

Report to **Planning Committee**  
Date **13 July 2017**  
By **Director of Planning**  
Local Authority **Winchester City Council**  
Application Number **SDNP/17/00522/FUL**  
Applicant **Mrs Sally Taylor**  
Application **Proposal for the change of use of land to equestrian, erection of stable building, new access track and underground water pipe and electricity cable. The application is part retrospective given that the underground water pipe and electricity cable have already been installed.**  
Address **Chalky Lane (land at Butts Farm, Butts Farm Lane) Bishops Waltham**

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

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### **Executive Summary**

The application site is within a rural location outside of the designated settlement boundary for Bishops Waltham, which has a rural character. The site is located just within the South Downs National Park, the boundary of which is located to the south of the site along the settlement edge for Bishops Waltham.

The site adjoins woodland to the north, which is a designated Ancient Woodland and a Site of Importance for Nature Conservation (SINC) and to the south of the site is a public right of way (PRoW). The site boundaries currently comprise of post and rail fencing with newly planted hedge planting located behind the southern field boundary. The site has been subdivided into four separate paddocks and has been partitioned from the rest of the open field surrounding the site. At present there are four mobile field shelters on the site as well as a double temporary stable building that is sited along the northern edge of the site. An underground water pipe and an underground electrical supply cable have already been installed into the site.

The site is currently accessed by a temporary access track that adjoins the south-western corner of the site leading from Butts Farm Lane.

The applicant considers that the work already undertaken on the site including the erection of fencing, temporary stable and field shelter buildings and the installation of a temporary access track do not require planning permission and would fall under permitted development. Officers are currently progressing an enforcement investigation in this regard.

The current application proposes a change of use of the land to equestrian use for the keeping of horses for private use, which Officers consider to be retrospective in nature. The application also proposes the erection of a permanent stable building for keeping 5 horses, a new permanent grasscrete access track to replace the temporary access track to the site and retrospective permission for an underground water pipe and electricity cable. The applicant has confirmed that the temporary timber stable building would be removed from the site if planning permission is granted.

Officers consider that the development proposals, in conjunction with the other development

already undertaken on the site (irrespective of whether they need planning permission or not), would result in an unacceptable cumulative 'urbanising' impact upon the National Park landscape in this sensitive location, by virtue of the siting, scale and design of the stable building, access track and areas of hardstanding, parked cars, and other equestrian paraphernalia. The National Park landscape would not therefore be conserved or enhanced by the proposed development, which would also impact on the enjoyment of the public right of way adjoining the eastern site boundary.

Refusal is therefore recommended given that it has not been demonstrated that the equestrian development could be provided without having an unacceptable impact on the sensitive landscape character of the countryside surrounding Bishops Waltham.

An Article 4 Direction was made on 18 April 2017, which took effect immediately, to remove permitted development rights for fences, gates, walls and other means of enclosure (as set out in Class A of Part 2 of the Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 from land to the south of Dundry Lane. This relates to a large parcel of land (14.8 hectares), which does also incorporate the application site. It was considered that an immediate Article 4 Direction was justified in this case to prevent any further subdivisions of the field by fences or other means of enclosure.

The application is placed before the Committee for consideration given the number of representations received and local interest in the scheme.

## **1. Site Description**

- 1.1. The application site is located to the north of Bishops Waltham and to the north-east of Butts Farm Lane, comprising approximately 3.07 hectares of land that was used as agricultural land until recently. The site is within a rural location outside of the designated settlement boundary for Bishops Waltham and is located within the South Winchester Downland Mosaic Character Area, which has a strong rural character where fields are typically bounded by woodland or tall, thick hedgerows. The site is located just within the South Downs National Park, the boundary of which is located to the south of the site along the settlement edge for Bishops Waltham.
- 1.2. Levels across the site vary and rise from the west to the east. The site was once part of a number of chalk extraction pits found in the area. Robin Hood's Dell is still visible in the landscape as a dip within the south-west corner of the site adjacent to the temporary access road.
- 1.3. The site adjoins woodland to the north, Beechen Copse, which is a designated Ancient Woodland and a Site of Importance for Nature Conservation (SINC) and to the south of the site is a public right of way (PRoW), which runs from Colville Drive in a north-easterly direction and adjoins the eastern boundary of the site. Field boundaries along Chalky Lane, around the bend to Beechen Copse, are all historic boundaries and are remnant of an older landscape. The PRoW is also a surviving historic feature, remaining in-situ since the early-mid 1800's and therefore the historic landscape features around the site are particularly sensitive, notably the ancient woodland, right of way and field boundary.
- 1.4. The site boundaries comprise of post and rail fencing with newly planted hedge planting located behind the southern field boundary. The site has been subdivided into four separate paddocks and has been partitioned from the rest of the open field surrounding the site. At present there are four mobile field shelters on the site as well as a double temporary stable building that is sited along the northern edge of the site. An underground water pipe and an underground electrical supply cable have already been installed and there are existing telegraph poles running across the centre of the site.
- 1.5. The site is currently accessed by a temporary access track that adjoins the south-western corner of the site, connecting the application site to Butts Farm Lane to the south-west. A number of locked metal gates have been installed along the temporary access track.

## **2. Relevant Planning History**

- 2.1. As is outlined above within the Executive Summary, an Article 4 Direction was made on 18 April 2017, which took effect immediately, to remove permitted development rights for fences, gates, walls and other means of enclosure (as set out in Class A of Part 2 of the

Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 from land to the south of Dundridge Lane, which does include the application site. However, Article 4 Directions are not retrospective and do not affect development that has already occurred.

### **3. Proposal**

- 3.1. The application proposes the change of use of land from an agricultural use to an equestrian use to keep horses for private use in addition to the erection of a stable building and associated retaining walls and the provision of a new access track. The application also seeks retrospective planning permission for the installation of an underground water pipe and electricity cable. The applicant has advised that the site would not be used for commercial purposes.
- 3.2. The proposed stable building would be located in the south-west corner of the site within a dip in the field. The stable building would measure approximately 18.75 metres wide and 14.8 metres deep. The height of the building would measure approximately 5.5 metres to the top of the roof ridge reducing to 3.2 metres in height when measured to the eaves. The stable building would incorporate six stables, a tackroom, a feed room and a toilet. The external walls would include vertical green box profile cladding along three of the elevations and an exposed concrete blockwork wall along the northern stable elevation. The roof would incorporate grey coloured profiled roof sheeting with six rooflights to allow light to enter into the building. A retaining wall is proposed to be positioned just to the south of the stable building, which would also partly extend in close proximity to the western and eastern (side) elevations. A further smaller retaining wall is proposed to the north-east of the stable building.
- 3.3. Additional tree planting is proposed to the south of the proposed stables and retaining wall, which would consist of native species such as Beech, Birch and Ash.
- 3.4. There is currently a temporary access track in-situ on site connecting Butts Farm Lane to the south-western corner of the site. The temporary access track comprises Geotec membrane and road plainings. It is understood that this has been laid as the ground conditions over the winter prevented vehicles from getting to the site. This is proposed to be replaced with a new access track to be constructed from grasscrete, which would have a width of 4 metres.
- 3.5. An area of hardstanding is proposed around the stable building itself which would comprise of stone rubble. The proposal would also provide 5 no. parking spaces to the north of the stable and a septic tank to the north-west.
- 3.6. To summarise, under the current planning application the applicant has applied for:
  - The change of use of land to equestrian use for the keeping of horses for private use (Officers consider this is retrospective in nature);
  - The erection of a stable building for keeping 5 horses (although the floor plans show the provision of 6 stables);
  - A new permanent grasscrete access track;
  - Retrospective permission for an underground water pipe and electricity cable, which have already been installed.

### **4. Consultations**

- 4.1. **Bishops Waltham Parish Council:** No objection raised subject to conditions to secure a lighting scheme, a personal use (including for the power laid down) and appropriate safeguards for road users.
- 4.2. **Environmental Health:** No objection subject to conditions to secure lighting and the disposal of manure/stable waste details.
- 4.3. **Highways Authority:** No objection.
- 4.4. **Ecology:** No comments received. Officers will update members in due course.

4.5. **Landscape Officer:** Objection.

Negative effects upon landscape character – comprising:

- Subdivision of fields – inappropriately altering field patterns. (Creation of arbitrary and uncharacteristic field boundaries by virtue of following a redline boundary which itself does not relate to any features on the ground or restoration of historic field pattern. Resultant impact is upon 3 separate fields; not using any in their original existing form). Some parts of this landscape may benefit from new hedgerow planting, but its location should be evidence-based and reflect landscape character;
- Introduction of built form into centre of field, requiring fairly significant engineering works (retaining walls). Proposed in this location to minimise impacts, however it creates more negative effects. The chalk pit is locally characteristic, representing one of the many layers of history being shown in the landscape (time-depth);
- Impact upon the rural setting of Bishop's Waltham;
- Visual and experiential impact upon users of local rights of way in an area that is a gateway into the National Park for walkers. The scheme is set away from the existing urban edge, making it seem disjointed and its long length accentuates visual impacts;
- Negative impacts caused by inappropriate mitigation measures (e.g. tree planting, hedgerow planting, siting of building etc.);
- Potential impacts upon sensitive designated ancient woodland – not adequately assessed in the LVIA;
- The application has not considered any sustainable solutions, nor is there any evidence of how this application conserves and enhances the natural beauty of the South Downs National Park, as per the 1<sup>st</sup> Purpose.
- A lack of sufficient detail in the application.

4.6. **Historic Buildings Officer:** No objection.

4.7. **Dark Skies Officer:** Objection.

- Insufficient lighting detail and it is therefore difficult to assess the lighting against standards and ILP guidance;
- No information on the sensor lights to be used or the switching off times;
- The rooflights are a concern, particularly if the stable building is to be illuminated with artificial lighting beyond the onset of darkness. Recommended that the rooflights either need to be removed or blinds are installed.

4.8. **WCC Drainage Officer:** No objection subject to a condition to secure details for the disposal of foul and surface water.

4.9. **Bishops Waltham Society:** Objection.

- Fencing has an adverse effect on the open nature of the area, which will be made worse with a stable building;
- The size of the development suggests it is too big for personal use. If the application is approved and a condition is attached to limit the facilities to personal use, it will be very difficult for the LPA to enforce that condition;
- Development is not well related to existing or proposed bridleways. The nearest bridleway would involve riding horses on local residential roads and across a busy staggered junction.

4.10. **South Downs Society:** Objection.

- The national park provides in principle an appropriate location for recreational horse riding, but subject to consideration of the location, scale and details of the proposal;
- The proposed new stable block is typical of the area. There is to be no outdoor lighting save two downward sensor lights, which is in line with the conservation of dark night skies. There may be light spill from the proposed roof lights though;

- Consideration of the impact of a track has been made and the porous grasscrete track system is designed to decrease its impact visually and environmentally;
- Increased traffic is of concern. The proposed use will involve horse trailers or lorries and tractors to manage the manure disposal as well as tankers to empty the septic tank;
- The application is for personal use but the Society has witnessed examples of private stabling growing into commercial activity. If equestrian use were permitted on this site and were to become commercial, the traffic and noise would increase significantly in the area, to the detriment of the enjoyment of the national park by local residents and other users;
- Any future commercial use of the land should be prevented so as to protect and conserve the natural tranquillity of this part of Dunderidge Down. Being in an elevated position noise is likely to be heard over some distance;
- The property has limited access from Chalky Lane itself. A track through Beechen Copse, to the north, which is managed by Hampshire County Council Countryside Service leads to a new field gate. This is a particularly peaceful location within the National park and is highly frequented by walkers and dog walkers;
- The submitted D&A omits to point out that the scheme is a new, rather than an existing, building and in conflict with Policy RT11: Equestrian Development; it appears to be poorly linked to any existing or proposed bridleways and is likely to have a significant negative impact on the landscape.

## 5. Representations

- 5.1. 47 letters of objection and 21 letters of support have been received. A further 3 letters have been received making neutral comments, as follows:

### **Objections:**

#### Traffic & Access

- Lack of highways information in regard to safety/ traffic generation/road access;
- Butts Farm Lane is a hazardous route for vehicular traffic because of its limited visibility and poor sight lines, especially around the entry point of Colville Drive. To permit additional traffic on the Lane is a threat to road safety;
- The access routes through Butts Farm Lane, Colville Drive, and Chalky Lane are not suitable for large vehicles such as horse boxes, feed lorries, construction vehicles or tankers for septic tank discharge, as well as emergency vehicles and refuse collections;
- There is a single pavement which requires pedestrians to cross the road mid-way down;
- Pedestrians encountering horses along this path will be too close and intimidated by horse riders;
- Regular parking of cars at the junction of Colville Drive and Free Street limits visibility;
- Providing alternative access is problematic. The roadway is narrow and the junction of Beeches Lane and Dunderidge Lane offers a conflict between horse riders and vehicles including cyclists;
- The site is not well-related to existing or proposed bridleways and the proposed use would exacerbate conflicts between equestrians, vehicles and pedestrians;
- The 'hacking' opportunities in the area are limited and people will need to 'trailer out' for better riding;
- If horses use the public footpath that runs alongside this site this would ruin a much used amenity for walkers;
- The landowner/operator should be required to enter a s106 routing agreement for riders, to ensure that Butts Farm Lane is never used by riders;
- The current use of the site is open pasture which is cut for hay twice a year. Therefore the level of agricultural activity is limited to several days twice a year. Even with the level of development so far undertaken there are almost daily trips being made and that can only increase if the proposed development is approved;

- A track and field gate have already been put in place running from the designated byway up to the paddock area. Chalky Lane is simply not acceptable as a means of access; several large vehicles have already left deep tyre tracks in the unmade surface of the lane.

#### Amenity, Noise & Disturbance

- The smells, noise and disturbance from use as envisaged has not been adequately assessed;
- Horse manure in pedestrian area is a health and safety hazard;
- No detailed arrangements for the storage and removal of manure counts have been provided;
- The stable block will affect the visual amenity of residents of Colville Drive;
- The stable building will be viewed from all neighbouring houses as the section of land is elevated;
- Lighting for the stables will disturb the night time tranquillity of those houses backing onto the Butts Farm. It is not clear whether there will be lighting for the car park;
- The main road is now covered in mud and stones;
- The new Right of Way created by the current owners of the whole site goes past residential properties and results in a loss of privacy;
- The fencing is 1.8m high, much higher than stated in the LVIA, and is particularly overbearing next to the public footpath and inconsistent with the fencing used locally.

#### Ecology

- There has been no ecological assessment;
- Unauthorised installation of services and erection of fencing already conflicts with wildlife corridors. The mesh is too small for wild animals to pass through, creating a barrier for the whole length;
- The development does not accord with the aims of the National Park in preserving the natural rural status of the area;
- Wildlife will be adversely affected by the activities proposed, including light pollution from outdoor lighting, traffic, noise, and waste products from both human and equine activities. Badgers and adders, among other protected wild animals have been seen nearby;
- There are nature conservation sites in close proximity and the stable block and car park would be within the Hamble Valley Biodiversity Opportunity Area;
- The field in which the application is proposed is part of a local nature trail;
- The land is adjacent to a Site of Importance to Nature Conservation (SINC) - Dundridge Nature Reserve and Beechen Copse (only a matter of metres away). These are areas of ancient seminatural woodland and protected bird species are seen on the reserve.

#### Landscape

- This application is a threat to the tranquillity of the Park and the enjoyment of the majority of users and impacts on the natural beauty of the area and should be rejected.;
- The proposed building would not maintain or enhance the local environment, or comprise sustainable development;
- There has already been felling of ancient woodland and hedgerow to form an access from the Beechen development along Dundridge Lane, together with infilling with rubble of a natural dip in the land.

#### Scale of development

- There has been no ecological assessment;
- The development appears very large;

- The provision of electricity, water and foul drainage/septic tank on the scale applied for suggests a move at some future date to a commercial operation, or living and/or business accommodation, rather than for simple accommodation for horses;
- No case is made that it is essential for the applicant to keep five horses for her personal use on this land or for the horses to be housed in a building 5.5 metres in height (as opposed to modest field shelters), or why 5 parking spaces are required;
- The use would seem to be a radical change from low-impact agricultural use to a large scale operation with likely negative impact.

#### Other

- Precedent – the remainder of the land (33 acres) is for sale, and could attract further applications for equestrian activity;
- Many of the letters of support come from people whose lives will not be affected by the proposal;
- There are good equestrian facilities nearby in both Durley and Botley.

#### **Support:**

#### Traffic & Access

- There is a safe access route for the horses via the Chalky Lane Byway via Beechen Copse to reach Dundridge Lane;
- The land allows access with horses to Chalky Lane and Dundridge Lane without having to use the residential area;
- Horses can access the Chalky Lane byway via Beechen Copse which is owned by the applicant. There is a bridleway 350m from the end of the byway;
- There are many excellent bridleways within the reach of the land;
- The stables and grazing are for family use and not commercial so duties will be shared minimising traffic to one car at a time, not numerous vehicles arriving at different times;
- There is access to many rides into the South Down Park with access on to Dundridge Lane via the old chalk pit.

#### Landscape Impact

- The new building will not be visible from the footpath, being in a sunken dip, and will have minimal impact on the surrounding houses as it will be screened by hedgerow;
- The application will have minimal landscape impact and the stables will hardly be visible being hidden by the contours of the field;
- The proposed stabling will be constructed to be in keeping with the countryside and sympathetic to its surroundings;
- The grasscrete track will prevent erosion or tracks forming.

#### Ecology

- There has been considerable management of hedgerows and planting of a new hedgerow, at this new location, which will provide good habitat for wildlife;
- The planting scheme will encourage wildlife.

#### Equestrian Use

- The application is for family use only;
- Bishops Waltham is an old rural market town and as such has a long standing connection with horses and country pursuits;
- Horseriding in Bishops Waltham has been historically documented, and the application will it would bring much needed Equestrian usage to our village;
- The land can comfortably accommodate 5 horses;
- The land provides well drained pasture land for grazing; its use for private stables and grazing horses is appropriate use of agricultural land.

### Neutral comments:

- The equestrian centre should be underground and fully landscaped to reduce impact to dark night skies and wildlife;
- Areas have been fenced, stables built and horses put into the fenced areas before planning consent has been given.

#### 5.2. A response to the representations has been received from the applicant making the following points:

- Many objections are based on a misunderstanding that the site may be used as a commercial enterprise. The scheme is for the applicant's own personal use. Applicant would be willing to accept a condition to limit the number of horses that can be kept at the site to 5;
- The stable building would be located in a dip and the fencing and hedging on the boundary will provide screening. There are limited viewpoints from the PRoW. The nature of the local vegetation, landform and wider topography screen the site from wider views. There are many examples of similar parcels of land in the local area being used for private equestrian use;
- The lighting assessment within the Planning, Design and Access Statement explains that lighting will be limited to two sensor lights. The lights would face downwards to avoid light spill into the surrounding area. It is not anticipated that any unacceptable light spill would be emitted through the rooflights. The applicant is however, willing to reduce the number of rooflights or remove them entirely if this remains a concern;
- There is no existing building on the site and therefore stabling is essential for the welfare of the horses. The stable building has been carefully designed in accordance with guidance from the British Horse Society (BHS). Policy RT11 does state that 'where new buildings are essential, they should be carefully designed and located to fit in with the landscape and/or adjoining buildings';
- Concern has been raised regarding increased vehicular traffic on Butts Farm Lane. The vehicular trips each day will be kept to a minimum and the site could be used for livestock under its current agricultural use, where a couple of trips to the site per day would be expected;
- Comments have been made that the site was previously open and enjoyed by walkers. It should be clarified that there is no right of public access over this land;
- The applicant owns land to the north of the site, Beechen Copse. There is a permissive path through Beechen Copse, which gives direct access to Dundridge Lane via Chalky Lane. Whilst the applicant has allowed local people to use this path, it is private land;
- Queries have been raised regarding access from the site to bridleways. There is a misunderstanding that all horses would access the local bridleways via Butts Farm Lane. There is a permissive path in Beechen Copse and it is anticipated that this will be the principle route for horse riding to avoid having to take the horses on to the local roads;
- Concern has been raised regarding the amount of parking on site. There is likely to be a maximum of three vehicles at the site at any one time. The applicant is willing to reduce the amount of parking spaces from 5 to 3 if this is a concern to the LPA;
- The manure from the stables will be stored in a small muck trailer, which will be discretely located behind the stable building. The muck trailer will be emptied once a year by an agricultural vehicle. The fields will be chain harrowed and the grazing rotated, so there is no need for removal of much from the fields;
- The fencing that has been erected on the site did not require planning permission as it constitutes permitted development. Comments have been made that some of the fence posts are over 2 metres high and are therefore not permitted development. The applicant has checked the height of the fence. There were a couple of posts that were marginally higher than 2 metres, which have now been reduced to 2 metres;



- Comments have been made that the septic tank seems excessive for the use proposed. The toilet within the stable cannot be installed without a septic tank, which will only be emptied once every two years.

## 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 comprises the **Winchester District Local Plan Part 1 – Joint Core Strategy** adopted by the South Downs National Park Authority and **Winchester City Council in 2013** and the saved policies of the **Winchester District Local Plan Review 2006**. 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.

### The South Downs Partnership Management Plan (PMP) 2013

- 6.4. The PMP outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in planning applications and it has some weight pending the adoption of the South Downs National Park Local Plan. The following policies are relevant: 1, 3, 5 and 28.
- 6.5. The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### 6.6. Other guidance:

- Equestrian Development Supplementary Planning Guidance 1999;
- Winchester District Landscape Character Assessment Supplementary Planning Guidance 2004;
- South Downs Integrated Landscape Character Assessment (SDILCA)/Winchester City Council Landscape Character Assessment (WCCLCA) 2011.

- 6.7. It should be noted however that the aforementioned Equestrian SPG was adopted in 1999 prior to the National Park designation. It was also adopted before the completion of Winchester's own Landscape Character Assessment that was undertaken in 2004 and should therefore be afforded little weight.

## 7. Planning Policy

- 7.1. The relevant policies in the **Winchester District Local Plan Part 1 – Joint Core Strategy 2013** are:
- DSI - Development Strategy and Principles
  - MTRA4 – Development in the Countryside

- CP13 – High quality design
- CP16 – Biodiversity
- CP17 – Flood Risk
- CP19 – South Downs National Park
- CP20 – Heritage and Landscape Character.

7.2. The relevant saved policies in the **Winchester District Local Plan Review 2006** are:

- DP3 – General Design Guidance
- DP4 – Landscape and the Built Environment
- DP11 – Unneighbourly Uses
- DP12 – Pollution Sensitive development
- HE4 – Conservation Areas
- RT11 – Equestrian development
- T2 – Development access
- T4 – Parking Standards

The South Downs Local Plan: Preferred Options

7.3. A draft Local Plan (the South Downs National Park Preferred Options) is currently being developed, which will contain up to date planning policies specific to the National Park. It was published for public consultation in September 2015. The consultation period concluded on 28 October 2015, after which the responses received are being considered by the Authority. The next stage in the plan preparation will then be the proposed submission version, which is anticipated to be published in September 2017. Until this time, the policies contained in the Preferred Options Local Plan are a material consideration in the assessment of any planning application. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight.

7.4. The relevant planning policies of the draft SDNP Local Plan are SD1, SD5, SD6, SD8, SD9, SD11, SD12, SD13, SD17, SD37, SD39, SD42 and SD44.

## **8. Planning Assessment**

Principle of development:

- 8.1. The application site is located in the countryside outside of a defined settlement boundary. Being located within the National Park, such land has the highest level of protection and paragraph 115 of the NPPF (2012) states that great weight should be given to conserving landscape and scenic beauty in National Parks.
- 8.2. Policy MTRA4 ‘Development in the Countryside’ of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013 allows for development in the countryside where there is an operational need for a countryside location, such as for agriculture, horticulture or forestry; for the reuse of existing rural buildings for certain uses; where the expansion or redevelopment of existing buildings is to facilitate the expansion on-site of established businesses or to meet an operational need or for small scale sites for low key tourist accommodation. Policy MTRA4 does also stipulate that any development proposals should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.
- 8.3. Saved policy RT11 ‘Equestrian development’ of the Winchester District Local Plan Review 2006 also allows for equestrian related development subject to a number of criteria, including the use of existing buildings where possible and avoiding the erection of new buildings that may harm the landscape appearance of the area.
- 8.4. Equestrian development is normally located within a countryside location and therefore it could be argued that there is an essential need for the proposal to be located in the countryside in this instance. However, given the private use of the proposed equestrian use

it would not significantly contribute to the economy through the creation of employment, nor would it provide a recreational use to benefit the local community.

- 8.5. Whilst it is accepted that this type of use is generally located within the countryside, the main consideration in this instance is whether this operation can be provided without resulting in demonstrable adverse impact/harm to the surrounding landscape.

Design and impact on the National Park landscape and the adjacent PRow:

- 8.6. As previously outlined in this report, the site is located within the South Winchester Downs to the north of Bishops Waltham. Bishops Waltham is a medieval market town, which is surrounded by rural landscapes, whereby this sharp transition between urban and rural is considered to be a positive change, particularly for people experiencing and entering into the National Park.
- 8.7. Relevant guidance in the South Downs Integrated Landscape Character Assessment (SDILCA) recommends the conservation of 'irregular medieval enclosures around medieval nucleated settlements and isolated farmsteads which provide a sense of historic continuity and landscape texture – avoid field expansion/boundary removal in these areas'.
- 8.8. Guidance in the Winchester City Council Landscape Character Assessment (WCCLCA) also recommends to 'conserve the well-screened setting of Bishops Waltham with its lack of urban fringe activities'. Whilst this LCA was undertaken in 2004, the 2017 aerial photography for the area demonstrates that this statement is still applicable. In the Landscape Strategy it recommends the following: 'manage and replant medieval hedgerows to ensure they create a continuous ecological network and connect isolated habitats, particularly towards the south of the area. Replanting should use locally indigenous species and be generally kept below ridgelines. Remove post and wire/rail fencing and, if necessary replace with hedging'.
- 8.9. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which argues that because the development has 'limited land take' and because it is within the 'urban fringe' beside the urban edge of Bishops Waltham, it is alleged that equestrian use is typical in this area that would maintain the rural character of this LCA and would not have an adverse landscape impact.
- 8.10. However, as is stated above, the LCA acknowledges the notable 'lack of urban fringe activities' in the countryside surrounding Bishops Waltham, whereby the proliferation of equestrian development is a 'key issue'. The equestrian development sits on the lower slopes of an elevated and open chalk ridge and will according to the applicants own LVIA, be visible from a well-used public footpath (Footpath 7).
- 8.11. Part of the proposed development comprises a stable building and large area of hardstanding surrounding the building, including 5no. car parking spaces. The aim to hide the building in the dell consequently requires two concrete retaining walls to be used, which would create an impact in themselves. This engineering, in an area with no development in the immediate surrounding area, is likely to draw attention to the building and its immediate curtilage rather than helping it to sit lightly within its rural context.
- 8.12. Furthermore, new green buildings in the countryside, particularly poorly sited ones such as that proposed, very rarely appear as a positive contribution within the countryside and green paint rarely, if ever, successfully blends a building into the landscape. On the contrary, buildings in the wrong location are seen to be incongruous additions, regardless of their colour. The proposed building and associated hardstanding are considered to impact upon the visual amenities of the local area and National Park.
- 8.13. The proposed access track which would replace the existing temporary track would also not be an inconspicuous addition to the countryside. Whilst it is appreciated that a landscaping scheme of native trees has been proposed in addition to the hedge planting that has already been planted behind the southern fence boundary to try to mitigate the visual impacts, the site is nevertheless within open countryside within a National Park. It is considered this proposed mitigation would however not fully mitigate the cumulative harm caused by the

development on the local area, and would essentially result in conspicuous and alien planting in this location.

- 8.14. The applicant has introduced formal fencing to sub-divide the existing fields. The cumulative impact of dissecting the fields into smaller parcels of land creates a pattern inconsistent with the local landscape and ultimately adds to the visual clutter and sense of inconsistency, which detracts from the local area.
- 8.15. It should be noted that the sub-division of the land and creation of a series of paddocks has not been included within the application description on the basis that the applicant does not consider the fencing to require planning permission, nor have the existing timber field shelters been included, which are proposed to be retained. As mentioned elsewhere in the report, Officers are continuing to progress an enforcement investigation into the other elements on the site.
- 8.16. It is considered that the equestrian use and development undertaken on the site has already changed the character of the land and if the further proposals are permitted, the cumulative impact of the development would exacerbate the visual harm even further, which would produce an intensification of use at this location well over and above its former agricultural use, which is uncharacteristic in this particular location but also around the wider landscape of Bishop's Waltham.
- 8.17. In regards to the nearby PRow that adjoins the eastern boundary of the site, views towards the site from here are possible and the effect on people experiencing the countryside when walking between fences/hedges is not considered to be a positive one within the National Park. The experiential quality of this stretch of footpath would therefore, be negatively affected by both the undertaken and proposed development.
- 8.18. The site resides in the immediate transition zone between the urban and rural environments. Although it is acknowledged that the quality of the dark night skies would not be the best in this particular location, the existing quality could be altered if lighting is introduced at the site and it is not sufficiently controlled. Moreover, Officers consider that the operation of lighting on the site would be difficult to control and enforce, which could erode the night sky further.
- 8.19. One of the concerns raised relates to the rooflights proposed on the stable building, which could result in light spill. The applicant has shown willingness to either reduce the rooflights in number or remove them completely. However, amended plans have not been secured given the more fundamental concerns with the application proposal.
- 8.20. No lighting plan has been submitted with the application and given the applicants intention to install external sensor lights on the site, this could create a noticeable impact on the general landscape. Whilst light pollution can, to an extent, be controlled by condition, this does not mean that the impact can necessarily be mitigated and effectively controlled in reality.
- 8.21. To conclude, Officers consider that neither the retrospective or proposed elements of the proposed development would be appropriate in this particular location for the reasons set out above. Grazing animals are characteristic of rural areas such as this, whereas formalised hardstanding and parking areas, tracks, fencing into small paddocks and the uncharacteristic sub-division of fields are not. The application submission seeks to hide the proposed development instead of being informed by a landscape understanding which would seek the most suitable and least impactful location for this type of development. It is considered that the mitigation measures themselves deliver additional and unnecessary negative landscape impacts. In summary, the cumulative impacts of the development would have harmful impacts upon the character and appearance of the National Park landscape. The development as undertaken and proposed would therefore fail to comply with policies MTRA4, CPI3 and CPI9 of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013, saved policies DP3, DP4 and RT11 of the Winchester District Local Plan Review 2006, the National Planning Policy framework 2012, the South Downs Partnership Management Plan 2013, the English National Parks and the Broads: UK Government Vision Circular 2010, the South downs and Winchester landscape guidance and the first purpose of a National Park.

Access and parking:

- 8.22. The Highway Authority originally queried whether the applicant has a legal right of way over the section of road along Butts Farm Lane in between the adopted public highway and the red line of the site. In response, revised drawings have been received (P01 Rev. D and P02 Rev. D) and confirmation has been provided that notice has been served on the owners of this piece of land through the completion of Certificate B.
- 8.23. On this basis, the Highways Authority have raised no objection to the proposed equestrian development and have advised that Butts Farm Lane, which in turn forms a junction with Colville Drive, are modern residential estate roads with adequate carriageway widths, footpaths and street lighting. As such, it is considered that these roads are designed to accommodate larger service vehicles such as refuse vehicles and therefore this road is considered to satisfactorily accommodate the size of the likely vehicles which would be associated with a equestrian use such as that proposed.
- 8.24. It is noted that representations received have made reference to traffic generation and highway safety. However, the application advises that the expected number of trips to the site would be minimal and no greater than from an agricultural use. Officers have no reason to consider that this use would result in significant harm to the local highway network and as such no objection is raised on highway grounds.
- 8.25. Five car parking spaces have been proposed adjacent to the stable building. The applicant has confirmed that there is likely to be a maximum of three vehicles at the site at any one time (for example, the applicant's car, a vet's car and a horse trailer). Given the concerns raised in the letters of representation received during the course of the application, the applicant has shown willingness to reduce the number of parking spaces (and level of hardstanding) from 5 to 3. Again, control over the number of people attending the site at any one time would be difficult to control. However, given the scale of the operation it is not considered that the proposal would have significant harm to the local area with respect to parking / visitors to the site. Given the other more fundamental concerns with the proposal as submitted, Officers have not engaged the applicant in discussions to secure amendments. The width of the proposed access would be 4m wide. Notwithstanding the landscape impacts of such an access width, this is considered to be suitable for larger vehicles such as horse boxes.
- 8.26. Under part iii) of saved policy RT11 of the Winchester District Local Plan Review 2006, it states that equestrian development will be permitted provided it is 'well related to existing or proposed bridleways and are not likely to cause or exacerbate conflicts between equestrians, vehicles or pedestrians'. Concerns have been raised by members of the public regarding access from the site to the closest bridleways in the area, where it has been assumed that the horses would need to use Butts Farm Lane and travel along residential roads and across a busy staggered junction to get to the nearest one. However, there is a permissive path in Beechen Copse (outlined in blue on the site location plan within the applicant's ownership), which gives direct access to Dundridge Lane via Chalky Lane, without the need to use Butts Farm Lane, which is anticipated to be the principle route for horse riding, thereby reducing any potential conflict with road users. No objection is raised.
- 8.27. Having considered the above, Officers consider that the proposed development would not adversely impact on highway safety in accordance with saved policy T4 of the Winchester District Local Plan Review 2006.

Residential amenity:

- 8.28. The south-western corner of the application site is located approximately 82 metres to the north of the rear elevation of the closest residential property along Butts Farm Lane. The separation distance is increased for the other properties along Butts Farm Lane and for the residential properties further to the east along Colville Drive. Officers therefore consider that there will be no harm to the amenities of the occupants of the closest residential properties.

- 8.29. It has been confirmed that the number of vehicular trips to the site would be low given the proposed equestrian use is for private use only. As such the proposals are unlikely to have an unacceptable impact on the amenities of the neighbouring residents through noise and disturbance.

Ecology:

- 8.30. Policy CPI6 of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013 states that development which maintains, protects and enhances biodiversity will be supported subject to certain criteria, including demonstrating how biodiversity can be retained, protected and enhanced through its design and implementation.
- 8.31. The application has not been supported by an ecological assessment. Instead, paragraph 6.22 within the submitted Planning, Design and Access Statement advises that given the separation distance between the proposed stable building, access track and retrospective underground pipes from the SINC to the north (Beechen Copse) and the minor scale of the proposed development, it would not have an adverse impact on the SINC or biodiversity in general.
- 8.32. No comments have been received to date from the Ecology Officer. Members will however be provided with a verbal update from the County Ecologist on the day of Planning Committee.

Flood risk:

- 8.33. The application site is situated in a low risk flood area and is not located within 20 metres of a main river. However, as the application site exceeds 1 ha in area a Flood Risk Assessment (FRA) has been provided.
- 8.34. The Drainage Officer has advised that the site is within a groundwater protection area and therefore the septic tank shown on the submitted drawings would not be acceptable in this location.
- 8.35. Should the application be considered acceptable, further details for the disposal of foul and surface water could be secured by condition.

Environmental Health:

- 8.36. Environmental Health have raised concerns over the proposed development in relation to the lack of detail within the submitted Planning, Design and Access Statement in reference to paragraph 6.13 (details for disposal of manure/stable waste) and paragraphs 6.28 and 6.29 (internal and external lighting). Further information has subsequently been submitted by the applicant which does refer to a manure collection and removal service, which would be removed from the site once a year by an agricultural vehicle. Officers consider that the manure/stable waste details could be adequately secured by condition.

Other considerations:

- 8.37. The submitted information suggests that the proposed equestrian use has not commenced on the site and that the existing fencing used to form individual paddocks and the creation of a temporary access track do not require planning permission. The existing field shelters and double stable building are on skids, and are therefore moveable structures, which again is considered by the applicant to fall under permitted development.
- 8.38. Officers are currently progressing an enforcement investigation in this regard.

**9. Conclusion**

- 9.1. In conclusion, for the reasons set out above, the development proposals, in conjunction with the development already undertaken on the site, would result in an unacceptable cumulative impact on the landscape character of the National Park, resulting in harm and the area would not be conserved or enhanced by the proposed development.
- 9.2. The application is therefore recommended for refusal for the reason set out in paragraph 10.1 below.

## **10. Reason for Recommendation**

### **10.1. It is recommended that the application be refused for the reason set out below and that the application be passed to Enforcement for further investigation:**

- I. The development proposals, in conjunction with the development already undertaken on the site, would result in an unacceptable cumulative impact upon the National Park landscape in this sensitive location, by virtue of the siting, scale and design of the stable building, access track and areas of hardstanding, parked cars, intrusive fencing and other equestrian paraphernalia, thereby adversely affecting the undeveloped rural character of the area. The National Park landscape would not therefore be conserved or enhanced by the proposed development, which would impact on the enjoyment of the public right of way adjoining the eastern site boundary. Furthermore it has also not been satisfactorily demonstrated to the Local Planning Authority that the development would not have a detrimental impact on the landscape from light pollution. The proposals are therefore contrary to policies MTRA4, CPI3 and CPI9 of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013, saved policies DP3, DP4 and RT11 of the Winchester District Local Plan Review 2006, the National Planning Policy framework 2012, the South Downs Partnership Management Plan 2013, the English National Parks and the Broads: UK Government Vision Circular 2010, the South downs and Winchester landscape guidance and the first purpose of a National Park.

## **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 opportunity to provide additional information to overcome technical issues.

**TIM SLANEY**  
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**South Downs National Park Authority**

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Appendices I. Site Location Map

SDNPA Consultees Legal Services, Development Manager, Director of Planning.

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

<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OKNOW6TUG5F00>

National Planning Policy Framework (2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60772/116950.pdf](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/>

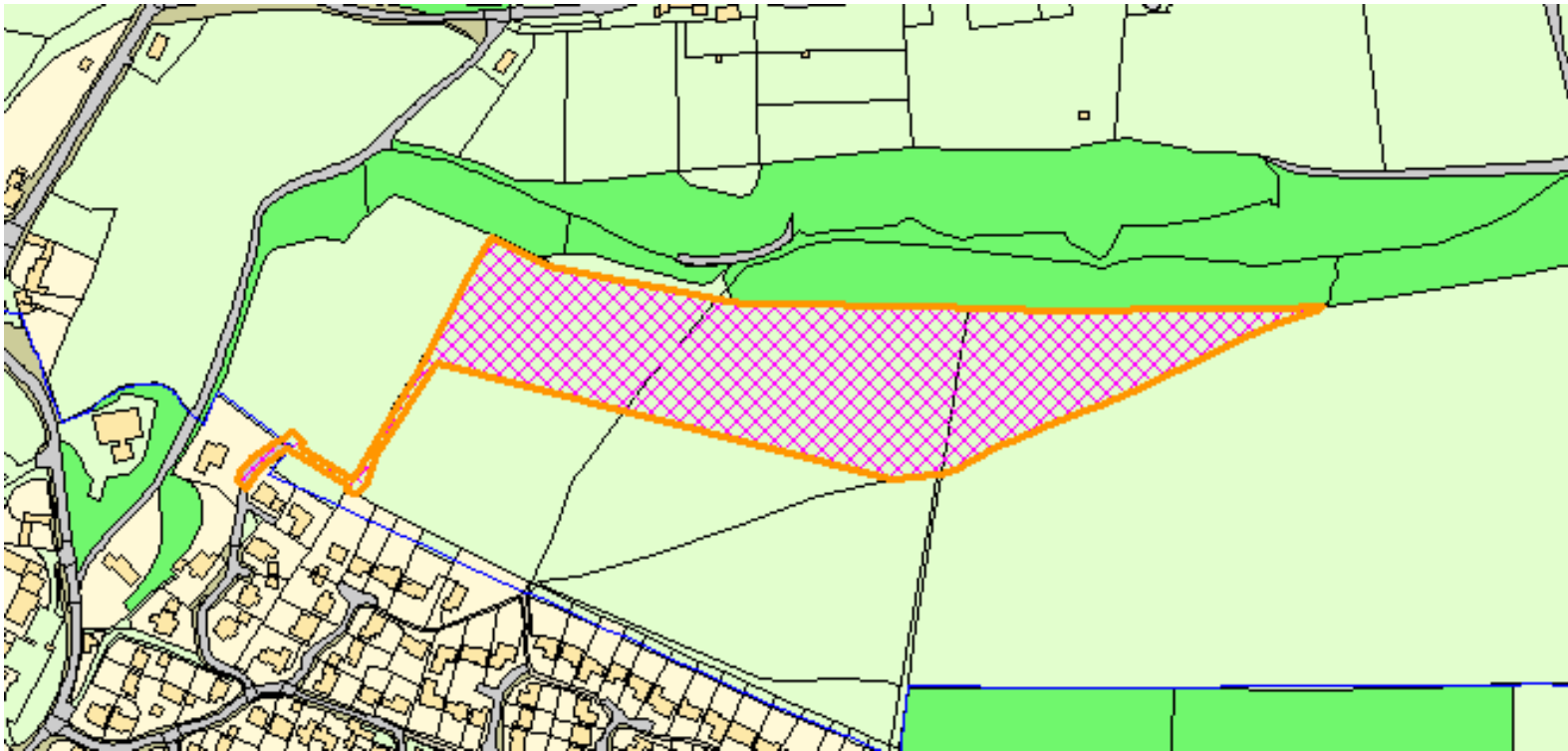
Winchester District Local Plan Part I – Joint Core Strategy 2013

<http://www.winchester.gov.uk/planning-policy/local-plan-part-1/adoption/>

Winchester District Local Plan Review 2006

<http://www.winchester.gov.uk/planning-policy/local-plan-review-adopted-2006/saved-policies-loal-plan-review-adopted-2006/>





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