

Report to	Planning Committee
Date	10 September 2015
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/15/01024/FUL
Applicant	Ms Hurvenes-Clarke
Application	Change of use of land to mixed agricultural and equestrian (dressage) use, retention of: barn in reconfigured form, horse walker, wash down area, manure ramp, hay store, access track, parking and manoeuvring areas, exercise track and landscaping of the site.
Address	Brackenwood, Telegraph Hill, Midhurst, West Sussex, GU29 0BN

Recommendation: That planning permission be refused for the reason set out in paragraph 10.1 of this report.

Executive Summary

This site is in a rural secluded location within the Greensand Hills and next to Woolbeding Common where the landscape character is sensitive to change due to its relative remoteness and low levels of human activity. This site is a historic assart of medieval origin which forms part of and contributes value to the prevailing historic landscape character.

This application is in response to dismissed appeals and an unsuccessful High Court challenge to use the land for mixed agricultural and equestrian (primarily for keeping and training c.35 polo ponies and a minor element of dressage) purposes and to regularise the majority of the existing unlawful development along the site's western boundary. This included an American barn, stables, wash down areas, horse walker, surfacing and exercise track as described in the report. The current application also proposes a mixed agricultural and equestrian use where up to 8 horses for dressage are proposed to be kept in connection with the applicant's international sporting pursuits and to develop a private breeding/training enterprise as well. Stables have been removed from the western boundary but this application still proposes the retention of the American barn (with alterations), horse walker, wash down area, manure ramp, hay store, access track and parking area and exercise track. New landscaping is also proposed following the removal of a tethering area and wash down area to the north and south of the main barn.

The fundamental concerns of the SDNPA and the Appeal Inspector have not been overcome by these revised proposals. The proposed use of the land and those aspects of development proposed to be retained have a harmful impact upon its character and appearance and consequently the wider landscape and its tranquillity.

I. Site Description

- I.1 The application site is approximately 3 miles north of Midhurst and west of the A286 which runs between Haslemere and Midhurst. It is sited on Telegraph Hill, part of the ring of greensand hills which enclose the Milland Basin below. It occupies an elevated position, albeit in a reasonably secluded location.
- I.2 The site is accessed from the A286 and Kings Drive. This road leads past the former King Edward VII Hospital site where new dwellings are being built as enabling development to fund its restoration. Beyond this site the road continues past a residential area called Hurst

Park, after which it turns into an un-metalled track near the site and continues along just outside of its western boundary up to the site entrance at its north west corner. The access into the site is bordered by timber fencing and a timber gate.

- 1.3 The surrounding rural area is a mixture of agriculture, forestry and common land including the National Trust owned Woolbeding Common which is a Site of Special Scientific interest (SSSI). There is a network of footpaths and the long distance Serpent Trail and Lipchis Way are in the vicinity of the site. Specifically, there is a public right of way (PROW) along the site access which borders the entire length of the western site boundary.
- 1.4 Brackenwood is a detached dwelling, which was originally a signalling station, within grounds of 1.4 hectares. This dwelling is outside of the application site which is a 6.2 hectare field to the south but both share an access as described below. The field is bordered by woodland on its southern side. Trees line the western boundary with Woolbeding Common further west. There is also a belt of trees which border its eastern boundary, beyond which is a field and a dwelling known as Pine Hill House. The northern boundary is defined by a timber post and rail fence which runs alongside the access, serving Brackenwood and Pine Tree House.
- 1.5 Within the site the land undulates but generally slopes downwards north to south. There is an oval shaped exercise track surfaced with woodchips which runs around almost the entire length and width of the site. There is a post and rail fence which runs along the inside edge of it, within which there is an area of improved grassland.
- 1.6 Along the western site boundary there are, going from north to south, 2 water tanks within an area of trees and shrubs, a cleared area surfaced with topsoil with various timber tethering posts for horses, a graded concrete manure ramp which goes down to a manure heap, a horse walker and wash down area surfaced in tarmac, a large american barn, an area of tarmac and bare ground behind it. In the south west corner there is then a sand school. There is a broken line of vegetation alongside the eastern edge of all this development as well as a surfaced access and large parking area. There are also 5 timber fenced corrals along the southern site boundary, which are on higher ground to the sand school.
- 1.7 The South Downs Integrated landscape Character Assessment identifies the site within the Blackdown to Petworth Greensand Hills. This character area is described as having extensive panoramic views from open hill tops but is also characterised by a sense of enclosure, mystery and remoteness and sense of tranquillity. The site is also identified as an early medieval assart in the Pan Sussex Historic Landscape Assessment.

2. Relevant Planning History

- 2.1 14/01375/FUL: Change of use of land to mixed agricultural and equestrian use. Refused May 2014.
- 2.2 14/01375/FUL refused because of detrimental changes to the historic character and appearance of the land; regularising the equestrian use of the land would perpetuate the managed character of the site, which would be detrimental to its visual qualities and the surroundings; insufficient information on the nature, extent and intensity of use or the interrelationship between agricultural and equestrian activities on site.
- 2.3 Unsuccessful High Court Challenge against appeal decisions in 2.4-2.6 below, April 2014.
- 2.4 13/01290/FULNP: Change of use of land to a mixed use comprising equestrian use and agriculture, including erection of a barn, timber stables, temporary stabling, two pony wash down areas, hay shed, horse walkers, hard surfaced areas for parking/access and pony tethering and exercise track. Refused June 2013. Appeal Dismissed 7 January 2014.
- 2.5 13/01290/FUL refused because of inappropriate substantial range of built structures along the western site boundary, which introduced an intensity of use and activity inconsistent with the surrounding landscape and land use; proposals have eroded the landscape character of the area and tranquillity; harmful visual impact from adjacent PROW.
- 2.6 FH/22: Enforcement Notice (amended): Unauthorised change of use of the land to a mixed

use for agriculture and equestrian purposes. Appeal dismissed January 2014.

- 2.7 FH/23 Enforcement Notice: Unauthorised development of large stable building, metal framed stable building, horse walker, horse tethering area, two wash bays, hay store, timber stable block, manure ramp, access and parking area and exercise track. Appeal dismissed January 2014.
- 2.8 I1/05519/FULNP: Change of use of land to a mixed use comprising equestrian use and agriculture, including erection of a barn, timber stables, temporary stabling, two pony wash down areas, hay shed, horse walkers, hard surfaced areas for parking/access and pony tethering and exercise track. Refused December 2012.
- 2.9 I1/05224/ELDNP: Two water storage tanks. Approved August 2012.
- 2.10 09/05153/FUL: Erection of stable building. Refused March 2010.
- 2.11 09/02194/FUL: Dressage arena. Approved July 2009.
- 2.12 05/02441/FUL: Formation of private polo practice area. Withdrawn August 2005.

3. Proposal

- 3.1 This application has been submitted in response to dismissed appeals against refusing planning application I3/01290/FULNP and two upheld enforcement notices (FH22 and FH23 above) and the subsequent unsuccessful challenge in the High Court. The notices required the use of the land for keeping and training polo ponies (and a minor element of dressage use) to cease, the removal of the oval exercise track along with re-profiling of the land and the buildings, structures and surfacing (see pages 33 and 34 in appendix 1).
- 3.2 Planning permission is now sought to use the land for private mixed agricultural and equestrian (dressage) purposes. During the autumn and winter months the land within the exercise track would be grazed by sheep. The equestrian activities would involve the breeding, training and exercise of dressage horses only. The application also proposes the retention of the existing development and alterations to the existing barn listed below:
- Retention of the barn for stabling (8 loose boxes) in the northern end of the barn, storage in the southern end (particularly for machinery for managing the land) and its ancillary facilities inside.
 - Remove the 28 clear perspex sheet roof lights on the American Barn.
 - Retention of the horse walker and adjacent wash down area and sewerage treatment plant;
 - Retention of the manure ramp and hay store;
 - Retention of the access track and parking area
 - Retention of the oval exercise track.
 - New holly hedge along the western side of the barn.
 - New planting where development has/would be removed (see below).
 - New tree planting adjacent to the dressage arena.
- 3.3 In conjunction with these proposals, the following has/would also be undertaken:
- Removal of the polo pony tethering area north of the horse walker, applying top soil and allowing it to regenerate with vegetation.
- Between the barn and sand school:
- Removal of 3 timber loose boxes (already undertaken)
 - Removal of 16 prefabricated stables (already undertaken)
 - Removal of the wash down area by replacing existing surfacing with new landscaping
- 3.4 The proposals relate to Ms Hurvenes-Clarke's activities as an international dressage competitor. Her aspirations are to use the site for the breeding and training of dressage horses as a private business, which would also support her competition riding.

4. Consultations

- 4.1 **Chichester District Council (CDC) Archaeology:** Comments. Whether or not the ditch represents the remains of a medieval park pale, it marks the historic parish boundaries of Fernhurst and Woolbeding. It is named as 'Manor Ditch' in Fernhurst Tithe Award of 1846. Its physical presence and the setting of the historic landscape around it have both been compromised by the presence of the large barn; both could be restored by its removal.
- 4.2 **CDC Tree officer:** Comments. Mature trees between sand school up to the horse walker are mature/over mature status and average/over average/fair condition; showing signs of stress decline, possible indicator of root damage and age; two large beech trees west and north west of barn have been heavily pruned; beech tree north east of barn has had a lot of activity around it and condition suggests root damage; trees along the track are suppressed and poorly formed; planting around sand school should be lightly foliated or left but area to south east could be planted/tidied up; planting between barn and sand school should extend to east of sand school; proposed species for this area seem appropriate but not clear where trees would be planted in relation to quantity; ground should be aerated and line of holly trees added into gaps on boundary;
- Trees to west, north-west and north east of stables
- Vegetative gaps around heavily reduced beech trees north of stable block; these should be felled and replaced with like for like; possibly need additional planting around heavily reduced beech tree on western boundary to strengthen screen; waste water from wash down area should be appropriately treated and discharged; rain water could be redirected towards trees; in areas where any horseboxes are stored appropriate geosynthetic ground system within root protection areas (RPAs) needed and prudent to use in RPAs covering the track and internal access drive; pruning needed for trees encroaching telephone wires. Potential loss of trees seems minimal. TPO not necessary or appropriate. Any required fencing should accord with BS5837:2012; tree report includes appropriate mitigation.
- 4.3 **Fernhurst Parish Council:** Objection. Continued development despite enforcement notices and concerns from neighbours constitutes a flagrant opposition to the planning requirements formed to protect this sensitive site within the SDNP; contrary to saved Development Plan policies.
- 4.4 **Forestry Commission:** No comment.
- 4.5 **Hampshire County Council Ecology:** Comments. Ecological interest is limited to its boundary features and the adjacent Woolbeding & Pound Commons SSSI. Proposals do not appear to result in any impacts on any boundary features; proposed boundary planting will increase the level of native vegetation specific scrub/woodland habitat within the site; improving on the existing hardstanding substrate; further detail of proposed surface drainage plan has been provided to demonstrate satisfactory surface water run off drainage to prevent run off into the SSSI, but could be conditioned; proposed landscape planting and enhancement measures should be secured to contribute to biodiversity.
- 4.6 **National Trust:** Objection. Would not permit passing bays or widening of the access (SDNPA officer note – neither proposed); conflict with PROW users and vehicles in connection with commercial use; WSCC PROW Officer's concerns could not be overcome; acknowledge 2 enforcement notices have been partially complied with but application proposes the retention of works/structures which should also have been removed; application does not address the detrimental impact and restore any historic character to the site; the proposals would not conserve the landscape and scenic beauty of the SDNP; works to the barn do not overcome its visual impact; limited weight should be given to any economic benefits; proposals conflict with the NPPF and local policies; would have a significant detrimental impact on the landscape and visual character of this part of the SDNP; Enforcement Notices should be complied with; would not allow any works to the Common Land to be undertaken to mitigate the impact of this development on users of Woolbeding Common.
- 4.7 **Natural England:** No objection.
- 4.8 **SDNPA Landscape Officer:** Objection. Response considered in context of the

Inspector's 4 main issues of: (1) impact on landscape character; (2) visual impact; (3) impact on tranquillity; (4) impact upon trees along the site's western boundary.

Landscape Character

Negative impact on landscape character. The site falls within the greensand hills landscape character area and is a historic medieval assart. The Western Weald is noted for its relative wildness, remoteness and extensive PROW network which provides good opportunities to enjoy the Special Qualities. The site would retain a sporting character.

Buildings/structures and their arrangement

The 'physical infrastructure' to be retained remains extensive; does not address the Inspector's concerns about the impact on the PROW and overall landscape character.

Still an extensive length of development along western boundary, proposals would merely 'spread it out'; cumulative impact along the western boundary would still occur; a compact and reduced scheme related to the manege in the south west corner of the site would be more aligned to the Inspector's decision letter for the dismissed appeal.

American Barn

Its retention is contrary to the appeal decision; proposed holly hedging planting would reduce the extent to which the barn is glimpsed in the localised views and would break up its mass, however effectively establishing the proposed holly hedge screening immediately to the west in the narrow space between the barn and the ditch and within the root zones of the mature trees is unlikely to succeed.

Visual Impact

PROW likely to be regularly used by walkers. Main visual impact concerns are:

- Scale and location of the barn visually intrusive;
- Siting and layout of the development 'strung out' along the western boundary has a cumulative adverse visual impact
- Increase in traffic along the PROW would lessen the enjoyment of the footpath
- Likely that due to the positioning of the unlawful buildings some of the trees along the western boundary may suffer the loss of limbs or die This would increase the visibility of the development rendering it more dominant and intrusive in the landscape;
- Increased levels of human and sporting activity on the site impacting on the enjoyment of the countryside.

Tranquillity

Excessive vehicle movements and activity along the western boundary would be continued; impact on tranquillity is considered to still be a significant issue due to the extended nature of the proposals along the western boundary.

Existing trees

No methodology for the removal of the buildings, hardstanding and other works which may have a potential impact on the existing trees. Critical an arboricultural method statement is approved by the SDNPA prior to any works commencing to ensure trees are safeguarded.

General points

Areas for sheep grazing should be marked on the plan for clarity. Clarification on what agricultural equipment requires storage should also be included; paddocks for turning out horses are not shown; areas identified as corrals are for polo ponies, not for the stated use. Proposed planting of beech woodland at north and southern ends of the site acceptable but full detailed landscape plan should be provided; proposed landscaping on eastern side of the barn not appropriate as includes non-native species; detailed landscape and management plans should be provided to ensure the proposed planting will thrive.

4.9 **West Sussex County Highways:** No objection.

4.10 **WSSCC Public Rights of Way:** Comments. Two public footpaths including the Lipchis Way and the Serpent Trail run along the access and so this route has heavier use than other

paths locally; the common land also allows a right to roam; proposals would result in an increase in the number and nature of vehicles accessing Brackenwood, resulting in potential danger for pedestrians; not adopted highway and no provision to have an enforceable speed limit; landowner could put advisory notices beside the road to encourage more responsible driving; any change in surfacing must have prior consent from WSCC.

5. Representations

5.1 260 third-party representations have been received. These comprise of 13 objections, 155 in support and 92 neutral responses. Every attempt has been made to record and take into consideration the views of individual contributors. Those recorded as being a neutral response predominantly include identical comments which refer to both supporting and objecting to the application. There are also a number of representations which do not appear genuine. The representations raised the following issues:

5.2 Support

- Puts top class facilities to good use.
- Nicely kept establishment
- Officer Note – the majority of the representations which support the proposals do not provide any comments/reasons.

5.3 Objections

- Size of the facility excessive
- Approval for a commercial equine facility would result in further detrimental change.
- Contrary to National Park Purposes
- Retention of the barn and its altered form does nothing to reduce scale and visual obtrusiveness.
- Likely to affect biodiversity features on protected Woolbeding Common.
- Burning of horse manure on site in the past
- The use would be vulnerable to the presence of contamination
- Further planning applications and appeals can't continue
- Should comply with the Appeal Decision and High Court
- Site can be seen from the PROW
- Not dissimilar to previous scheme
- Infilled ancient boundary ditch

5.4 **Campaign to Protect Rural England:** Objection. Repackaging of previous application; fails to address any of the inadequacies of the previous scheme; seeks retention of the American barn which has already been determined as unacceptable; unauthorised development on site has not conserved the landscape and scenic beauty of the SDNP, substituting manicured lawn, areas of hardstanding, buildings and enclosures for open pasture; total effect has been an urbanisation of the landscape which is inappropriate and at odds to its original character.

5.5 **South Downs Society:** Objection. Acknowledge horse riding is an appropriate recreational activity in the National Park and has the potential for economic benefit, but also has the capacity to have negative impacts as well. The scale of the proposals may be disproportionate for the claimed personal use. The access is inadequate for the level of activity proposed.

5.6 **Woolbeding and Redford Parish Council:** Objection. Significant change in the character and use of the land; approval for commercial equestrian facility would result in further detrimental change; size of facility excessive; object to retention of the American barn and reconfigured form does not reduce scale of visually obtrusive building; SDNPA should refuse change of use of the land to accord with National Park Purposes; since High Court decision planning applications and court appeals cannot be allowed to continue.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the saved policies of the Chichester District Local Plan (1999). The relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- 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 wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

6.3 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) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

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

6.5 The South Downs National Park Partnership Management Plan (2013) is a material consideration in the determination of the application. Policies 1 and 3 in particular are relevant.

7. Planning Policy

7.1 The following saved policies of the Chichester District Local Plan 1999 are relevant:

- RE1 Development in the Rural Area Generally
- R4 Public Rights of Way and Other Paths
- R6 Equestrian Facilities
- BE11 New Development
- BE14 Wildlife Habitat, Trees, Hedges and Other Landscape Features

7.2 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will run from 2nd September to 28th October 2015 after which the responses received will be considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation, the policies within the Preferred Options Local Plan are currently afforded limited weight.

8. Planning Assessment

8.1 This application has been submitted in response to dismissed appeals and an unsuccessful High Court challenge detailed in paragraphs 2.3-2.7 above. The Inspector's views were comprehensive and robust, but the Inspector stated it was still possible for the Appellants to approach the SDNPA about a future revised application (paragraph 128, **appendix 2**).

Comparison between the appeal proposals and the current proposals

- 8.2 The previous appeals related to the use of the land for the keeping and training of c.35 polo ponies by the previous applicant Mr Clarke; a small element of dressage use by his daughter Ms Hurvenes-Clarke (2-3 horses), and the retrospective operational development which existed at the time. A plan at page 35 of the appeal decision (**appendix I**) shows what was proposed to be retained.
- 8.3 Pages 33 and 34 of the appeal decision detail the upheld notices (with amended timescales for compliance) and what needs to happen on site. This involves discontinuing the polo activities and the extensive removal of the buildings, structures and surfacing. In comparison, section 3 of this report outlines the proposals of this application in terms of how the site is now proposed to be used, what existing facilities are still proposed to be retained and those which either have or are proposed to be removed.
- 8.4 The Inspector's considerations were based on 4 main issues below. These have been used as a logical basis for assessing the application in the context of what is now proposed and the current character and appearance of the site.
- Landscape character
 - Visual Impact
 - Tranquillity
 - Trees

Landscape character

- 8.5 The Inspector concluded that prior to a change of ownership in 2005 any equestrian use was a modest ancillary or incidental activity to the primary agricultural use of the land for the grazing of horses. Since then, the development which took place in subsequent years has materially changed the character of the land as the equestrian activities intensified. At the time of the appeals, the area within the exercise track resembled a manicured polo playing field. The intensity of equestrian activity has since reduced by the relocation of the polo ponies and the area within the exercise track would now be used for grazing either dressage horses or sheep.
- 8.6 However, key characteristics of the landscape character remain relevant. This site is an intrinsic part of a historical and sensitive landscape of the Greensand Hills where clearings within woodland and common land of the Greensand Hills have supported rough grazing. The South Downs Integrated Landscape Character Assessment (SDILCA) highlights that the landscape qualities which are important to the overall character are a sense of remoteness, tranquillity, lack of overt human impact, low density of any settlement, dark skies and noise levels. This site exemplifies these very qualities of the landscape character. The SIDLCA also specifically refers to the importance that equestrian activities do not erode the sense of tranquillity and recognises that the distinctive rural and remote character of the area is vulnerable to hobby farms and horse grazing uses. These aspects were acknowledged in paragraph 69 of the Appeal Decision.
- 8.7 This site has further historical relevance to the landscape. It is identified in the Pan Sussex Historic Landscape Character Assessment (HCLA) (2007-2009) as an assart - an historic clearing used for grazing purposes - which is of roughly medieval origin. The Inspector determined that it is of "considerable historic importance due to its age and its value as a contributor to the prevailing landscape character of the area..." (paragraph 71).
- 8.8 The Inspector determined that the majority of the site remained an open expanse and was not significantly different in area prior the development taking place. Its character had however materially changed from informal paddocks used for rough grazing to a formalised and uniform manicured surface which had the appearance of a playing field which was detrimental to the character of the field and at odds with the historic nature of assarts.
- 8.9 The site currently remains as an open expanse, apart from the development along the western boundary, but its character still very much reflects its predominant equestrian use. The improved grassland still has a more manicured appearance in comparison to 'rough grassland,' the exercise track is a very noticeable feature in light of its surfacing and fencing, which defines the grazing area, and on its outer edges the manicured grass also contributes

to the definable changes the equestrian use has on its character. In these regards, the integrity of the field as an historic assart is undermined by the more formal characteristics of the equestrian use. Consequently, there is landscape harm.

- 8.10 The Inspector concluded that the buildings and structures 'strung out' along the western boundary would also have an unsatisfactory urbanising effect (paragraph 86). The prefabricated and timber stables now removed lessen the amount of development along it, but these were generally temporary in nature compared to the larger permanent buildings/structures on site. The hardstanding proposed to be removed would also not mitigate against the extensive areas of hardstanding which would remain.
- 8.11 The more significant elements like the barn would still remain and their proposed retention would be contrary to the Inspector's findings. Whilst the barn is now proposed with less stables in favour of a storage area, the issues of retaining such an excessively large building would still not be overcome. The areas of hardstanding along the boundary would be reduced by approximately half by the new areas of planting, but the access and large area of parking along the eastern side of the development would still remain.
- 8.12 Overall, the development in its entirety goes beyond that which would typically be expected on a field of this size in connection with an equestrian use with 8 stables. Whilst the Inspector considered the dressage element of the previous proposals as being more acceptable this was in the context of 2-3 horses being kept on site. The level of activity proposed would be reduced from the polo activities but the site would still be primarily used for equestrian use rather than a mixed agricultural use. The regularisation of the equestrian use would perpetuate the highly managed character of the site.
- 8.13 There is therefore still a cumulative impact upon the character of the site from this development which is harmful to the intrinsic character of the site and its surrounding landscape character. This development has been tested at appeal and found to be unacceptable and this is supported by the recommendation below.

Visual Impact

- 8.14 The only views of the site are from the PROW along the western boundary. The Inspector concluded that the siting and layout of the development at the time was detrimental to its visual amenity. In particular, the scale of the barn was visually intrusive. The breaking up of the development along the western boundary with new areas of landscaping would not sufficiently reduce the impact of the barn in particular. Whilst the proposed holly hedge alongside it may afford some additional screening, there is uncertainty about its ability to become established and it would take years to grow. In any event, its height is unlikely to be able to hide the apparent scale of the barn. The site can also be seen from the south west corner at the point at which the 2 way marked tails turn westwards which again has a detrimental impact upon the character of the area.

Tranquillity

- 8.15 This is a tranquil location within the National Park. Tranquillity is special quality of the National Park which is also recognised in the NPPF. In addition to the landscape characteristics highlighted in 8.4 above, the Inspector also considered that a 'general perception of an air of peace and tranquillity with low noise levels' exists' at the site (paragraph 99). Consequently, he considered the appeal proposals, by virtue of level of noise generated along with the anticipated vehicle movements that allowing the appeals would be contrary to policy objectives of protecting areas of tranquillity and limiting overt human impact, taking into account other activities in the general area that take place (paragraph 108).
- 8.16 The current proposals would involve less activity on site given the lower number of horses but there would still be a loss of tranquillity. The barn and wash down area would still be adjacent to the PROW where activity would still be discernible from it, potentially even with a new hedgerow between them. There would be 4 full time staff and their movements in addition to deliveries, collecting waste, comings and goings of horse trailers and visitors like farriers, vets vehicle movements to/from the site would also impact upon it. Given the high level of tranquillity recorded in the area this activity would reduce tranquillity and impact

upon the quiet enjoyment of the countryside. This is contrary to Policy R6, the NPPF, National Park Purposes and the Partnership Management Plan.

- 8.17 The 28 roof lights proposed to be removed from the American barn would help to improve upon the night time tranquillity of the area by removing light spill. This would therefore be a benefit. Should the doors of the barn likely remain open when its in use would still create light spill particularly during the winter months.

Trees & proposed landscaping

- 8.18 Trees along the western boundary were acknowledged by the Inspector to have value in the landscape. Those next to the barn were extensively lopped/pruned to enable its construction, within their root protection areas. The Tree officer has advised that many trees along the western boundary are showing signs of stress decline and indicators of root damage. None appear to have died but 2 large beech trees close to the barn are recommended to be replaced with like for like and that the potential loss of trees is minimal. Nevertheless, the Inspector previously concluded that retaining the development is not necessarily in the best interests of the trees and as advised by the SDNP Landscape Officer it may take years for the damage that has occurred to become apparent. This is a particular concern for those close to the American barn.
- 8.19 The proposed areas of new landscaping are acceptable in principle but further details would be required in terms of species, planting schedules and its future management.

Other considerations

- 8.20 The proposals have led to the infilling of an historic ditch along the western boundary, as described by CDC's archaeologist. This compromises the landscape and cultural heritage of the National Park.
- 8.21 The proposals would provide local employment on site as well as equestrian trades like farriers. The Inspector however gave limited weight to this when considering the larger scale of the polo activities and concluded that these benefits did not outweigh the environmental harm.
- 8.22 No objections in respect of nature conservation interests are raised.
- 8.23 The proposals would not harm the amenity of nearby dwellings.

9. Conclusion

- 9.1 The Inspector's findings were robust and are fully supported. The proposals have not changed significantly enough to justify that they have overcome the SDNPA's and Inspector's fundamental concerns for the reasons above. Great weight has been given to conserving the landscape in the assessment of the proposals. In light of the above considerations, the proposals cause unacceptable harm upon the National Park landscape, as detailed in the reason for refusal.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for refusal for the following reason:
The site is an historic assart in a remote and tranquil location which contributes to the prevailing historic landscape character that is sensitive to change. Its use for equestrian purposes and the unauthorised development facilitating this use harm its character and appearance and consequently the prevailing historic landscape character. The unauthorised development along the western boundary proposed to be retained also causes visual harm when seen from the adjacent PROW. Furthermore, the noise and disturbance from the activities of the equestrian use would harm the amenity of the adjacent PROW and the area's tranquillity. The development does not therefore accord with policies RE1, R4, R6, BE11 and BE14 of the Chichester District Local Plan 1999, the NPPF, National Park Purposes and Duty and policies 1 and 3 Partnership Management Plan.

11. Crime and Disorder Implication

- 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

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of pre-application advice from a SDNPA Development Management Officer.

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Appendices
1. Site Location Map
2. Appeal Decision

SDNPA
Consultees
Legal Services, Development Manager.

Background Documents
All planning application plans, supporting documents, consultation and third party responses

<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NKLB6PTUMX700>

National Planning Policy Framework (2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf

South Downs National Park Partnership Management Plan 2013

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

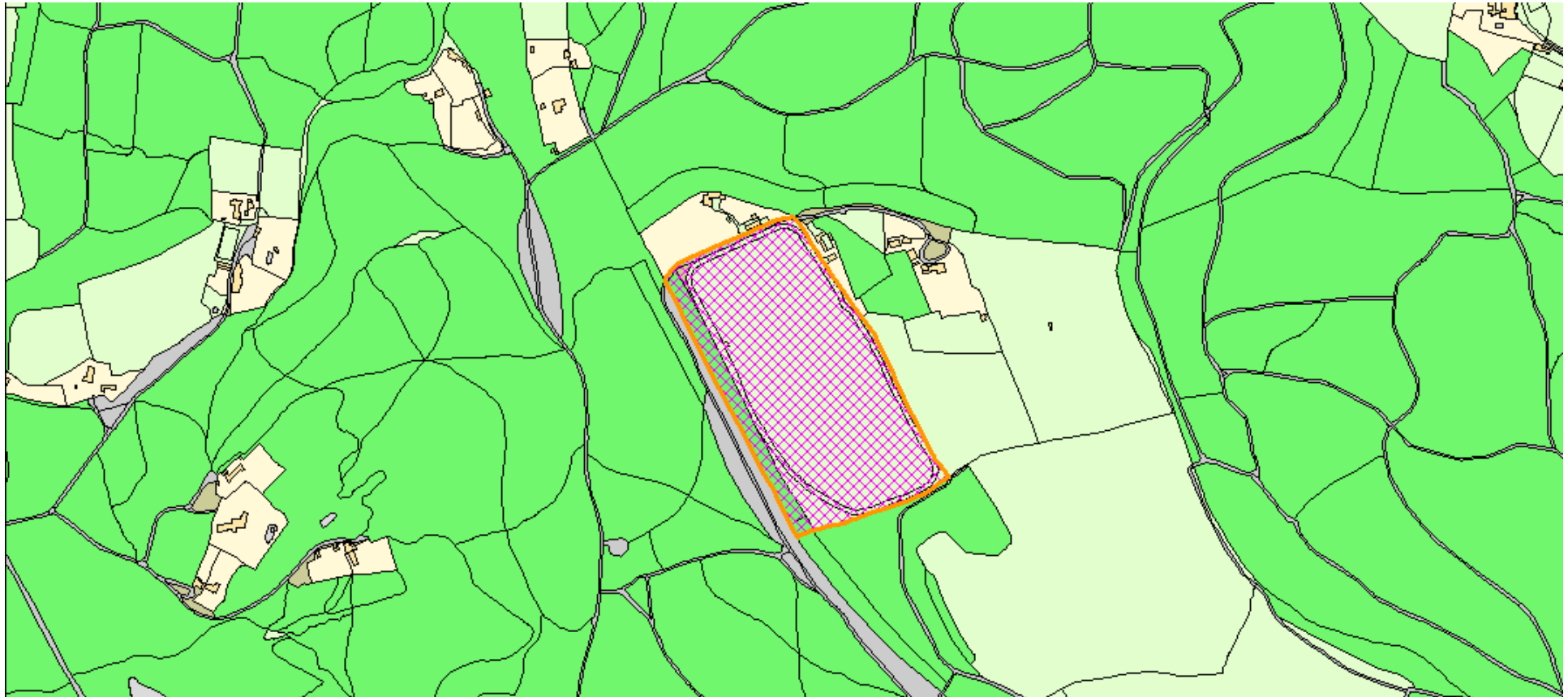
South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

Pan Historic Landscape Character Assessment

<https://www.westsussex.gov.uk/land-waste-and-housing/landscape-and-environment/landscape-character-assessment-of-west-sussex/>

Agenda Item 7 Report PC65/15 Appendix I Site Location Map



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