access track and hardstanding is considered to be contrary to Policies CE.5 and CE.6 of the Winchester District Local Plan Review 2006, as it would harm the natural beauty, amenity, tranquillity and distinctive character of the East Hampshire Area of Outstanding Natural Beauty, and there are no economic or social reasons to justify overriding this policy.
2. The proposal would create an undesirable precedent which would make it difficult to refuse further similar applications.

Informative

The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: RT11, CE5, CE6
Planning Policy Statement 7
Equestrian Supplementary Planning Guidance