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# Appeal Decision

Site visit made on 27 February 2023

**by James Blackwell LLB (Hons) PGDip**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 March 2023**

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**Appeal Ref: APP/B9506/W/22/3307085**

**Consort Cottage, Row Hill, Bramshaw, Hampshire SO43 7JE**

- 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 Anthony Cassidy against the decision of New Forest National Park Authority.
  - The application Ref 21/01092, dated 10 January 2022, was refused by notice dated 27 May 2022.
  - The development proposed is an all-weather exercise pen; post and rail fencing; track; and associated drainage.
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## Decision

1. The appeal is allowed and planning permission is granted for an all-weather exercise pen; post and rail fencing; track; and associated drainage at Consort Cottage, Row Hill, Bramshaw, Hampshire SO43 7JE in accordance with the terms of the application, Ref 21/01092, dated 10 January 2022, subject to the following conditions:
  - 1) No lighting shall be installed to illuminate the exercise pen hereby approved unless express planning permission has first been granted.
  - 2) The development hereby approved shall not be used for any business use nor for any other commercial purpose at any time.

## Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this more succinctly describes the proposal.

## Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including whether it would preserve or enhance the character and appearance of the Forest Central (North) Conservation Area.

## Reasons

4. The appeal site comprises a parcel of land near to Consort Cottage, which is a residential dwelling within the Forest Central (North) Conservation Area (CA). There is a large stable block to the west of the cottage, as well as a large manege just to the south of the stables. The wider property is therefore distinctly equestrian in character, which is reflective of the character and significance of the wider CA. Indeed, the key characteristics of the CA (as set out in the CA's Character Appraisal) highlight that "most buildings are in residential use, many with supporting agricultural or equestrian outbuildings".

5. The development comprises a circular exercise pen measuring approximately 20 metres in diameter, and is enclosed by a timber post and rail fence. There is also a gravel track on the approach to the exercise pen from the stables. Given the limited extent of built development, the exercise pen remains low level and broadly unobtrusive, and still retains the prevailing openness of its rural surroundings. Whilst I acknowledge that the fence does introduce some disruption to this openness, this is viewed in the context of surrounding agricultural land, where fences like this are commonplace. In turn, this element of the scheme is able to integrate effectively with the neighbouring landscape.
6. The appeal site is separated from its closest neighbouring properties, including Bramshaw Village Hall and a dwelling known as Petina, by tall and dense hedgerow. This means the development is not readily visible from either of these properties. Moreover, owing to the gentle sloping topography of the land in this location, the exercise pen is not appreciable from the road, nor along the main access to Consort Cottage. In turn, the development is barely perceptible from any public vantage points to the north, east or west of the site.
7. In any event, given that the exercise pen and associated development reflects the equestrian nature of the wider property, it appears entirely in-keeping, both visually and functionally, with the prevailing character of its surroundings. Physically speaking, it is very closely related to the existing stables and manege, so it is seen within this similar equestrian context. Even where there are glimpsed views of the development, particularly from the south, I am therefore satisfied that it assimilates properly with the equestrian and rural character of the wider landscape, without appearing incongruous nor detracting from its setting.
8. On account of these factors, I consider that the development preserves the character and appearance of the area. In turn, it also preserves the character and appearance of the CA. The development is therefore consistent with Policies DP2, DP18, SP7 and SP17 of the New Forest National Park Local Plan (2016 – 2036) (Local Plan), which together seek to ensure new development is contextually appropriate, and that it conserves the landscape beauty of the National Park. These objectives should be achieved through high quality design which is sympathetic to the area's natural, built and historic environment. The development also aligns with Policy SP16 of the Local Plan, which requires development to protect the Council's heritage assets in a manner appropriate to their significance. The development is consistent with Policy DP53 which supports the development of outdoor maneges, provided they do not result in any detrimental impact on the landscape and ecology of the New Forest. Finally, the development reflects the overriding objectives of the Framework to preserve heritage assets and to safeguard the beauty of the countryside, as well as the guidelines for horse related development set out in the Guidelines for Horse Related Development SPD (2011).

### **Other Matters**

9. The appeal site is located near to Consort Cottage, which is a listed building. In line my statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving this building and its setting. Given that the development integrates effectively with the rural and equestrian character of its surroundings, I am

satisfied that it also integrates seamlessly with the setting of Consort Cottage. In turn, the development preserves the setting of this building.

10. Whilst the Council has indicated that the development could set a precedent for harmful cumulative equestrian development, each case must be assessed on its own individual merits. In this instance, the surrounding context allows the development to integrate effectively, without harm to the landscape or to the wider significance of the CA.

### **Conditions**

11. I have included a condition restricting any external lighting (temporary or otherwise) from being installed at the site with express permission first being obtained. This will ensure any impact of the development is appropriately minimised. I have also included a condition which restricts the site from being used for any business or commercial purpose, which will ensure the intensity of its use is sufficiently regulated.
12. Whilst the Council has suggested a standard plans condition, this is not strictly necessary in this instance, as the development has already been carried out.

### **Conclusion**

13. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be allowed.

*James Blackwell*

INSPECTOR