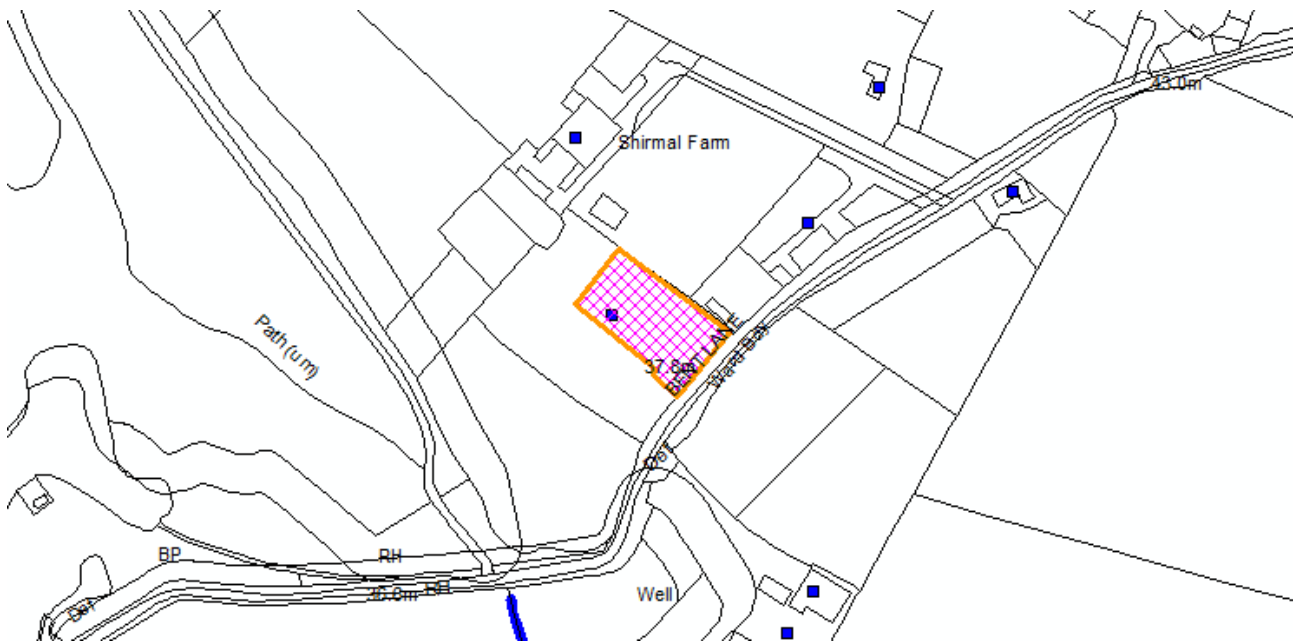


WINCHESTER CITY COUNCIL  
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**Case No:** 21/01538/FUL  
**Proposal Description:** (amended plans) Change of use of the land from agriculture to equestrian. Erection of stable building, hardstanding and construction of manège.  
**Address:** Lower Paddock Bent Lane Hambledon Hampshire  
**Parish, or Ward if within Winchester City:** Soberton Parish Council  
**Applicants Name:** Mr Thomas Maloney  
**Case Officer:** Nicola Clayton  
**Date Valid:** 23 July 2021  
**Recommendation:** Permit  
**Pre Application Advice**

**Link to Planning Documents**

Link to page – enter in reference number 21/01538/FUL  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for permission as it is an area identified in the Local Plan where proposals for development will be supported, will not have a significant detrimental impact on the character of the area or the amenities of the neighbouring properties, and does not have an adverse impact on highway safety.

The proposal is in accordance with the Local Plan Part 1 Policies DS1, MTRA1, MTRA4, CP13, CP14, CP16; and the Local Plan Part 2 Policies DM1, DM12, DM15, DM16, DM17, DM18, DM19, DM23, DM26, and National Design Guide (2021).

**General Comments**

The application is reported to Committee due to the number of objections received contrary to the officer's recommendation.

**Amendments to Plans Negotiated**

The following drawings submitted within this application were amended to address some harmful issues identified including a reduction in the size of the hardstanding.

This is the list of drawings submitted on the 16th December 2021, and re-advertised for comment:

- Revised site plan 501

The applicant also submitted further ecology information following the WCC Ecologist's consultation response. Ecological Impact Assessment (Windrush Ecology, September 2022)

**Site Description**

The site is located to the western side of Bent Lane, within the southern area of the hamlet of Hoe Gate, Hambledon.

The surrounding area has a remote and enclosed feel due to the presence of woodland and narrow, hedged roads.

The site comprises an area of porous hard-standing with emerging vegetation, bordered by a line of trees along the eastern boundary. Access to the site is via Bent Lane.

It is of note that the removal of a section of hedgerow, removal of an area of grassland and placement of hardstanding was likely undertaken in February/March 2020.

The site is located in a rural environment, being surrounded by improved pasture to the north, south and east. To the west there is an area of semi-improved grassland. The wider landscape is characterised by arable land, improved pasture, development associated with the settlement of Hoe Gate and woodland.

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Ancient woodland is frequent throughout the wider local landscape. Ancient woodland found within 2km of the site include Boarhuts Copse, Charles Wood, Clays Copse, East Croft Copse, East Hoe Common, Fodderhouse Copse, Goldsmiths Copse, Hall's Copse, Holmbush Piece, Huntbourn Wood, Mill Copse, Madam's Copse, Mill Plain and Vinnell Wood.

The East Hoe Common Ancient woodland and SINC is located over 70m to the west and Mill Plan ancient woodland and SINC is over 40m to the south-west.

There are six non-statutory sites of nature conservation within a 1km radius of the site, namely, Huntbourn Woods, Hoegate Common, Mill Copse, Denmead, Mill Plain, The Paddocks and Hill Barn Meadows Area 3.

### **Proposal**

The proposal is for the change of use of agricultural/grazing land for equestrian purposes for private use by the applicant. Drawings have been amended to reduce the area of hardstanding on site that has been previously installed. Also, the proposal involves the erection of a horse arena with an associated stable building. The arena will be bordered by areas of managed grassland.

### **Relevant Planning History**

20/00739/FUL Change of use of land to use as residential caravan site for two gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with laying of hardstanding, construction of new access and erection of two ancillary amenity buildings. Ref. Appeal dismissed.

The inspector during this appeal requested that the applicant removes the hardstanding that had retrospectively been constructed on site and to replant hedges.

### **Consultations**

#### Service Lead for Community and Wellbeing

Ecology

Raise no object subject to safeguarding conditions.

### **Representations:**

**23** Objecting Representations received from different addresses citing the following material planning reasons:

- No adherence to enforcement history
- No details for storage of manure
- Parking
- Flooding and ecology
- Historical removal of hedgerows

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No Supporting Representations received.

## **Relevant Government Planning Policy and Guidance**

### National Planning Policy Framework 2021

- Para 7 - the proposal meets the test of sustainable development including the economic, social and environmental objectives.
- Para 47 - planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- Para 85 – development to meet local business and community needs in rural areas outside settlement boundaries (and not well-served by public transport) is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- Para 100 - Planning policies and decisions should protect and enhance public rights of way and access.
- Para 119 - planning decisions should promote the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy conditions.

### Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 – Development Strategy & Principles

MTRA1 – Development Strategy Market Towns and Rural Area

MTRA 4 – Development in the Countryside

CP13 – High Quality Design

CP14 – Effective Use of Land

CP16 – Biodiversity

### Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of Development

DM12 - Equestrian Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM19 – Development and Pollution

DM23 – Rural Character

DM26 - Archaeology

### Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Equestrian Development SPD 1999

### Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

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Statement of Community Involvement 2018 and 2020

## **Planning Considerations**

### **Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy MTRA4 (Development in the Countryside) allows development that has an operational need for a countryside location, which includes equestrian uses.

Policy DM12 (Equestrian Development) of the LPP2 will permit development related to grazing and equestrian works (stables, training areas, riding centres or studs) will be permitted where a countryside location is necessary, provided that the works comply with the Development Plan and makes use of existing infrastructure, respects the landscape pattern to minimise the visual impact by appearance and design, does not involve scattered development of new buildings, does not harm the character of the area with cumulative development or materials/boundary treatments, lighting etc that would have a harmful visual impact, does not have an unacceptable impact on residential amenities, and provides a satisfactory landscaping scheme.

The principle of development is therefore accepted.

### **Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

### **Impact on character and appearance of area**

The application site is situated within the countryside where it is considered that equestrian enterprises and horse-activities are now an integral part of the rural landscape. The existing site comprises land which was formally vacant agricultural land. It is of note that the removal of a section of hedgerow, removal of an area of grassland and placement of hardstanding was likely undertaken in February/March 2020. The surrounding area is made up from open agricultural pasture land, with various clusters of development including small scale agricultural sites and small-holdings.

Policy DM12 supports equestrian development within the countryside comprising new buildings provided that it does not result in adverse impact upon the character of the rural landscape. The proposal plans have been designed for creation of a horse arena and an associated stable building. It is proposed to take up part of the hardstanding to reduce the area and make a positive improvement to the entirety of the scheme. It is considered that the proposed development is proportionate in terms of scale in relation to the site. Based on this and coupled along with the proposed landscape planting scheme conditioned to

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this decision (condition 3) and the suitable high quality materials sought within the design, it is considered that the proposed development will sympathetically integrate into the rural character of the site and wider area. The proposed development is not widely visible from the public realm/street scene. As such, it is considered that the proposed new equestrian development will not result in adverse impact upon the character of the surrounding rural landscape. Therefore the proposal complies with policy DM12.

It is noted that a number of comments refer to the previous appeal decision and the requirements of that case. This application for equestrian use has been assessed on its own merits and amendments have been made to bring the level of hardstanding to an acceptable level and there are also opportunities for improved landscaping.

### **Development affecting the South Downs National Park**

The application site is located approximately \*\*\*km from the South Downs National Park

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 2021. 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.

In Conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

### **Historic Environment**

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

### **Neighbouring amenity**

The proposed development is relatively isolated. The site is surrounded by farms and woodland with no residential properties within 100m of the site. It is not considered that the proposal would have a detrimental impact on the residential amenities of the area.

Therefore the proposal complies with policy DM17 of the LPP2.

### **Sustainable Transport**

The proposal will have no impact on highway safety because the existing access onto Bent Lane will not be altered. The change of use is not expected to have a material increase to trips or change the type of vehicle using the access onto Southwick Road.

The access into the site was assessed as part of the previous application on the site. A  
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2.4m x 43m visibility is achievable which is based on users of the road travelling at 30MPH.

The previous application included a reason for refusal on highway grounds as this reduced visibility was not supported by traffic surveys at that time.

However, during the appeal of the application, the Inspector assessed the highway impact and concluded that the visibility splays were sufficient and a speed survey is not necessary. The access was confirmed as suitable for highway safety purposes by the Inspector.

In the circumstances of this current application, the proposed use of the land does not result in intensive use of the junction with a small number of trips per day. The access, as considered acceptable by the Planning Inspectorate, is acceptable and does not result in adverse harm to highway safety. The required visibility splays are secured by condition 8.

Therefore the proposal complies with policy DM18 of the LPP2.

### **Ecology and Biodiversity**

The drawings were amended to reduce the area of hardstanding on site. The applicant was also advised to submit further ecological information to address biodiversity net gain on site. An updated Ecological Impact Assessment (Windrush Ecology, September 2022) has been submitted as part of this application. The proposals deliver a net gain in habitat biodiversity. The biodiversity net gain calculation is based on habitat (botanical) value alone and does not take into account any species-specific ecological enhancement such as bird boxes and bat boxes. Such measures are likely to further enhance from the existing situation.

Therefore the proposal complies with policy CP16 of the LPP1. Along the eastern boundary of the site, there is a line of trees. This line of trees includes species such as hazel *Corylus avellana*, field maple *Acer campestre* and hawthorn *Crataegus monogyna*. The line of trees has a maximum height of approximately 8m and appears to not be regularly managed. The ground flora of the line of trees includes species such as cow parsley *Anthriscus sylvestris*, nettle, bramble *Rubus fruticosus*, cleavers *Galium aparine* and dog's mercury *Mercurialis perennis*.

The line of trees is not considered to fall under any category listed within Section 41 of the NERC Act 2006. However, the habitat is considered to be of ecological value at the site level.

Prior to February/March 2020, it is believed that there was a hedgerow where the current access to the site is. Based on the species recorded within the eastern line of trees, it is likely that this hedgerow comprised species such as hazel, field maple and hawthorn.

With connections to tree lines that lead west and east of the site, it is considered that the hedgerow would have created a potential habitat corridor for wildlife. The hedgerow is considered to have been of high ecological value at the site level and of ecological value at the local level.

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It is considered appropriate and necessary for all retained trees and hedgerows to be protected in accordance with British Standard 5837:2012, with the establishment of appropriate root protection zones and this can be secured by condition.

Where the new access has been created, two trees will be planted to connect the existing tree line/proposed hedgerow. It is recommended that the trees are native and preferably of local origin, this is secured by condition.

It is noted that East Hoe Common and Mill Plan are ancient woodlands. Natural England and Forestry Commission guidance ensures that a 15 metre buffer is maintained from ancient woodlands in order to protect the trees and habitats they support.

In this instance, the development area leaves over a 70m gap between the site and East Hoe Common and over 40m to Mill Plan. The proposal is not considered to adversely affect the surrounding ancient woodlands or their SINC designations due to the scale of the development and intervening distances. This assessment has been taken in consideration of the Natural England guidance and paragraph 180 of the NPPF.

Therefore the proposal complies with policy DM24 of the LPP2.

### **Sustainable Drainage**

The site is located within flood zone 1, and at low risk of flooding. No information has been submitted in regard to the drainage for the site. It is considered that these details can be addressed through conditions. Therefore the proposal complies with policy DM17 of the LPP2.

### **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

### **Planning Balance and Conclusion**

The change of use of the land for equestrian use is within part developed agricultural land, and the proposed stables and manege will be positioned within the corner of the site (away from the wider public views through the landscape). The facilities proposed are clustered near one another and utilise materials that is considered appropriate. The reduced area of hardstanding utilises an existing access and is not considered to have a harmful impact to highway safety. The proposal is therefore considered to be in compliance with Policy DM12 as well as other relevant policies within the Local Plan Parts 1-2 and material planning matters do not indicate an alternative approach should be taken.

### **Planning Obligations/Agreements**

In seeking the planning obligation(s) and/or financial contributions for..., the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the

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obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

**Recommendation**

**Permission** subject to the following condition(s):

**Conditions**

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).

2. The development hereby approved shall be as already partially built on site and shown in the following plans received:

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The existing boundary hedgerows shall be retained and enhanced with native tree planting as indicated within the Ecological Impact Assessment (Windrush Ecology, September 2022).

If within a period of five years after the proposal is built, the planting becomes seriously damaged, defective or diseased the planting should be enhanced or replanted of the same size within the next planting season, unless otherwise approved by the Local Planning Authority.

Reason: To maintain the vegetation cover and the contribution that vegetation make to the character and amenity of the rural area.

4. Prior to the installation of any external lighting, whether free standing or affixed to a structure, details and specifications of the proposed lighting must be submitted to and approved in writing by the Local Planning Authority.

Development must then continue in accordance with the approved details.

Reason: To protect the appearance of the area, the environment and local residents from light pollution

5. Details of the facilities for the storage of horse manure/stable waste and its means of disposal from the site, shall be submitted to and approved in writing by the Local Planning Authority before the use of the stables is commenced. The facilities shall be provided and thereafter maintained in accordance with the approved details.

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

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6. The proposed stables and storage building hereby permitted shall not be occupied at any time other than for purposes for private equestrian use and shall not, at any time, be used or converted for living accommodation, business, commercial or industrial purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and to prevent the creation of inappropriate units of accommodation or conversion, possibly leading to over intensive use of the site.

7. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in the Materials section of the associated application forms, as well as noted within approved drawings.

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

8. Before the development hereby approved is first brought into use, visibility splays of 2.4metres by 43metres shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times.

Reason: In the interests of highway safety.

**Informative:**

1. The applicant is advised that the preferred method of disposal is the frequent removal of manure from the site. The burning of manure or large scale storage on site will not be an acceptable method. For further information, please contact the Environment Agency on 03708 506 506 to discuss changes to the legislation covering the storage and disposal of Horse Manure.

2. If at any time the premises are used for the Hiring out of Horses (including Riding Establishments) a licence must be issued by the Environmental Protection Team under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. This includes any business for the keeping of horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both.

3. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council. The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee

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Further information, application forms and guidance can be found on the Council's website  
- [www.winchester.gov.uk](http://www.winchester.gov.uk)

4. In accordance with paragraph 38 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

5. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 Policies DS1, MTRA1, MTRA4, CP13, CP14, CP16

Local Plan Part 2 Policies DM1, DM12, DM15, DM16, DM17, DM18, DM19, DM23, DM26

6. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

7. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays.

Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>