



Appeal Decision

Site visit made on 11 May 2021

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021.

Appeal Ref: APP/L3815/W/20/3271133

Plot 1B, Land at Sparrwood Farm, Shillinglee Road, Plaistow, RH14 0QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Morren-Jeffs against the decision of Chichester District Council.
 - The application Ref PS/19/02903/FUL, dated 21 November 2019, was refused by notice dated 6 February 2020.
 - The development proposed is erection of stable barn and (25m x 50m) manege including fencing, solar photovoltaic panels and muck heap.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of the proposed development as set out in the Council's decision notice as this more accurately describes the appeal proposal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a large field which is accessed from Shillinglee Road via a long track that is largely unmade. The track provides access to other fields as well as Sparrwood Farm. The track runs along the length of the southern boundary of the appeal site, where it also forms part of Public Bridleway No.636 (PB636).
5. There are no permanent structures or buildings on the appeal site, albeit at the time of my visit, there was small timber stable positioned close to the eastern boundary, which I understand is not fixed to the ground and is therefore mobile. The field to the north east is also used to keep horses with the only structure on site a small timber stable sited close to the northern boundary.
6. The appeal site is located within the open countryside where any proposals for equestrian development are required to be considered in the context of Policy 55 of the Chichester Local Plan: Key Policies 2014 – 2029 (Local Plan), which establishes that planning permission for horse related development will be granted where it can be demonstrated that all the criteria to the policy have been considered. Based on the evidence before me, I am satisfied that the

- appeal proposal would comply with criteria 1, 4, 5, 7 and 8 of Policy 55 or that any outstanding issues could be controlled by way of a condition if I was minded to allow the appeal. In relation to the remaining criteria, criterion 2 requires any new buildings that are necessary to be well related to existing buildings. Criterion 3 requires any new development, either individually or cumulatively, to cause minimal visual impact on the landscape. Criterion 6 requires, amongst others, for the proposal to be compatible with its surrounds.
7. Criteria 2, 3 and 6 to Policy 55 must be considered in conjunction with Policy 45 (part 3) of the Local Plan, which states that where proposals require a countryside setting, they should ensure that their scale, siting and design would have a minimal impact on the rural character of the area. Similarly, Policy 48 which, amongst other requirements, states that planning permission will only be granted where there is no adverse impact on the rural character of the area, and that development recognises distinctive local landscape character and sensitively contributes to its setting and quality.
 8. Within this context, the appeal site occupies a visually prominent position within the local landscape and is highly visible from PB636. The landscape of the appeal site and its surrounds is characterised by open fields broken up by mature hedgerows, adjoining ancient woodland. Whilst field fencing has been installed to the boundaries of some of the individual plots (fields) and there are some small-scale horse related and agricultural buildings nearby, the area has a tranquil and largely unspoilt rural appearance with significant long distant views from PB636 over the open countryside to the west. The openness of the area and long distant views are positive features of the local landscape and its overall character.
 9. Other than the small mobile stable building on the appeal site and the small stable building within the field to the east, there are no substantial buildings or other structures to the north of PB636. To the south of PB636 and east of the appeal site, there are some horse and agricultural related buildings, but these are again small scale and largely well screened from public viewpoints.
 10. Given the above context, the scale, bulk and height of the proposed barn would be significant and visually prominent within the local landscape. It would not be well related to any existing buildings and would not be compatible with the small-scale horse and agricultural related buildings in the area. It would have a harmful and detrimental impact on the open character and appearance of the area. It would have a significant visual impact on the site's rural setting and the area's established landscape character. That impact and the harm that results, would be accentuated by the areas of proposed glazing and PV panels within the design of the new barn, as well as the proposed manege and muck heap. The combined impact of all this development would be significant, and would be out of keeping with the prevailing open local landscape. The harm that results could not, in my judgement, be mitigated by any proposed hedge planting.
 11. The Appellant argues that the proposed barn and manege are forms of development that are commonly found within a rural environment and are appropriate buildings for a site used for equestrian and agricultural purposes. However, that does not negate the requirement for the impact of any new development on the local landscape and rural character of the area to be assessed or the requirement for development to recognise the distinctive

character of the area and sensitively contribute to its setting and quality. As I have found above, the appeal proposal would have an adverse impact on the character and appearance of the area. That impact is not, in my judgement, minimal, but significant.

12. The Appellant refers to the lawful use of the appeal site for equestrian and agricultural use, that the proposed development would support that lawful use and that the Council did not have sufficient regard to the sites lawful use. However, I note that the planning permission for the appeal site is for mixed agricultural and equestrian use (Council ref. 19/02145/FUL), and as the Council have highlighted that approval did not include any new built development, as now proposed. The Appellant would have been well aware that any proposals for new permanent buildings or structures on the site would need to be considered on their individual merits having regard to the prevailing planning policies.
13. Moreover, the evidence before me indicates that the Council were aware of the sites lawful use, but that it was the scale, bulk and height of the proposed barn, combined with the cumulative impact of the other aspects of the proposed development, that led them to conclude that the proposal would be harmful to the local landscape.
14. The Appellant contends that there is a fall-back option in the form of mobile field shelter(s) (I have taken this as reference to the existing mobile stable building on site), which they contend would be visually more intrusive than the proposed development. I do not agree. The mobile field shelter is significantly smaller in scale, bulk and footprint than the proposed barn and as it is mobile and thus moveable, its impact on the local landscape would be temporary and, in any case, substantially less than the proposed permanent new barn, manege and muck heap.
15. The Appellant contends that weight should be given to the fact that the appeal site does not form part of a designated landscape and is not within the South Downs National Park. Whilst I accept that the appeal site is not subject to any statutory or development plan designation, that does not undermine the value of and importance of the local landscape. As I have found, the appeal site makes a positive contribution to what is an attractive rural landscape surrounded by ancient woodland with the benefit of extensive long range views from various public vantagepoints.
16. Furthermore, Policies 45, 48 and 55 require new development to have minimal visual impact on the landscape and rural character of an area, irrespective of whether the landscape is designated or not. That approach is consistent with paragraph 170 of the National Planning Policy Framework (February 2019) (Framework), which states that planning decisions should contribute to and enhance the natural and local environment through, amongst other means, recognising the intrinsic character and beauty of the countryside.
17. Accordingly, I find that the proposed new barn, manege and muck heap would result in significant harm to the character and appearance of the open countryside and landscape character of the area contrary to Policies 45 (part 3), 48 (part 1 and 2) and 55 (part 2, 3 & 6) of the Local Plan and the corresponding policies of the Framework.

Other Matters

18. The appeal site lies within close proximity to the Chiddingfold Forest Site of Special Scientific Interest (SSSI), and also comprises ancient woodland. Paragraph 175 b) of the Framework states that new development, outside of an SSSI, that would have an adverse effect on it should not normally be permitted. Paragraph 175 c) of the Framework also states that development which results in the loss or deterioration of habitats such as ancient woodland should be refused unless there are wholly exceptional reasons and suitable compensation.
19. Based on the evidence before me and my observations on site, I am satisfied that the relationship of the proposed development to the SSSI and ancient woodland is acceptable. As well as there being a suitable buffer between the proposed development and the SSSI/ancient woodland, if I was minded to allow this appeal, any potential contamination from the development, specifically the muck heap, could, in my view, be adequately controlled by way of a condition.
20. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise. As I have found above, the appeal proposal would be in conflict with specific provisions (parts) of Local Plan Policies 45, 48 and 55, as well as the corresponding policies of the Framework, and there are no material considerations that justify making a decision other than in accordance with the development plan.

Conclusions

21. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR