



Appeal Decision

Site visit made on 14 May 2019

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2019

Appeal Ref: APP/B9506/W/18/3219238

South Sway Orchard, South Sway Lane, Sway, SO41 6DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gulliver against the decision of New Forest National Park Authority.
 - The application Ref 18/00711, dated 30 August 2018, was refused by notice dated 24 October 2018.
 - The development proposed is to construct new 40m x 20m manege.
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Decision

1. The appeal is allowed and planning permission is granted to construct new 40m x 20m manege at South Sway Orchard, South Sway Lane, Sway, SO41 6DP in accordance with the terms of the application, Ref 18/00711, dated 30 August 2018, subject to the conditions listed in the attached schedule.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number: 001/Rev B.
 - 3) The manege the subject of this permission shall only be used for the exercising of horses belonging to the owner of the site (or their successors in title) and shall not be used for any commercial riding or training purposes or as an equestrian show arena.
 - 4) No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the Local Planning Authority.
 - 5) Before the development hereby permitted is brought into use, details of all hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in the first planting and seeding seasons following commencement of the use.

Any trees or plants which within a period of 5 years from their planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The site is located within the Sway Pasture and Residential Settlements Landscape Character Area as defined in the New Forest National Park Landscape Character Assessment 2015 (LCA). Emerging Policy SP7 of the New Forest National Park Local Plan 2016-2036 (eLP) sets out that development proposals should be informed by the LCA and be compatible with the distinct features and type of landscape in which they are located. The emerging Local Plan is at an advanced stage, having been subject to examination. The Local Planning Authority's (LPA) appeal statement indicates that no modifications are proposed to Policy SP7 and, therefore, I give it, and by extension the LCA, significant weight.
4. The LCA defines key landscape characteristics of the area as including forest smallholdings and dwellings, with an irregular ancient field pattern of small pastures and hedgerows. The mosaic of small fields is visible in views across the undulating ground from South Sway Lane and the aerial photographs provided with the LPA's appeal statement. The site is clearly part of this field pattern and thereby contributes to the overall landscape character.
5. Whilst there may be limited precedent for this type of development in the immediate area, the LCA also indicates that the character area is important for recreational horse keeping, where paddocks are frequently divided by wooden timber fencing. The site itself is a small area with a paddock appearance. Two sides are enclosed with timber post and rail fencing in broadly straight lines meeting at an approximate right-angle corner that faces towards the site access from South Sway Lane. The other sides of the paddock are mainly defined by tree planting, with the longer side against a tree-lined stream. The land slopes gently downwards from the corner closest to the site access to the stream.
6. The LCA identifies that a key issue for the area is the sub-division of fields, which could lead to the erosion of this pattern. However, I saw that the parcel containing the appeal site has already been sub-divided within the tree-lined pattern by the large yard area and existing paddock fencing. Against this existing artificial enclosure and tree lined boundary along the stream, the additional perimeter fencing would not further harm landscape character.
7. The buildings at South Sway Orchard are part of a wider cluster of dwellings and other buildings either side of South Sway Lane. The site itself is between the outbuildings and house at South Sway Orchard and an existing stable building on the opposite side of the stream. As such, I find that it is well related to existing built form in the area. It would be related to a rural land-based activity and so not suburban in appearance.
8. The slope of the land means that some landscape engineering is required to create a level surface. The resulting artificially flat form would be incongruous with the gently rolling topography. However, given its relationship to the existing buildings, adjoining expansive yard area and strong tree line along the stream, it would not be intrusive in the area. Furthermore, whilst landscape character is broader than that which can be perceived from public viewpoints, the proposal would not be particularly visible from South Sway Lane as the topography falls away. As such, the engineering works would not be stark or prominent in these views, which significantly reduces the harm from the introduction of an artificial landform, directly associated with human activity.

9. The LPA also refers to the unnatural appearance of the proposed rubber crumb surface. However, I note that the New Forest National Park Guidelines for Horse Related Development Supplementary Planning Document 2011 indicates that rubber or bark surfaces can be sympathetic to the landscape. In light of this guidance, there is no compelling evidence that the choice of surface would be particularly harmful in this case.
10. Tree planting in the area generally follows the historic field boundaries, streams and lanes. In this respect, the proposed clump of planted trees that would screen some views from South Sway Lane would have a somewhat awkward relationship to the existing field pattern. However, it is unlikely to be perceived in that way from the lane as, viewed in context with the existing tree planting around the site, it would largely give a tree-lined appearance to the existing access tracks.
11. The introduction of equestrian development into an agricultural landscape can change the landscape character. However, for the reasons given above, I find that the proposal would not harm the character and appearance of the area. It would, therefore, comply with Policies CP8 and DP23 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 (CS) that seek to avoid harm to the landscape, lead to a gradual suburbanising effect and prevent development that would erode the local character of the National Park.
12. For the same reasons, the proposal would not conflict with the aims of eLP Policy SP7 that seek to conserve and enhance the existing landscape and not detract from natural beauty of the National Park. My attention has been drawn to various other policies of the eLP. However, their aims do not depart from those of the existing development plan insofar as they relate to this main issue. They do not, therefore, lead me away from my conclusions.
13. Accordingly, the natural scenic beauty of the National Park would be conserved, and there would be no conflict with the statutory purposes of the National Park¹ concerning the conservation and enhancement of natural beauty, wildlife and cultural heritage; and the promotion of opportunities for the understanding and enjoyment of the special qualities of the area by the public.

Other matters

14. I note that the existing dwelling at the site is subject to an agricultural occupancy condition. However, there is no particular evidence as to why that should restrict the development of land for equestrian purposes and is, therefore, of minimal weight in my decision.
15. Concerns have been raised about potential for surface water run-off. However, there is no substantive evidence that significant run-off would occur or lead to pollution and I note that the LPA have not raised any concerns in this regard. Therefore, I find that no harm would arise.

Conditions

16. A plans condition is required in the interests of certainty. In the interests of the character and appearance of the area, conditions are required to secure the landscaping scheme and prevent the installation of external lighting. To avoid

¹ As set out in the LPA's appeal statement.

a potentially harmful increase in activity at the site, a condition should be imposed to restrict the use of the manege to the personal use of occupiers of the site.

17. The LPA's recommended landscaping condition refers to the approved details, but those shown on the application drawing are not precise. Furthermore, the drawing indicates that they are to be agreed with the Authority's officers. Given the wording on the drawing, no injustice would arise if I were to require the submission of further details so I have amended the condition accordingly.
18. The Environment Agency (EA) has recommended a condition that development should be carried out in accordance with the submitted flood risk assessment (FRA) and planning statement. However, the FRA is not a detailed document and, like the planning statement insofar as it relates to flooding, merely confirms that the ground levels will be no lower than the existing. This is clearly shown on the submitted drawings and does not need to be subject to a specific condition. The EAs recommended condition further requires that any material used in the cutting and filling shall not be imported from off-site. However, there is no substantive evidence as to why this is necessary, so I have not imposed such a condition.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

M Bale

INSPECTOR