



Appeal Decision

Site visit made on 24 October 2011

by Jacqueline Wilkinson Reg. Architect IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 November 2011

Appeal Ref: APP/R3325/A/11/2157954

Field, Park Lane, near Hollow Lane, Ham Hill, Montacute TA15 6XN

- 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 Mrs Caroline Julia and Peter Stephen McKendrick against the decision of South Somerset District Council.
 - The application Ref 10/05030/FUL, dated 3 December 2010, was refused by notice dated 22 February 2011.
 - The development proposed is change of use of field for equestrian use, erection of hay storage barn.
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Procedural matter

1. The appellants requested in the covering letter with the application that they wish to obtain permission for four horse shelters. However, the shelters were not in the description of the development and I have no further details, so I have not included them in this appeal.

Decision

2. The appeal is dismissed.

Main Issue

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

Reasons

Policy framework

4. Policies CR6, CR7, ST3, EC3 and ST5 of the South Somerset Local Plan 2006 have all been referred to the parties. These policies were saved by a Direction from the Secretary of State on 22 April 2009, so are the relevant Local Plan policies.
5. Policy CR7 was raised by the appellants, but this refers to the keeping of horses for commercial purposes, so would not be relevant to this appeal.
6. Policy CR6 of the Local Plan requires that proposals for stables for horses kept for private recreational use are closely related to existing settlements or groups of buildings. In strict terms the application was not for a stable, but the proposed barn would be similar in visual terms to a stable, so I have assessed this appeal against policy CR6.

7. The draft Core Strategy has been raised, but the Council states that this is at an early stage and its policies will therefore have little weight.
8. Paragraph 32 of Planning Policy Statement 7: *Sustainable development in rural areas* (PPS7) was referred to by the Council. However, this paragraph has been cancelled by Planning Policy Statement 4: *Planning for sustainable economic growth* (PPS4).
9. Policy EC6.2 (g.) of PPS4 is the relevant statement of Government policy. It states that where appropriate, Local Planning Authorities should support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character.

Equestrian use

10. The appeal field is approximately 2.5 hectares (6 acres) and was once part of a larger agricultural field that has been divided into three fields and the access is from Hollow Lane. At the time of my visit it was in use for the grazing of horses. It is on the Ham Hill Plateau on a rolling hillside and there are extensive views to the north and west from the higher part of the field. St Michaels Tower in the parkland setting of Montacute House can be seen. The field drops steeply at its northern end, where it abuts an area of detached parkland on a north facing slope which is a mixed ornamental plantation with a path, Ladies Walk, through it. This parkland, called Park Covert, is included on the National Register of Historic Parks and Gardens, at Grade I and is the southern part of the wider parkland landscape setting to Montacute House.
11. The area is characterised by narrow, deep lanes edged by woodland, copses and dense natural hedges, some dry stone walls and pasture land. In this locality there are horses and sheep grazing, with the occasional stable or shelter sheds and there is an historic farmstead nearby which now appears to be converted to residential use. This area has distinctly open rural landscape setting and a countryside character.
12. I saw those horse related sites drawn to my attention by the appellants, but they are widely scattered along Hollow Lane. The appellants consider that the area has been recognised as an area involving horses. The road safety signs for riders and horses indicate that riders regularly use the lane, but this does not give the area any special equestrian qualities and I consider that it still retains its a distinctively rural character.
13. The appellants have described the equipment they need to provide essential welfare for the horses and to manage the land, such as shelter sheds, internal stock fencing, water butts, wheel barrows, buckets and wooden poles and jumps, which are needed for strengthening exercises. Hay, hard feed and water are brought in on a daily basis. The appellants say that the policy interpretations are outdated and conflict with RSPCA requirements, but I have no evidence that horses grazing in this field could not be well looked after.
14. The equestrian use of the field would introduce an intensification of horse related activities, which would include on site riding and jumping. The Council would be likely to be under pressure for further structures such as stables, storage and tack rooms and lighting. The appellants say that they should not be penalised for what may happen in the future, but the permission would run with the land.

15. I have given consideration as to whether permission could be granted with conditions. However, the intensification of activities and the spread of unfixed structures and equipment associated with an equestrian use would be not be possible to control by condition. Landscape screening would reduce the visual impact of the use, but this would not be sufficiently effective in the wider setting of this elevated position, especially in relation to the historic park and woodlands adjacent to the site.
16. I therefore conclude that the equestrian use of the field, in comparison to the agricultural use for grazing of horses, would bring an intensification of activities and equipment which would harm the character and appearance of the area. The proposal would therefore be contrary to Policies EC3, ST3 and ST5 of the Local Plan, all of which broadly require development to be strictly controlled in the countryside and to respect or enhance the characteristic pattern and features of the surrounding landscape.
17. The appellants rehabilitate and re-home former race horses. This would not fall into the definition of an equine enterprise, nor would this essentially personal pursuit provide recreational or leisure facilities to the wider public. The economic benefits to the area would be limited and would not outweigh the harm I have identified to the open landscape character of this rural area. The proposal would therefore fail to comply with the requirements of policy EC6.2 (g.) of PPS4.

Proposed hay barn

18. The proposed hay barn would be located to the western end of the field, at a point where there is a considerable drop to the lane below, with a dense mature natural hedge. It would be 8m by 4m with a 2.7m lean to on the north side and would be clad in timber, with an asphalt roof.
19. Planning permission has been granted for two animal shelters in the adjacent field and the proposed hay barn would be similar to these. Although it would be located in the corner of the appeal field nearest to these shelters, it would still be at some distance from them at a higher level and it would not be seen as part of a group with these buildings.
20. On the other hand it would be seen in close conjunction with four field shelters. These structures are spaced across the site and significantly increase the visual effect of built form on the site. This would give the site an unattractive proliferation of structures. Storage sheds for farm animals and other equipment are found in the countryside, but this field is below 5 hectares and the permitted development rights for structures associated with an agricultural use on this small site would be restricted.
21. I accept that the hay barn would not be seen from the lane below, but this does not overcome the impact on the overall open character of the area, especially as there are public footpaths through the surrounding land.
22. The appellants say it is impossible to carry the amount of hay required for the horses in a car, but this is a matter which could be resolved in other ways. I note that equipment would be stored under the lean to, but this does not overcome the harmful impact of the building.
23. I therefore conclude that the proposed hay barn would be harmful to the character of the area and would therefore fail the tests of policies CR6, ST3,

EC3 and ST5 of the Local Plan, which all broadly require that development does not harm the character of the area.

24. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR