



Planning Statement

Land adjacent to Springfield, Marls Road, Botley, Southampton, SO30 2EY

28 November 2024

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1 INTRODUCTION

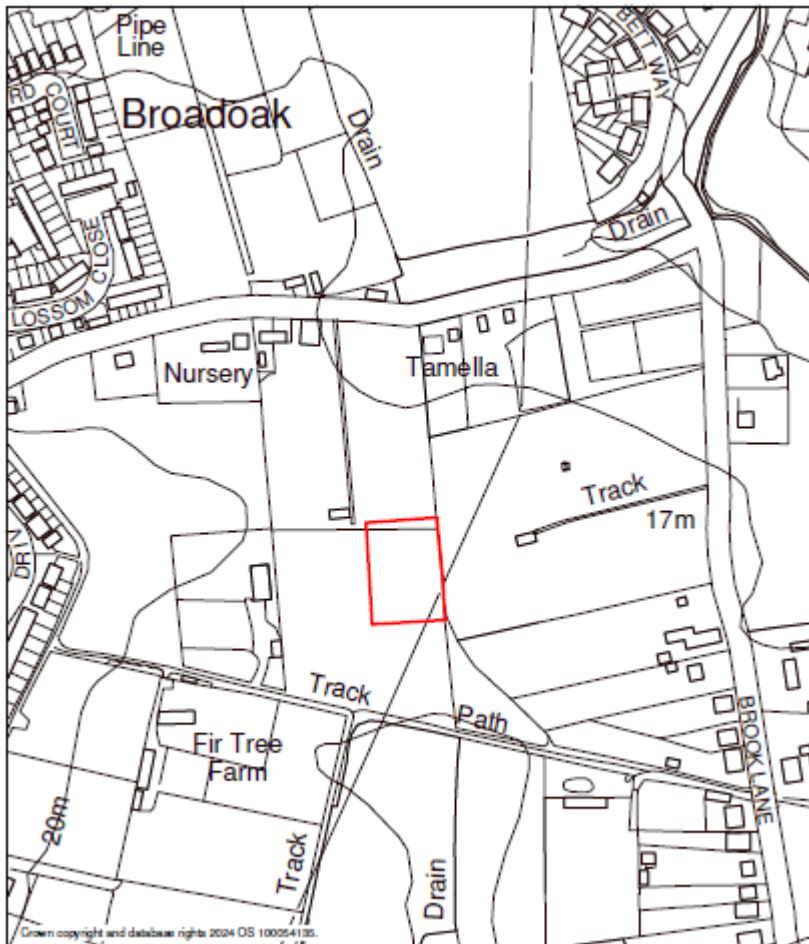
INTRODUCTION

- 1.1 This statement has been prepared by Wessex Planning Ltd on behalf of Mr Garth Skinner in support of a retrospective planning application for the construction of a horse menage and bund on Land adjacent to Springfield, Marls Road, Botley, Southampton, SO30 2EY.
- 1.2 The planning application has been invited as a result of a planning enforcement enquiry with a temporary stop notice issued by Eastleigh Borough Council, dated 15th November 2024.
- 1.3 The site is located outside of any defined settlement boundary and is therefore designated as 'Countryside' by the adopted Local Plan. Additionally, the site is located within a 'Settlement Gap', as defined by the adopted Local Plan.
- 1.4 The proposed menage is for the exercising of horses owned by 12 family members and close friends namely;
 - 3 daughters / daughter in law
 - 4 grandchildren
 - 5 close family friends
- 1.5 Horses owned by the above have been stabled in the stables to the north of the site for at least 10 years.
- 1.6 The menage is not used as a commercial riding school. It is solely for private family and friend use.
- 1.7 The submission includes the following:
 - BNG Report (to follow)
 - Location Plan
 - Block Plan
 - Elevations of bund and fencing

2 SITE CONTEXT AND HISTORY

SITE CONTEXT AND HISTORY

- 2.1 The site is located within the 'countryside' and within a 'settlement gap', as designated by the adopted Local Plan.



- 2.2 The site sits within open fields that lie adjacent to the residential dwelling 'Springfield'. To the west is Botley Saw Mill, to the east a mix of trees and hedgerow, to the north, further fields leading to The Bridleway, and to the south, further fields and boundary vegetation.

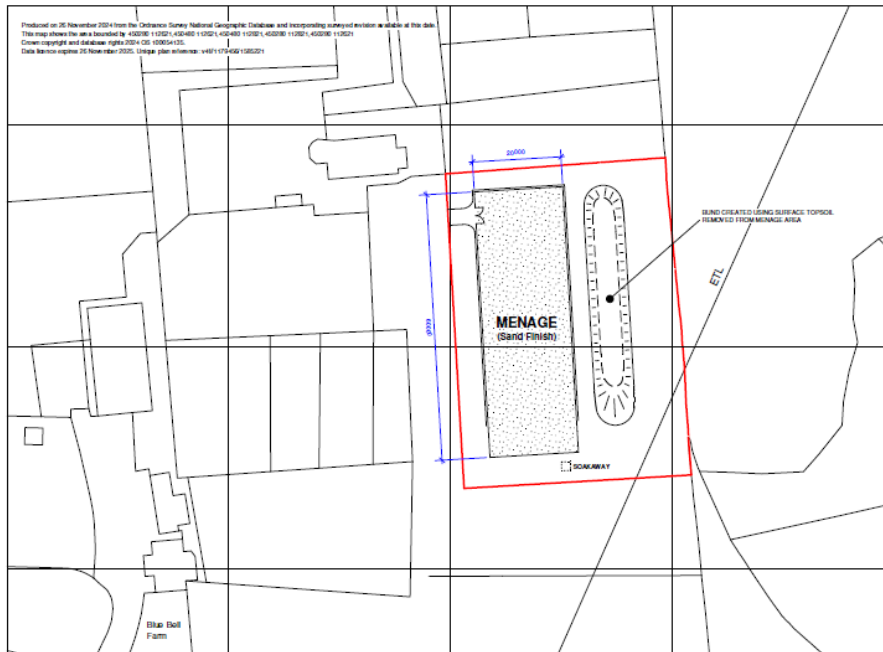
- 2.3 The site is located within Flood Zone 1 and therefore has a low probability of flooding from rivers or the sea.



- 2.4 With the exception of the temporary stop notice detailed above, there is no relevant planning history for this site available to review on the LPA's planning website.

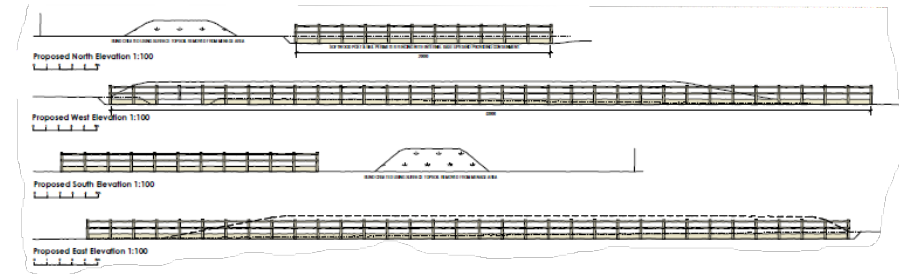
3 PROPOSAL

- 3.1 The proposal is for the engineering operations including provision of a horse menage and a bund. The bund is the result of scraping out the topsoil from the horse menage area.
- 3.2 The bund is positioned to the east of the site and is formed of topsoil excavated from the area used for the construction of the horse menage.



- 3.3 The bund is 1.8 metres high, 9 metres wide and approximately 52 metres in length.
- 3.4 The equine menage measures 60 metres in length and 20 metres in width, giving an area of 1,200 sqm.
- 3.5 'Post and rail' fencing has been erected to enclose the menage. This comprises fence posts sunk into the ground set at 1.8 metre intervals with rails connecting the posts and retaining boards at the base to

provide containment resulting in a finished fence height of 1.5m above the ground level of the menage.

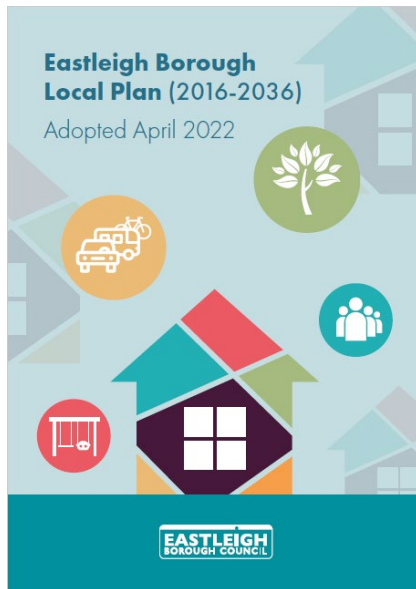


- 3.6 Access to the menage will be via a 3 metre wide softwood gate, and aligns with the post and rail fencing.
- 3.7 The base of the menage is constructed of woven geotextile membrane beneath sub base material of hardcore, crushed concrete and gravel, beneath a fibre membrane with glued joints, beneath the sand surface.
- 3.8 Surface water drainage is managed through the installation of 80mm perforated drainage pipes, filled with clean 20mm – 40mm stone, leading to a new soakaway. The drain runs are lined with waterproof lining to enable surface water to be held at the base of the menage and released when necessary.
- 3.9 As already stated, works have already commenced and are the subject of a temporary stop notice with the following photographs evidencing the work completed to date.



4 PLANNING POLICY ASSESSMENT

- 4.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission are required to be determined in accordance with the Development Plan, unless 'other material considerations' indicate otherwise.
- 4.2 This section is dedicated to the policies within the Development Plan. The next section assesses 'other material considerations.'
- 4.3 The policy context comprises the Eastleigh Borough Adopted Local Plan 2016-2036 (adopted in April 2022).



- 4.4 The most relevant policies of the adopted Local Plan are summarised below, with the full policy text provided as Appendix 1:
 - Strategic Policy S5, New development in the countryside
 - Strategic Policy S6, Protection of settlement gaps

- Policy DM1, General criteria for new development
- Policy DM6, Sustainable surface water management and watercourse management
- Policy DM8, Pollution
- Policy DM11, Nature conservation
- Policy DM13, General development criteria – transport

Strategic Policy S5, New development in the countryside

- 4.5 Policy S5 1(d) states that planning permission will be granted for new development in the countryside provide it is related to outdoor recreation and open space and ensures that the development avoids adverse impacts on the character of the landscape and the biodiversity of the area and also protects soils during construction where possible.
- 4.6 As an equestrian menage for the exercising of horses owned by the applicant, his family members and close family friends only, the proposal is for outdoor recreational use, with a justified need for a countryside location.
- 4.7 As an appropriate facility expected to be seen within the countryside, the proposal would be entirely appropriate this location and have no detrimental impact on the character or function of the countryside.
- 4.8 Accordingly, the proposal is in accordance with Policy S5

Strategic Policy S6, Protection of settlement gaps

- 4.9 Policy S6 states that development within a Settlement Gap will be permitted provided that it would not undermine the physical extent and/or visual separation of settlements and it would not have an urbanising effect detrimental to the character of the countryside or the separate identity of adjoining settlements.

- 4.10 The post and rail fencing bordering the menage is considered appropriate to the open countryside and would allow open views across the wider site, retaining the visual separation provided by the Settlement Gap.
- 4.11 The proposed bund to the east of the site will be screened from views of the immediate neighbours to the east by the existing boundary trees and hedgerows bordering the wider site. It is not unusual for the topsoil scrapings from the construction of horse menages to be located adjacent. This also allows appropriate and sustainable reinstatement if the horse menage is no longer required.
- 4.12 Views from The Bridleway to the north are from a distance of over 100 metres and are both fleeting and transient, and would be seen within the overall backdrop of the countryside. As mentioned above, it is not unusual or uncommon to have horse related development within both countryside and settlement gaps.
- 4.13 Accordingly, the proposals would conserve the landscape character of the countryside whilst maintaining the separate identity of adjoining settlements.
- 4.14 As such, the proposals accord with Policy S6.

Policy DM1, General criteria for new development

- 4.15 In relation to these proposals, policy DM1 states that all new development should not have an unacceptable impact on the character and appearance of the countryside, and take full and proper account of the context of the site including the character, appearance and land uses of the locality, and be compatible with adjoining uses and well-integrated with these in terms of mass, scale and layout.
- 4.16 As stated above, the proposed post and rail fencing, together with the sand-surfaced menage is considered appropriate to the open

countryside and therefore will not have an unacceptable impact on the character and appearance of the countryside.

- 4.17 The scale and layout of the menage together with the bund has been designed around the practical requirements of exercising horses, with the creation of the bund ensuring that soils excavated to create the menage remains on site.
- 4.18 Accordingly, the menage is a common feature of rural areas and the proposals accord with the relevant parts of policy DM1.

Policy DM6, Sustainable surface water management and watercourse management

- 4.19 Policy DM6 states that new development will only be permitted if it incorporates Sustainable Drainage Systems (SuDS). On sites of less than 0.5 hectares non-naturalised SuDS e.g. permeable paving will be considered where justified.
- 4.20 The site has an area of 0.35 hectares and incorporates 80mm perforated drainage pipes filled with clean stone, leading to a new soakaway, enabling the surface water to be held at the base of the menage and released in a controlled manner.
- 4.21 As such, the proposals include a SuDS that is in accordance with the requirements of Policy DM6.

Policy DM8, Pollution

- 4.22 Policy DM8 states that development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through air pollution, noise or vibration, light intrusion or land contamination.
- 4.23 The nearest residential dwellings are located to the north of the site, in excess of 100 metres away. As such, the proposed development, given its maximum height of 1.8m, will not cause unacceptable harm to the outlook of the dwellings.

- 4.24 No external lighting is proposed as part of the development and therefore there will be no light pollution resulting from the proposals.
- 4.25 In terms of noise, the exercising of horses is not a particularly noisy use, with the main activities occurring during the daytime and early evening when background noise levels are naturally higher and less likely to disturb nearby residents.
- 4.26 The materials use to construct the menage would be hardcore/crushed concrete and gravel, topped with sand. The materials will be sourced from a reputable supplier and therefore free from contaminants.
- 4.27 Accordingly, the proposal accord with policy DM8.

Policy DM11, Nature conservation

- 4.28 The BNG metric (to follow) is likely to show a loss of biodiversity but this will be mitigated either on site or through the purchase of off-site biodiversity units.

Policy DM13, General development criteria – transport

- 4.29 Policy DM13 states that all new development must have safe and convenient access to the highway network.
- 4.30 The site is accessible from The Bridleway via the service road adjoining Botley Saw Mill.
- 4.31 No additional vehicular movements will be generated as a result of the proposals, given the private use for the owners of horses already stabled adjacent to the proposed menage.
- 4.32 Accordingly, the proposals accord with policy DM13.

5 OTHER MATERIAL CONSIDERATIONS ASSESSMENT

OTHER MATERIAL CONSIDERATIONS ASSESSMENT

- 5.1 Appeal precedent is a material consideration in determining planning applications.
- 5.2 Of particular note is the recently allowed appeal at Land to North East of Manor Farm, Chilworth Old Village in the neighbouring jurisdiction of Test Valley, for a much larger equestrian development within the countryside and a defined Local Gap (appeal reference APP/C1760/W/23/3335590 – attached as Appendix 2).
- 5.3 In allowing the appeal, the Inspector determined that;
- The nature of the proposal, due to the land required, cannot be located in a built up area within a settlement boundary. It is therefore essential for the proposal to be located in the countryside, outside of any defined settlement boundary.
 - The scale of the proposal would be an appropriate and expected use commonly seen in rural locations and thus does not harmfully alter the character or function of the countryside.
 - The division of the land into 9 separate paddocks would be marked out by post and rail fencing. This would be appropriate to the open countryside and would allow open views across the wider site, retaining the visual separation provided by the Local Gap.
 - The proposal would not harm the character and appearance of the countryside, with particular regard to the Local Gap.

6 CONCLUSION

CONCLUSION

- 6.1 In conclusion, this statement has considered all relevant adopted planning policy and other material considerations, which indicate that permission should be given.
- 6.2 The proposal aligns with the Local Plan objective to preserve the physical extent and visual separation of settlements whilst ensuring that development does not have an urbanising effect of the character of the countryside.
- 6.3 As such, the proposal is considered to be in complete accordance with all adopted Local plan policy and other material considerations. It is respectfully requested, therefore, that the LPA approve this application.

7 APPENDIX 1 - POLICIES

Strategic Policy S5, New development in the countryside

1. Planning permission will be granted for new development in the countryside provided it is related to:
 - a. the provision of employment through agricultural development (policy DM17), the extension and replacement of existing employment uses (policy DM18) and the re-use of existing buildings (policy DM19);
 - b. residential extensions and replacement buildings (policies DM18 and 26), limited residential conversions (policy DM19), rural workers' dwellings (policy DM27) and accommodation for Gypsies, Travellers and Travelling Showpeople (policy DM31);
 - c. community, tourist, or visitor uses through the re-use of buildings including facilities for the interpretation of heritage assets (policies DM12);
 - d. outdoor recreation and open space (policies DM32 and DM33);
 - e. allotments and community farms (policy DM32);
 - f. cemeteries (policy DM37); and
 - g. essential public utilities (policy DM9).
2. In permitting new development in the countryside the Borough Council will seek to:
 - a. avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape including the avoidance of adverse landscape impacts on areas adjoining national parks and their settings, the significance of heritage assets and on the biodiversity of the area;
 - b. secure long-term beneficial management practices that will enhance the landscape and biodiversity of the countryside and coast;
 - c. avoid sterilisation of mineral resources, in accordance with the Hampshire Minerals and Waste Plan;
 - d. safeguard the best and most versatile agricultural land unless the benefit of the development clearly outweighs the loss; and
 - e. protect soils during construction wherever possible in line with the 'Defra code of practice for the sustainable use of soils on construction sites'.

Strategic Policy S6, Protection of settlement gaps

1. Development within a Settlement Gap as set out in the policies map will be permitted provided that:

- a. it would not undermine the physical extent and/or visual separation of settlements; and
- b. it would not have an urbanising effect detrimental to:
 - i. The character of the countryside; or
 - ii. The separate identity of the adjoining settlements.

Settlement gaps are defined between:

- a. Eastleigh and Southampton;
- b. Eastleigh and Bishopstoke;
- c. Fair Oak and Horton Heath;
- d. Hedge End, Botley and Boorley Green;
- e. Hedge End, West End and Southampton;
- f. Hedge End, Horton Heath and Boorley Green;
- g. Hedge End and Bursledon;
- h. Bursledon, Netley and Southampton;
- i. Hamble, Netley and Bursledon.

Policy DM1, General criteria for new development

1. All new development should (as relevant):
 - a. not have an unacceptable impact on, and where possible should enhance:
 - i. residential amenities of both new and existing residents; the character and appearance of urban areas, the countryside and the coast;
 - ii. biodiversity (avoiding significant adverse impacts); and
 - iii. the significance of heritage assets;
 - b. make efficient use of the site, maximise opportunities to increase density and have regard to potential development opportunities on adjoining land;
 - c. take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views. Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area;
 - d. not involve the loss of or damage to trees, woodlands, hedgerows, ponds, priority habitats or other landscape features of value to the character of

the area, for appearance or biodiversity unless they can be replaced with features of equivalent or enhanced value, (recognising that some species and habitats may be irreplaceable);

- e. include a landscape scheme covering the design and layout of external space;*
- f. protect and enhance public rights of way and National Trails and provide fully connected green infrastructure that interlaces the development and connects into the wider network;*
- g. provide satisfactory management arrangements for all landscape, green infrastructure and biodiversity enhancement;*
- h. incorporate provision for people with disabilities and create accessible communities that cater for all;*
- i. incorporate design measures to inhibit criminal and anti-social behaviour;*
- j. incorporate provision for on-site waste management; and*
- k. include provision for public art associated with new large scale development in accordance with the Council's adopted Public Art Strategy.*

Policy DM6, Sustainable surface water management and watercourse management

1. New development (excluding extensions to dwellings and changes of use), will only be permitted if it incorporates Sustainable Drainage Systems (SuDS). Wherever feasible, naturalised filtration should be included within the treatment train as follows:
 - a. On sites of 1 hectare or more, or within 100m of the River Itchen SAC or Solent Maritime SAC, SuDS schemes should include at least three forms of naturalised filtration. On sites within 100m of headwaters and tributaries draining into a SAC, SuDS schemes should include at least three forms of naturalised filtration unless hydrological studies and project-level Habitats Regulations Assessment demonstrate this to be unnecessary to protect the integrity of the SAC and its qualifying features;*
 - b. On other sites of between 0.5 hectares and 1 hectare, SuDS schemes should include at least two forms of naturalised filtration; and*
 - c. On other sites of less than 0.5 hectares non-naturalised SuDS e.g. permeable paving will be considered where justified.*
2. In order to reduce flooding and maintain water quality (in accordance with DM8) SuDS schemes should:

- a. be designed and monitored in accordance with the CIRIA C753 SuDS Manual or equivalent national or local guidance, noting that all receiving waters in the Borough should be classified as protected waters;*
- b. manage surface water runoff as close to its source as possible;*
- c. ensure that discharge rates are reduced as far as possible and that on greenfield sites these should at least mirror greenfield rates before development;*
- d. be provided as part of any application for outline or full planning permission;*
- e. where discharge is to a wetland or wet woodland habitat, flows off site must mirror the natural hydrological pathways;*
- f. include clear arrangements for their whole life management and maintenance.*

3. Where a watercourse is present on a development site, it should be retained or restored into a natural state and enhanced where possible. The culverting of any watercourse will not generally be permitted, and development should wherever possible remove any existing culverts and increase on-site flood storage. Development should be laid out to enable maintenance of the watercourse.
4. Where development drains into a waterway connected to the Natura 2000 or Ramsar network a site specific Construction Environment Management Plan must be prepared before permission.

Policy DM8, Pollution

1. Development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through:
 - a. air pollution (including odours or particulate emissions);*
 - b. pollution of surface, underground, coastal waters or other watercourses;*
 - c. noise or vibration;*
 - d. light intrusion, both generally and with respect to the South Downs National Park's status as an International Dark Night Skies reserve; or*
 - e. land contamination.*
2. Development susceptible to particular forms of pollution will not be permitted:
 - a. where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects; or*

APPENDIX 1 - POLICIES

- b. where it would inhibit existing economic or other activities giving rise to acceptable polluting effects.*
- 3. 3. Where a development site is known or suspected to be contaminated, before the site is developed the Borough Council will require the contamination to be remediated to a standard where as a minimum it cannot be defined as 'contaminated land' under Part IIA of the Environmental Protection Act 1990.*

Policy DM11, Nature conservation

General Approach

- 1. The Council will work with statutory and voluntary agencies and developers, and will determine planning applications, to:*
 - a. protect, conserve and enhance all:*
 - i. international, national and local nature conservation designations; and*
 - ii. networks of natural habitats and features, including the Local Ecological Network, Priority Biodiversity Areas and Priority Biodiversity Links, watercourses, wetland complexes, woodland trees, and trees and hedgerows important to biodiversity and local character;*
- and facilitate their adaptation to climate change wherever possible;*
- b. assist in achieving national, county and local biodiversity targets as set out in Biodiversity Action Plans (BAPs);*
 - c. seek a net gain of biodiversity on all development sites (including sites for redevelopment) through the protection, enhancement and connection of existing and provision of new habitats and features of nature conservation interest compatible with the native biodiversity characteristics of the Borough, having regard to local geodiversity and soils; and*
 - d. contribute to major elements of the PfSH Green Infrastructure Strategy and other strategies for the provision and enhancement of multifunctional green infrastructure including green routes, ecological networks and biodiversity enhancements (see strategic policy S9).*

International Designations

- 2. Development which is likely (either individually or in combination with other developments) to adversely affect the integrity of an international or*

European nature conservation site will not be permitted subject only to imperative reasons of overriding public interest and securing any necessary compensatory measures in the absence of alternative solutions. A 'project level' Habitat Regulations Assessment will be required where there are likely significant effects or uncertainty. Any mitigation measures required to ensure no adverse impact must be implemented at the appropriate time.

- 3. The Council will work with PfSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement with developers a strategic approach to the protection and enhancement of international and European sites from the direct and indirect effects of development. Within Eastleigh Borough this will include:*
 - a. implementing:*
 - i. the Solent Recreation Mitigation Strategy (requiring contributions from residential developments within 5.6 kilometres of the Solent Special Protection Area to the Strategy); and*
 - ii. the interim and any future New Forest Recreation Mitigation Strategy if required;*

or alternative agreed site specific measures to address recreational disturbance;

- b. preserving the water quality and flows within the Itchen and Hamble, Southampton Water and Solent;*
- c. protecting the River Itchen SAC, in particular the maintenance and where appropriate restoration of habitats and qualifying species to favourable conservation status (as defined by article 1 of the Habitats Directive); and*
- d. seek contributions towards measures set out in the Southern Damselfly Conservation Strategy (or other strategy) specifically to deliver biodiversity net gain.*

National and Local Designations

- 4. Development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on a Site of Special Scientific Interest (SSSI), Site of Importance for Nature Conservation (SINC) or Local Nature Reserve (LNR) as shown on the policies map (or on a more recent plan provided by the Hampshire Biodiversity Information Centre) unless it can be demonstrated that:*

APPENDIX 1 - POLICIES

- a. *there are no alternative solutions;*
- b. *the adverse effects are unavoidable;*
- c. *measures are taken to mitigate or, as a last resort, compensate for the adverse effects;*
- d. *there is an overall biodiversity net gain; and*
- e. *if there are any residual adverse effects which cannot be avoided, mitigated or compensated, the benefits of the development must clearly outweigh the adverse effects on the nature conservation value of the site and any broader impacts on national and local designations.*

Priority habitats, protected and priority species and the local ecological network

5. *Development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on priority habitats, protected or priority species, or on the local ecological network unless it can be demonstrated that:*
- a. *there are no alternative solutions;*
 - b. *the adverse effects are unavoidable;*
 - c. *measures are taken to mitigate or, as a last resort, compensate for the adverse effects;*
 - d. *there is an overall biodiversity net gain; and*
 - e. *if there are any residual adverse effects, the benefits of the development clearly outweigh the adverse effects on priority habitats, priority and protected species, and the local ecological network.*

Irreplaceable habitats

6. *Development will not be permitted if it results in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists.*

Buffers

7. *Buffers free from development will be provided to designated sites to avoid/mitigate impacts, including recreational impact and impacts on edge habitats, and to maintain dark skies.*

Surveys

8. *Development will not be permitted unless it can be demonstrated that:*
- a. *there have been thorough habitat and species surveys;*

- b. *the great crested newt strategic survey and strategy have been considered in all developments within 500m of a great crested newt pond; and*
- c. *the strategic bat trapping survey has been considered in all developments within the locality of a woodland or connected habitat networks.*

Policy DM13, General development criteria - transport

1. *All new development must have safe and convenient access to the highway network and make provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must:*
 - a. *meet national and local guidance and standards with all highway improvements meeting the standard required to be adopted by the Highway Authority;*
 - b. *not cause or increase danger to road users or have a significant detrimental impact on the operation or safety of the highway network; and*
 - c. *be provided without unacceptable environmental impact.*
2. *All new development will be assessed to establish whether it should contribute to off-site improvements to transport infrastructure in accordance with Hampshire County Council's Transport Contributions Policy, to the extent that these are necessitated by the development and proportionate to the scale of development.*
3. *Development proposals that will generate vehicle movements likely to have an adverse impact on traffic conditions beyond the immediate vicinity of the development site must be subject to Transport Assessment and will be required to incorporate and implement mitigation measures such as:*
 - a. *provision of/off-contribution towards on and off-site highway improvements such as junction improvements and potentially new road links*
 - b. *on-site pedestrian, cycle and public transport infrastructure*
 - c. *contributions towards relevant off-site sustainable transport infrastructure, public rights of way and service improvements where appropriate*
 - d. *on-site measures aimed at increasing uptake of non-car travel options (e.g.Travel Plans) to reduce car use.*

4. *New development intended to serve or accommodate large numbers of people will only be permitted in locations that as well as having adequate road access, or will have as a result of the development, are or can be served by means of transport other than the private car, including bus, train, cycle and pedestrian access.*



Appeal Decision

Site visit made on 22 October 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/C1760/W/23/3335590

Land to North East of Manor Farm, Chilworth Old Village SO16 7JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs and Mr Sam and Terry Davis against the decision of Test Valley Borough Council.
 - The application Ref is 23/00609/FULLS.
 - The development proposed is Change of use from arable to equestrian use, erection of stables, hay barn, jump shed, construction of manege and parking, installation of septic tank, and erection of fencing.
-

Decision

1. The appeal is allowed and planning permission is granted for Change of use from arable to equestrian use, erection of stables, hay barn, jump shed, construction of manege and parking, installation of septic tank, and erection of fencing at Land to North East of Manor Farm, Chilworth Old Village SO16 7JP in accordance with the terms of the application, Ref 23/00609/FULLS, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mrs and Mr Sam and Terry Davis against Test Valley Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. At the time of my site visit, the manege and parking included in the description above appeared to be substantially completed. However, I note from the planning history set out in the Council's Statement of Case that there is a pending planning application for just the parking and manege¹. As I cannot be sure that what has been implemented is what is before me now, I have determined the appeal on the basis of the plans before me now.

Main Issues

4. The main issues are:
 - whether the proposal would be in a suitable location, having regard to the development strategy for the area; and
 - the effect on the character and appearance of the countryside, with particular regard to the Local Gap.

¹ 24/00709/FULLS

Reasons

Suitable Location

5. The appeal site lies outside of any defined settlement boundary and is therefore classed as open countryside. Policy COM2 of the Test Valley Borough Revised Local Plan DPD (Local Plan) (adopted 2016) relates to the settlement hierarchy. It permits development outside the boundaries of settlements if it is essential for the proposal to be located in the countryside.
6. The proposed stables are considered necessary for the stabling and shelter of the horses, supporting the health and welfare of the animals. The proposed hay barn would also be necessary for the keeping of the horses. The manege would be necessary to support the exercising of the horses during inclement weather. Finally, the jump shed and associated parking are both also considered justified and necessary to support the proposed equestrian use. It is an appropriate use for a countryside location. The nature of the proposal, due to the land required, cannot be located in a built up area within a settlement boundary. It is therefore essential for the proposal to be located in the countryside, outside of any defined settlement boundary.
7. Despite the allegation of the Council that the proposal would be a commercial livery, the appellant has confirmed that the use of the proposal would be private, restricted to the appellant and a small circle of friends. The total number of horses that would be kept at the proposed yard would be 9. I have no substantive evidence to come to a different conclusion and a suitably worded condition would ensure that it wouldn't be used for commercial purposes. I am therefore satisfied that the proposal would not be a commercial use in the countryside.
8. The Council claim that the size and scale of the proposals were unjustified development in the countryside, and that the proposal would result in an unacceptable impact on the character and function of the countryside contrary to Policy COM2. However, from the evidence before me, that is not a requirement of the Policy. Nevertheless, the scale of the proposal would be an appropriate use to see in a rural location and thus would be suitable to the character and function of the countryside.
9. Therefore, for the above reasons, the proposal would therefore be in a suitable location having regard to the development strategy for the area. It would be in accordance with Policy COM2 of the Local Plan which permits development outside the boundaries of settlements if it is essential for the proposal to be located in the countryside.

Character and Appearance

10. The proposal relates to a triangular parcel of land situated between Botley Road (A27) and Old Chilworth Road. There is an existing small stable building, and it is understood that the site has been used by horses previously. The surrounding landscape is characteristically agriculture in use, with Chilworth golf course to the west. There is an existing vehicular access from Old Chilworth Road. Established vegetation encloses the site along Botley Road and a low hedge runs along Old Chilworth Road. There are also a number of mature trees which run on the opposite site of Old Chilworth Road, enclosing the golf club. The site sits at a slightly higher elevation above Old Chilworth Road, with

a grass verge/embankment running alongside the road, rising up to the appeal site.

11. The site is located within the Local Gap between North Baddesley and Chilworth. Despite the presence of the existing small building on site, the predominately open and undeveloped nature of this land positively contributes to the character and appearance of the countryside, and the integrity and visual separation of the Local Gap. However, on my site visit I observed that Botley Road is a relatively busy road, without a pavement, and is audible from the appeal site, which reduces the tranquillity of the open countryside location.
12. The proposal, by virtue of it being a new built form in a predominately open field, would alter the character and appearance of the appeal site and the wider open countryside. However, the size and scale of the proposed buildings, partly due to their single storey nature, would ensure that they would not appear unduly prominent within the landscape, conserving the landscape character of the area. The buildings and manege would be sited in the corner of the parcel of land that benefits from screening hedgerows and trees to the site boundaries. Consequently, it wouldn't be visually prominent. Furthermore, the siting of the proposal would mean that activity could be largely confined to this part of the site, allowing the rest of the wider field to remain open, conserving the physical and visual separation afforded by the Local Gap.
13. The simple design of the buildings and the use of timber cladding for their construction would be appropriate for their intended use and their countryside location. These design features would allow the proposal to be introduced without appearing as a particularly intrusive feature in the countryside setting. These matters would also ensure that the integrity of the Local Gap would not be compromised, and the proposal would not diminish the physical or visual separation provided by the Local Gap. Furthermore, as the proposal would be an appropriate use in a countryside location, this would ensure that the 'separation' of urban areas, which is the intention of the Local Gap, would be preserved.
14. The division of the land in to 9 separate paddocks would be marked out by post and rail fencing. This would be appropriate to the open countryside and would allow open views across the wider site, retaining the visual separation provided by the Local Gap.
15. In addition, the landscaping measures, such as the hedging along the boundaries within both Botley Road and Old Chilworth Road, would help to mitigate any wider views of the building. My site confirmed that a large proportion of this planting has already taken place. I also note that any non-native species such as laurel and conifer would be removed and replaced with native planting. A suitably worded condition would secure the provisions of the Landscape Management Plan² to ensure that the landscape character of the area would be preserved.
16. In my mind, taking into account all of the above, the sensitive siting and design of the proposal, alongside the proposed landscaping measures, would conserve the landscape character of the countryside and would not compromise the integrity of the Local Gap.

² Prepared by Helen Brown Treescapes, dated 13 July 2023

17. Parts of the site are visible from both Botley Road and Old Chilworth Road and there are a number of open views into the site from these points. However, views would be mitigated by the existing and proposed landscaping along the site boundaries. Furthermore, neither road have pavements alongside so are not heavily used by pedestrians. Botley Road is subject to a speed limit of 50mph and as noted above, is a relatively busy road so it does not encourage pedestrians to walk alongside. Therefore, any glimpses from the A27 would be transient from the drivers of any vehicles. Additionally, when viewed from Botley Road, the proposed built form would be seen against the backdrop of the mature trees that enclose the golf club to the west, significantly mitigating its prominence in these views.
18. Due to the site level changes between the appeal site and Old Chilworth Road, views of the proposal, in particular of the manege, would be possible. However, the views of both the manege and the proposed stable block buildings would be seen against the backdrop of both existing and proposed landscaping, which would help to mitigate the visual impact of the proposed built form, especially in long views from the south. Furthermore, whilst the proposal would not be completely invisible, a view of an equestrian use in a countryside location would not be entirely out of character.
19. Therefore, for the above reasons, I conclude that the proposal would not harm the character and appearance of the countryside, with particular regard to the Local Gap. It would be in accordance with criterion a of Policy E2 and criteria a and b of Policy E3 of the Local Plan. These policies, in combination, seek to ensure that development within Local Gaps do not diminish the physical separation and/or visual separation and that it would not compromise the integrity of the gap. To ensure the protection, conservation and enhancement of the landscape of the Borough, development will be permitted provided that it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located.

Other Matters

20. Interested parties and the Parish Council have expressed a wide range of concerns including ecology and biodiversity, the impact of external lighting, highway safety, and the removal of existing vegetation. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that a number of these matters can be controlled and maintained by appropriately worded conditions.
21. Concerns have also been raised in regard to alleged work which the appellant has already undertaken on the site. Whilst these works may have been concerning for interested parties, it does not materially affect my consideration of the planning merits of the appeal proposal.
22. I also note the concerns raised in regard to the 'continued arable designation of this land is crucial as in a key position as the Local Gap and Strategic Gap'. However, the relevant Local Gap policy, Policy E3 of the Local Plan, does not prevent all development within a local gap and does not require sites within the Local Gap to remain in arable use.
23. I note the concern that the proposed structures could be converted into housing in the future and that it would set a precedent for more extensive house building, should the appeal be allowed. However, my decision is based

firmly on the merits and circumstances of the appeal proposal before me now. As such, it does not set any precedent that can apply more generally in the area in regard to house building.

24. Finally, I note that the Chilworth Old Village Conservation Area (CA) is located approximately 0.3km away, measured from the southern boundary of the appeal site. I also note that the Council state that there are a number of listed buildings in the CA. However, given the nature and extent of the proposal, and the separation distance from the CA and the Listed Buildings in the CA, I consider that the settings of these designated heritage assets would be preserved, and their significance would not be harmed. The Council has raised no concerns in this regard either.

Conditions

25. I have assessed the Council's suggested conditions in light of the advice provided in the Planning Practice Guidance (PPG). A condition setting a time limit for the commencement of the development is required by statute. It is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.
26. A condition requiring the proposal to be constructed in accordance with samples already submitted to the Council is necessary to safeguard the character and appearance of the area. To ensure that biodiversity is conserved, it is reasonable to require the measures set out in the Ecological Impact Assessment to be carried out.
27. It is necessary to ensure the enhancement of the development by the retention of existing trees and natural features, that the provisions set out in the Arboricultural Impact Assessment shall be undertaken in full. As already mentioned, it is also considered necessary to ensure that the provisions of the Landscape Management Plan are implemented in full in the interests of the character and appearance of the area and the Local Gap.
28. In the interests of public health and safety and in order to protect the natural environment and prevent pollution, a condition is necessary to ensure that there is suitable provision of storage of horse manure and soiled bedding in a certain area. I have amended the site plan reference to refer to the correct amended plan.
29. It is considered reasonable in the interests of the character and appearance of the area to attach a condition which restricts the boundary treatment of the paddocks to only be post and rail fencing. It is also considered necessary in the interests of the character and appearance of the area and the Local Gap to restrict external storage, parking of vehicles, trailers, mowers, or other paraphernalia to not be deposited outside of the buildings or car park area.
30. In the interests of highway safety, it is necessary to attach a condition to ensure that the car parking spaces are provided and retained. As already alluded to, a condition which restricts the use of the proposal to not be used for any commercial purpose is considered reasonable and necessary, in the interests of highway safety and living conditions of nearby residents.
31. Finally, in order to protect the character and appearance of the area, conditions are considered necessary to restrict overnight parking and for no external lighting to be installed at the site.

Conclusion

32. For the reasons set out above, having considered all other matters raised, I conclude that the appeal is allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers DRE Rev E, site location plan, 10296/01, DRE-C, DRE-B, DRE-J, DRE- Rev C 2, DRE-D 1, tree protection plan, DRE-D 3, DRE-D 4, DRE-D 7, DRE-D 8, DRE-D 2, DRE-D 5, DRE-D 6.
- 3) The external materials to be used in the construction of external surfaces of the development hereby permitted shall be in complete accordance with samples submitted to the local planning authority on 23rd August 2023 – namely timber cladding and merlin grey pre-finished steel.
- 4) Development hereby permitted shall proceed in accordance with the measures set out in Section 5 of the Ecological Impact Assessment (ECOSA, April 2023). Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.
- 5) The development hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Arboricultural Impact Appraisal and Method Statement reference 23016-AIA-PB dated 27th February 2023.
- 6) The development hereby approved shall be undertaken in full accordance with the provisions set out within the landscape management plan (Helen Brown Treescapes, 13th July 2023) and accompanying landscape plan. All planting shall be completed before the end of the current or first available planting season following the grant of planning permission. Any trees or planting that are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting. Furthermore, all conifers, laurel and other non-native evergreen trees and hedging as planted on the site and along the boundaries shall be removed from the site prior to first use of the facilities hereby permitted.
- 7) The development hereby permitted shall include provision of storage of horse manure and soiled bedding in the location shown on the submitted proposed site plan, reference DRE Rev E Sheet 2. No storage of manure and soiled bedding shall take place outside of this storage area hereby approved. Any muck and soiled bedding shall be disposed of from the site every two months as a minimum. The development hereby permitted shall not be brought into use until the works for such storage have been

completed in accordance with these approved details. The approved storage area shall subsequently be maintained in accordance with these approved details.

- 8) The paddocks forming part of the development hereby approved shall be demarcated with post and rail fencing only.
- 9) No external storage, parking of vehicles, trailers, mowers, or other paraphernalia shall be stacked or deposited in the open outside of the buildings or car park area hereby permitted.
- 10) The development hereby permitted shall not be occupied or brought into use until the car parking spaces have been provided in accordance with the approved plans. The areas of land so provided shall be retained at all times for this purpose.
- 11) The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.
- 12) No overnight parking of any vehicles shall take place on the site.
- 13) No external lighting shall be installed at the site.