

**Case No:** SDNP/20/01018/FUL

**Proposal Description:** Erection of an equestrian barn and construction of manege (part retrospective) (resubmission)

**Address:** Moris Farm, Hurst Lane, Owslebury, Winchester, Hampshire, SO21 1JQ

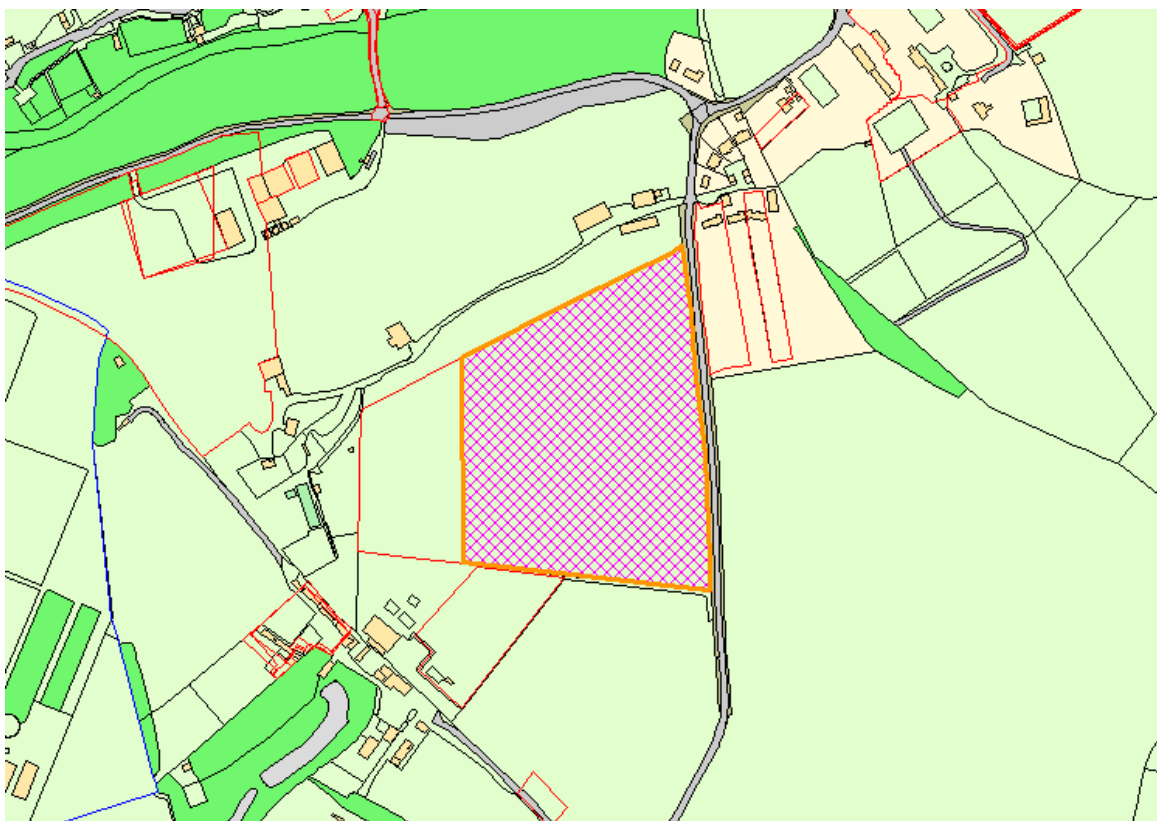
**Parish, or Ward if within Winchester City:** Owslebury and Morestead

**Applicants Name:** Mr & Mrs Hoult

**Case Officer:** Lisa Booth

**Date Valid:** 5 March 2020

**Recommendation:** Application Approved



## General Comments

The application has been referred to the Planning Committee at the request of Owslebury Parish Council.

### 1 Site Description

The application area was part of a larger equestrian site which was granted

planning permission under SDNP/16/03622/FUL. The site is situated not far from Marwell Hall and the village of Owslebury. The site slopes up gently to the north, towards Hurst Farm and Thompsons Lane, and sits beside and to the west of Hurst Lane.

Planning permission SDNP/16/03622/FUL gave approval for a change of use from agricultural land to equestrian. This was for the private recreational use of the owner of the land only. Works permitted under this application included stables for five horses, a hay barn, and an outdoor arena. This permission has been implemented and the facilities granted are positioned in the south west corner of the original site. They are reached via a track from an access off Hurst Lane to the south east corner of the land.

Since the time of planning approval SDNP/16/03622/FUL, the original site has been sold off in lots. This has created a separate site of approximately 4 hectares of land, close to Hurst Lane. It is this area that is owned by the applicant and is the subject of this application. The stables, hay barn and outdoor arena approved under SDNP/16/03622/FUL are not on land owned by the applicant. These are to the far west of the application area. Two mobile field shelters are on the current site area. The applicant currently accommodates his horses on this site and another site.

Hurst Lane is a historic rural road as defined by policy SD21 of the South Downs Local Plan (roads outside of towns shown on OS plans 1891-1914, that have not undergone significant widening or straightening in the intervening period); characterised by a strong landscape boundary of trees and hedgerow, contributing to the rural character of the area within the National Park.

Hurst Lane is an unlit rural classified road subject to the national speed limit, with no pedestrian pathway. The site facilities approved under SDNP/16/03622/FUL use an access point to the south of the site. However, there is another former agricultural field access further north on Hurst Lane, approximately half way along the site frontage with Hurst Lane. The applicant intends to use this access point for the proposed development.

To the north of the application site is an area of tree planting and several large barns. To the north east, on the opposite side of Hurst Lane, are the closest residential dwellings. The closest of these is Oak Tree Cottage, at approximately 22m distance from the site boundary.

## **2 Proposal**

A previous application was refused by Planning Committee (ref: SDNP/19/02508/FUL) and this revised application seeks to overcome those reasons for refusal:

*“1. The siting of the proposed manege is considered to result in a harmful impact on the residential amenities of the neighbouring properties to the northeast of the application site. The siting of the equestrian barn would have an adverse impact on the landscape character of the South Downs National Park. The development is therefore considered contrary to Policies SD24(d) and SD4 of the South Downs*

*Local Plan 2014-33.”*

The revised proposal has addressed the reasons for refusal by re-siting the equestrian barn and parking area further towards the rear (north) boundary and the outdoor riding arena has been repositioned away from neighbouring properties to the south of the site. The barn would be accessed via a 110m long track running along the rear of the boundary of hedges and trees from the north field access from Hurst Lane and the riding arena is sited to the south of the track.

In detail the proposals consist of:

- o A pitched roof equestrian barn measuring approximately 10m x 18m, and 3.6m in height comprising eight stables, an inside wash bay and a tack room. The proposed materials would be timber shiplap, with a green profiled roof.
- o An outdoor manege measuring 60m x 20m, with a silica sand and Flexiride surfacing.
- o A parking area to the east of the proposed equestrian barn measuring approximately 30m x 12m. The applicant intends to keep a quad bike, horse box and manure trailer on site, along with an allowance for three car parking spaces.

The applicant proposes to keep eight horses at the site for private recreational use.

### **3 Relevant Planning History**

APPEALS - SDNP/20/00022/REF - Erection of an equestrian barn and construction of manege. IN PROGRESS .

SDNP/19/02508/FUL - Erection of an equestrian barn and construction of manege  
STATUS: REF 7th January 2020.

SDNP/19/00291/PRE - Erection of an equestrian barn 10m x 18m, an exercise arena 20m x 60m, parking for a horse box and muck bin container accessed from the gate in lot 2 down a single vehicle hard-core track (ADVICE PROVIDED)

SDNP/16/03622/FUL - Change of use from agricultural/grazing to equestrian. Development of stable building consisting of 5 stables, hay barn, tack room and wash bay. Development of 20m x40m sand ménage (REVISED SITING 24/08/16) (PERMITTED)

### **4 Consultations**

WCC Service Lead: Environmental Services - Landscape Architecture:

There is no objection to this proposal, however if the case officer is minded to grant consent then it is recommended that a landscape condition be attached.

The agent's D&A statement makes reference to the mature hedgerow along the eastern boundary of the site which, it is agreed, restricts views into the site from Hurst Lane. However, the hedgerow is not a complete screen and in places

breaks down, allowing views into the site, particularly during the winter months. The acceptability of this equestrian development in this sensitive area relies on it not being prominent in views.

It is recommended therefore that to enhance the screening effect of this hedgerow that it is supplemented in places with new planting. This planting should consist of native hedge species typical in the area (e.g. Field Maple, Blackthorn, Hazel and Holly) and compose a mixture of 120cm high 'whips' planted 500mm apart in a double staggered row. Details, at a recognisable scale, should be submitted for written approval before development commences.

Note: A landscape plan was submitted showing the proposed planting and has been conditioned (11)

#### WCC Service Lead: Environmental Services - Drainage:

No objection subject to condition to provide details for the disposal of surface water.

The site is within Flood Zone 1 and there is an area at low risk of surface water flooding. The geology is chalk overlain by clay with flints.

Surface water drainage should be to soakaways, ideally designed for the 1 in 100 year storm event plus an allowance for climate change. Infiltration testing is required.

Further soakaway details and surface water calculations were submitted and deemed acceptable. Plans and details conditioned (8)

#### HCC – Highways

As set out in the highway authority response to application SDNP/19/02508/FUL (refused) the highway authority believes that this application will result in intensification of use of the proposed access. Planning permission was previously granted on this land to change its original use from agricultural to equestrian (SDNP/16/03622/FUL). Prior to this application there were already 2 accesses into the land and at the time the highways officer also raised concerns regarding intensification of the use of the land. Permission was granted with the provision of a significantly improved (primary) access to this field off of Hurst Lane, which would mean that use of the inadequate access on Hurst Lane would not be intensified and in fact would rarely be used.

The owner has since subdivided the land, resulting in the field gate access off Hurst Lane becoming the single point of access for this application. By doing so this has intensified the use of this access. The further development of this site with an equestrian barn and manege, along with formalisation of this access, an access into track the site and parking/storage of additional vehicles will further enable and intensify use of the land compared to that of an undeveloped equestrian field.

The access to the field is inadequate for this use. It has severely restricted visibility in both directions. This is also supported by the pre-application comments

from (WCC highways officer) in SDNP/19/00291/PRE which stated that a visibility splay of 2.4m x 215m must be provided. No visibility splay has been provided and from the observations of the highway authority this cannot be achieved. The highway authority is unable to fully assess the safety and suitability of the access until information is supplied which shows how adequate visibility can be achieved.

In the pre-app report the WCC Highway Officer also states that "it is considered likely that a significant amount of mature hedgerow/trees would need to be removed to achieve the required visibility splays, which would not be acceptable from a landscape perspective'. Tree protection is not the responsibility of HCC highways but if visibility is dependent on the removal of trees then confirmation that this has been approved will be required.

In addition, the gates shown on the plan should be set back 15m from the highway boundary, as also outlined by (WCC highways officer) in SDNP/19/00291/PRE and they are shown as only being 10m from the highway. In their current position the gates will result in vehicles (especially when towing a trailer) to overhang the carriageway, causing an obstruction and danger to other road users. With reference to the above notes the highway authority recommends refusal for inadequate access.

#### WCC - Service Lead: Environmental Protection:

No adverse comments subject to conditions in regards to private use; no external lighting; no music/amplification equipment; horse manure storage and an informative.

#### WCC Service Lead: Environmental Services - Ecologist & Biodiversity Officer:

No objection subject to conditions:

- i. The recommendations of the Ecological Assessment in respect of the construction period and enhancement provision are adhered to;
- ii. Details of any external lighting should be approved by the LPA and accord with the recommendations of the Bat Conservation Trust and Institute of Lighting Professionals.

Comments:

-An Extended Phase 1 Ecological Assessment (Philips Ecology, July 2019) was submitted in support of this application.

-The site is considered suitable for reptiles, hedgehog and breeding birds. Given that the majority of the grassland on site is managed to a short sward height, reptile surveys are not considered necessary; however the recommended precautionary construction avoidance measures should be followed.

-The species rich hedgerow situated immediately east of the application footprint is considered to be suitable for foraging and commuting bats and hazel dormouse. This hedgerow will be retained and protected within this proposal; however external lighting could still impact these species. Therefore any external lighting should be designed to avoid illuminating this habitat and should be designed in line with the BCT & ILP Guidance Note 08/18.

## 5 Representations

### Owslebury Parish Council

Owslebury Parish Council (OPC) is concerned that the site requested is near a busy road junction. Owslebury has approximately 175 cars per hour speeding through morning and evening (M3 and Winchester rat run). Also several large articulated vehicles turn here daily towards/ into the Grain Store and Marwell Zoo. The Council believe that there is a Health and Safety issue regarding the horses being sited so close to the busy road. Surely the nearness of this traffic is not conducive to horse training?

The Parish Council fully supports stabling and equestrian use of land as there are in fact in excess of 14 such establishments within the parish. Nevertheless the Parish Council does have concerns as to the current application, made just 3 years after the original permission. Therefore this Council cannot support this application and strongly objects to the siting of the stables and arena 50 metres from the houses in Hurst Lane. The Parish Council fully supports concerns voiced by the local residents. Noise and pollution are the main concerns.

Human voices and noise from training horses and the natural smells associated with animals.

Light pollution from security lighting.

We are also concerned with the enormous stable block that does not seem compatible with private use. We are also concerned with the proximity of the barn to the houses on Hurst Lane and potential rodent/ fly/pest problem this could have on the residents of these houses.

In the application documentation under:

'Settlement Character': It states "it is not within or adjacent to a settlement". This is incorrect as there are houses less than 50 metres away from the field.

To the question: 'Neighbours not affected by development' N/A was written? This too is incorrect.

Owslebury Parish Council does not object in principle to Moris Farm as an equestrian centre as proven by the Council's original approval for stabling in 2016. The Parish Council might look favourably if the stables/barn and arena were sited at either the North West or south west corner of the site. There are stables at the south west according to the previous permission. If SDNP are minded to support the application then OPC requests that it goes to a public meeting of the full Planning Committee for discussion. OPC would want to address that meeting.

5 letters from 4 separate addresses received objecting to the application for the following reasons:

- Environmental health concerns in regards to horse manure/flyes/rodents.
- The position of facilities in proximity to residential properties where it would cause the most disturbance/should be moved to the south west corner of the field
- Noise impacts from the use of the ménage (training, horse management and shouting of instruction).
- Light pollution
- Visual and landscape impact of the stable building due to its size and position on highest point of this site.

- Impact on the tranquillity of the area
- The size of the facilities is not compatible with private use - concerns about future commercial use/traffic impacts.
- Site security is not addressed in the application
- The need for mains water and electricity is not addressed in the application
- The scale of the barn may lead to residential property being applied for in the future as horses need 24/7 attention.
- Note applicant is appealing previous decision SDNP/19/02508/FUL, whilst at the same time submitting this revised application. Appeal yet to be heard.
- Support letters not from immediate neighbours.
- Want to restate objections from previous applications SDNP/19/02508/FUL and request that the Planning Committee consider the comments for both applications when determining the decision, as it is confusing to have two applications progressing for the same development.
- (Previous comments on SDNP/19/02508/FUL – generally supportive of equestrian development/to close to residential properties/increased noise levels/light pollution/barn too big for the number of horses/suggests conditions if approved.)

Requests have been made by the occupier of Oak Tree Cottage, Hurst Farm House and Flintstones should the planning authority be minded to approve the application that restrictions are applied that:

- The site is not used for any commercial activity, now or in the future.
- The Manege and Stable Block are sited at the South West Corner of the site.
- The Manege can only be used between 9am and 5pm, Monday to Friday
- No Floodlights, public address equipment etc. are installed on the site.
- The site cannot be in any way used for business purposes.
- The only horses allowed on the site are those belonging to the site owners, and it can be demonstrated that these horses have been or will be owned by the site owners for a period greater than a year.
- Only one show/public event is permitted per calendar year, and no entry fee or equivalent is permitted.
- No overnight or residential use of the site, except for a short period when horse is under veterinary supervision for a serious condition.

7 letters supporting the proposal for the following reasons:

- Facilities are needed and appropriate to provide a high quality of care and training for the applicants' own horses to be successful.
- No concerns over proposed design and location - in keeping with the local area.
- No issues arising for my neighbouring property from their erection.
- Application ensures the land is well-kept under equestrian use, (for example hedgerows will be kept trimmed, gateways and access points will be well-kept) it also allows a young rider to pursue his dreams and train for competitions without the need to use a horse box and leave the premises in favour of external facilities every time he wishes to train a horse.
- Cannot see that the erection of the proposed barn would make any more of an impact on the area than the pre-existing barns and stables. All along Hurst Lane you have agricultural buildings and barns, as to be expected when you are located so closely to a large zoo. I believe this proposed planning is no worse than what is already there.
- Believe the applicant would ensure complete pest control, and all measures to

stop pests (e.g. rats as stated by neighbours of the site), as not in the applicant's best interests to have rodents running around a place where you keep animal feed and bedding.

- The placement of a muck trailer as opposed to an on the ground muck heap would satisfy my needs as far as smell and flies go, as a trailer is completely portable and it means all the muck is off the ground - also contributing to solve the potential rodent problem proposed. It also ensures that muck is removed regularly and not allowed to build up.

- sympathise with the applicant at the need of an all weather schooling area to ensure horses are kept fit, and to safely perform any necessary medical or veterinary examinations. A barn ensures that all horses are kept safe at night, safe from weather and predators, and it also provides a safe and lockable means of safety and storage of the applicant's belongings.

- Well thought out application adhering to pre-planning, landscape and highway advice.

## 6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) , updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF15 - Conserving and enhancing the natural environment



Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Development Management Policy SD22 - Parking Provision
- Development Management Policy SD24 - Equestrian Uses
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art

#### Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 1

## **8 Planning Assessment**

### Principle of Development

The National Planning Policy Framework paragraph 115 states that "Great weight should be given to conserving landscape and scenic beauty in National Parks... which have the highest status of protection in relation to landscape and scenic beauty."

Policy SD24 allows for equestrian development in the countryside where amongst other requirements proposals are of a scale and/or intensity of use compatible with the special qualities, demonstrate good design responding to local distinctiveness and character.

The principle of equestrian use of the land has been established under SDNP/16/03622/FUL. However, due to the subsequent selling off and subdivision of the land, a separate area with separate facilities and a separate access is now for consideration under this application.

As the granting of planning permission would formalise a separate planning unit for the future, the acceptability of this site proposal in terms of landscape impacts, vehicular access, and neighbour impacts must all be considered in principle under this application. Cumulative impacts from the existing and proposed development should also be considered.

Under policy SD4 development proposals should demonstrate that they conserve and enhance landscape character by, amongst other requirements, proposals being informed by landscape character, the design layout and scale of development conserving and enhancing landscape character features.

Policy SD5 requires proposals to adopt a landscape led approach and to respect local character, and have regard to avoiding harmful impact upon any surrounding uses and amenities.

Under policy SD11 development proposals are expected to conserve and enhance trees, hedgerows and woodlands.

Policy SD21 requires developments to protect and enhance highway safety. Development will not be permitted where it would reduce the biodiversity, landscape and amenity value and character of historic rural roads, with particular attention being made to new access points and other physical alterations to roads and to the impacts of additional traffic.

#### Design/layout

The barn building is fairly typical for this type of equestrian building and the arena will be constructed of silica sand and Flexiride with post and rail fencing around the perimeter. Material samples were submitted and considered to be acceptable and have been secured by condition 3.

The arena will run parallel with the eastern boundary, to the south of the access. The barn will be approximately 35m from the eastern boundary with Hurst Lane, with a parking area to the east of the building and located towards the northern end of the field.

#### Impact on character of area and neighbouring property

The application proposes a new building, outdoor exercise arena and parking area. The applicant does not have any existing buildings that could be reused, which is preferred in policy, nor can the development be placed near to the approved buildings under SDNP/16/03622/FUL as the applicant does not own this

area.

The riding arena and equestrian barn have been repositioned since the previous application was refused by the Planning Committee (ref: SDNP/19/02508/FUL). The new positions of the development are considered to be acceptable in terms of their visual impact on the landscape and are supported by the WCC Landscape Officer, as it would take advantage of the dense boundary screening of hedgerow and trees along Hurst Lane and is considered to overcome the previous reason for refusal.

The design of the barn building is fairly typical for this type of equestrian building. Material samples were submitted and considered to be acceptable and have been secured by condition 3. The use of shutters and the absence of roof windows mean that the building should not result in any unacceptable light spillage from internal sources. Any external lighting could be conditioned to be kept to a minimum (for example a security light) and designed to be in accordance with SDNPA dark night skies guidance. No lighting is proposed, nor would it be allowed to the outdoor arena in this rural location due to landscape and neighbour amenity reasons. Condition 4 does not allow floodlighting and requires details of any other external lighting to be submitted for prior approval.

Some limited or filtered views of the development may occur in places along the boundary, particularly in winter when there is less leaf cover. However, the extent of public visibility is deemed as acceptable by the WCC Landscape Officer. If there are any gaps or thinner parts of the boundary, the applicant has indicated that they would be willing to add screening through further planting. A landscape condition (11) has also been recommended by the Landscape Officer to enhance the existing hedgerow with native species. In addition, due to its location, it is not considered that the development would be unduly prominent in public views from the access points on Hurst Lane. Where the barn development is seen, it would be in the context of the barns to the north. The low 1.5m high post and rail fencing surrounding the riding arena would be seen in the context of the existing paddock fencing within the adjacent fields.

The finished material for the main access track and parking area is not clear in the submission, but has been partly laid with scalpings which are permeable and condition 8 ensures that the surface material is in a colour to match the southern track. The access to the riding arena is to be mesh to allow the grass to grow through.

The development proposes no changes to the boundary trees and hedges to the access point. This allows the development to meet the requirements of SD21 that development should not adversely impact on the biodiversity, landscape character and amenity value of historic rural roads. This also meets the requirements of policies SD4, SD5 and SD11 which seek to retain important landscape features. The retention of boundary features close to the proposed access point is important in landscape terms, as it provides screening to views of the existing and

proposed equestrian development on the land. Due to the proposal making no changes to the position of the track, only a very limited view of the access track occurs from the public realm. The existing gate will be moved back 10m from the edge of the carriageway.

#### Neighbour amenity

This revised application seeks to overcome the reasons for refusal for the previous application (ref: SDNP/19/02508/FUL) in terms of having a *'harmful impact on the residential amenities of the neighbouring properties'*.

The riding arena has now been repositioned to the south of the site and will be approximately 70m from the bottom of the nearest neighbour's garden boundary and 175m from the nearest dwelling. Condition 4 does not allow for floodlighting and condition 6 does not allow any music, amplification equipment or tannoy systems on the site.

The revised location of the riding arena is considered to be an acceptable position on landscape grounds and it is considered that the neighbour amenity issue has been overcome due to the distance from any residential property.

There will be minimal visibility of the development (barn and riding arena), given the relationship of the nearby dwellings and the dense boundary screening to both sides of Hurst Lane. It is not considered that the proposed barn would result in an unacceptable visual impact or harmful impact on the amenities of the closest dwellings, with the barn being some 55m from Oak Tree Cottage.

WCC Environmental Health Officer had no adverse comments to raise, but did recommend the inclusion of condition 2 (private use), condition 4 (no floodlighting), condition 5 (manure) and condition 6 (no music/amplification equipment). It was also recommended that manure is stored on a trailer and removed at regular intervals and no burning of any waste allowed.

The LPA must assess the scheme it is presented with for its acceptability. Whilst the proposal would result in a change from the existing situation, subject to the securing of the above requirements by condition, it is not considered that the proposal would result in unacceptable impacts on the amenities of neighbours that would warrant the refusal of the application. It is considered that the revised proposal overcomes the previous reason for refusal. In addition, with the restrictions suggested, it is not considered that the development would have an unacceptable impact on the tranquillity of the area.

#### Landscape/Trees

There are no proposed works to existing trees and hedgerows. Additional hedgerow planting is proposed along the road boundary.

## Highways/Parking

The development proposes the use of the northern access point off Hurst Lane, which is the closest access point to the proposed facilities. However, advice from HCC Highways is that this access has restricted visibility in both directions.

Hurst Lane is a rural classified road which is subject to the national speed limit. As such, visibility splays of 2.4m by 215m are required to accord with highway safety standards. The implementation of this requirement would necessitate a significant removal of mature boundary features and the loss of the historic boundary line of the rural lane. This would be contrary to policies SD21, SD4, SD5 and SD11 and is therefore unacceptable in landscape terms in the National Park context.

The applicant contends that the development does not result in additional traffic over and above that which was already assessed under SDNP/16/03622/FUL. It is their view that in the absence of a restriction on the number of horses that could be kept on the original larger site under SDNP/16/03622/FUL, intensification will not occur as the site will continue to be for private equestrian use only. The applicant also contends that as both access points existed at the time of the approval and no restriction was placed on the use of either access, the owner of the land could already have been using either access point.

However, as the Highway Authority has pointed out in their consultation response, the location of the equestrian barn, arena and parking area, along with the laying out of the access track as proposed, would result in the intensification of the proposed access point above that approved under SDNP/16/03622/FUL.

It is evident from the planning assessment under SDNP/16/03622/FUL that it was the southern access that was being assessed for its suitability to access the equestrian development, due to the proposed position of the track and facilities. There was no assessment of the suitability of the northern access, as it was clearly not physically related to the equestrian facilities on the site. If the application were approved, the north access would become a main access point for a new planning unit and its facilities.

As well as objections on grounds of visibility the Highway Authority also raised concerns that the repositioned gates set back 10m from the carriageway would still result in vehicles towing a trailer overhanging the carriageway when arriving or leaving the site.

The applicants maintain that there will be no intensification of use. It was confirmed that the site currently accommodates 5 horses and 1 foal and this will not change nor will there be any net increase, as the applicants Highway Consultant's advice. The gateway will only be used twice a day. As such, the LPA has taken a balanced approach and cannot uphold HCC Highway's assertion that

the proposed development would result in an intensified use of the land. It is considered that the applicants have provided sufficient evidence to support their claims in this regard, which cannot be disputed by the LPA. The proposal is therefore considered to comply with policy SD21.

### Other Matters

*Ecology* - An ecological assessment was submitted as part of the application. The applicant does not propose to remove any existing trees or hedgerows as part of this application but adequate protection would need to be secured. The boundary hedgerow to the east of the development is recognised by the WCC Ecologist as being species rich and suitable for foraging and commuting bats and hazel dormouse. Any external lighting that is proposed should be controlled by condition and designed to avoid illuminating habitats. Precautionary construction avoidance measures are also recommended to the grassland. These measures could be required by condition.

## **9 Conclusion**

Whilst the land was approved for equestrian use under SDNP/16/03622/FUL the site has since been subdivided into two ownerships. Whilst it is acknowledged that this has already happened and that there are some facilities on the site (two mobile shelters), the granting of the application would result in the formalisation of a new planning unit with stabling facilities for eight horses, an outdoor arena, and a new primary access point.

The proposal is considered acceptable on landscape and neighbour amenity grounds. The LPA has taken a balanced approach and cannot uphold HCC Highway's assertion that the proposed development would result in an intensified use of the land. The applicants have provided sufficient evidence to support their claims in this regard, which cannot be disputed by the LPA. It is therefore recommended that the application is approved, subject to conditions.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. The use of the equestrian barn and manege hereby permitted shall be

restricted to the keeping of horses for private recreational use by the owner of the land only and shall not at any time be used for any other form of equestrian activity such as for any commercial riding, breeding or training purposes.

Reason: To ensure the satisfactory development of the site and in the interests of the amenity of the area and highway safety.

3. The materials to be used for the construction of the external surfaces of the barn shall be as described in Section 7 of the application form and as material samples submitted - wooden cladding sample and roofing sample RAL number 1602010 (juniper green).

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the rural character of the National Park.

4. No floodlighting whether free standing or affixed to an existing structure, shall be provided on the site at any time.

Details of any other external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the occupation of the development. The lighting scheme should be in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and protected species from light pollution.

5. Manure/waste bedding shall be stored on a trailer located to the north east of the barn and removed from site at regular intervals. Large scale storage or burning of any waste will not be permitted.

Reason: In the interests of the amenities of the locality.

6. No music, amplification equipment, tannoy systems to be used on the site at any time.

Reason: To protect the amenities of the occupiers of nearby properties.

7. No caravans or containers and no more than one horsebox, one manure trailer and parking for three cars, whether motorised or not shall be kept, or stored on the land unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

8. The materials to be used in the construction of the access track and parking area shall be hard core in a colour to match the track to the south of the site.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

9. The disposal of surface water shall be carried out in accordance with submitted detailed plans 'Soakaway Details' 21/10/19 and Soakaway Calculations (email 25/10/19) approved by the Local Planning Authority. The approved details shall be fully implemented before development commences.

Reason: To ensure satisfactory provision of and surface water drainage.

10. The recommendations within section 15 of the Extended Phase 1 Ecological Assessment (Philips Ecology, July 2019) shall be adhered to throughout the construction period and the enhancement provisions within section 16 (two house sparrow boxes) shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To safeguard protected species and maintain biodiversity.

11. Supplementary planting to the hedgerow along the eastern boundary will be carried out as shown on drawing no: SDNP/WIN/324/AJW/005 – Landscape Plan. The scheme approved shall be carried out in the first planting season following the completion of the development. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be



proportionate to the aims sought to be realised.

### 13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

### 14. Proactive Working

The application was considered acceptable as submitted so no further assistance was required.

### Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

| Plan Type | Reference   | Version | Date Received | Status   |
|-----------|---|---------|---------------|----------|
| Plans -   | SDNP/WIN/3<br>24/002a -<br>Block Plan,<br>Fence Plan                  |         | 04.03.2020    | Approved |
| Plans -   | SDNP/WIN/3<br>24/AJW/001A<br>- Location<br>Plan                       |         | 04.03.2020    | Approved |
| Plans -   | 2036-001 -<br>Rev.A -<br>Proposed<br>Access                           |         | 04.03.2020    | Approved |
| Plans -   | SDNP/WIN/A<br>JW/003 -<br>Proposed<br>Elevations<br>and Floor<br>Plan |         | 04.03.2020    | Approved |
| Plans -   | Soakaway<br>Detail Plan   |         | 04.03.2020    | Approved |
| Plans -   | SDNP/WIN/3<br>24/AJW/005<br>- Landscape<br>Plan                       |         | 17.06.2020    | Approved |

Reasons: For the avoidance of doubt and in the interests of proper planning.