

Report to **Planning Committee**  
Date **15 August 2018**  
By **Director Planning and Environment**  
Local Authority **Chichester District Council**  
Application No. **SDNP/17/05726/FUL**  
Applicant **Mr Peter Bradley**  
Application **Retrospective installation of a horse walker.**  
Address **Upper Norwood Farm  
Norwood Lane  
East Lavington  
GU28 0QG**

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**Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

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## **Executive Summary**

**Reason for Committee Referral:** Parish Objection - Officer Recommends Permit

The application seeks the retention of a horse walker sited to the west of Upper Norwood Farm. The horse walker is of metal construction and has been partially screened with reed fencing attached to the west and north elevations.

The horse walker is considered to have limited impact on the wider landscape character of the National Park being set against a back drop of existing rural buildings. The proposal is considered to comply with the purposes of designation of the South Downs National Park.

The horse walker has been sited near to a number of dwellings. However, in this case it is considered that it is located at a distance that is sufficiently far that it will not lead to any adverse impact on the amenities of the occupiers. There is screening between the neighbouring dwellings and the horse walker and any noise generated will be heard in the context of its setting adjacent to Upper Norwood Farm where there will be a degree of noise from the existing farming and equestrian activity.

For these reasons the application for the retention of the horse walker is recommended for approval.

## **1.0 Site Description**

- 1.1 The application site consists of a detached two storey dwelling with farm and stable buildings set amongst an enclave of sporadic development and sited on the west side of Norwood Lane.
- 1.2 Land to the west of the application site consists of pasture sub-divided by post and rail fences and crossed by a public footpath (990) which runs from north to south. This footpath connects to a bridleway to the south (998) and to a further footpath to the north (989).
- 1.3 Immediately to the north of the site is a detached dwelling (Glenmore) with a post and rail fence forming the boundary with the land to the west. Further to the north on land which is at lower level than the application site is a group of further dwellings.

## **2.0 Proposal**

- 2.1 The application seeks the retention of a horse walker. The horse walker is of metal construction and has been partially screened with reed fencing attached to the west and north elevations.

## **3.0 Relevant Planning History**

SDNP/12/02707/HOUS - Erection of a 3 bay timber car port and office. - Approved

SDNP/12/02527/APNB - Replace existing barn with open sided 4 no. bay barn.  
Planning permission required

06/01766/FUL - 40 m x 20 m manege for horse riding. - Permit

06/00810/PNO - Replacement of agricultural barn, existing building is being demolished due to redevelopment. Prior Approval required

## **4.0 Consultations**

### **4.1 East Lavington Parish Council**

ELPC has been invited to comment on the erection of a horse walker at Upper Norwood Farm under case number SDNP/17/05726/FUL.

The horse walker was constructed without planning permission in March 2017. At that time, several local residents who felt immediately affected by this construction very close to their own back gardens expressed their concerns to ELPC. Other residents also expressed their concern to us at the time and subsequently regarding what they considered an inappropriate development in this location. Since its completion, the horse walker has been operated on a regular basis.

ELPC expressed these concerns and complaints along with our own to Enforcement and following a site visit the landowner was advised to submit a retrospective planning application which is the subject of this response.

In ELPC's view, the horse walker by reason of its siting has resulted in the encroachment of development into an open agricultural landscape and introduced an inappropriate activity into this unspoilt rural and tranquil area. This has caused harm to the landscape character and perceived relative appearance and resulted in the loss of agricultural land.

The new activity appears incongruous and intrusive in this highly visible location, situated as it is in close proximity to three public rights of way. The new development therefore fails to conserve the landscape and natural beauty of the South Downs National Park contrary to its first key objective.

ELPC cannot support the development and use of this structure in its present location and considers that it should be reconstructed in a less visible part of the applicant's land and well away from neighbouring properties.

#### 4.2 HCC- Landscape Consultant

The site falls within the K1 Rother Valley Mixed Farmland and Woodland landscape character area as defined in the SDILCA, described as 'A medieval landscape of scattered hamlets and isolated farmsteads of medieval origin set within irregular fields', and having 'thick, high hedgerows, small blocks of scattered woodland and wooded field boundaries (rews) [that] contribute to a sense of intimacy and enclosure.'

Relevant Development Considerations for this character area include:

- Consider the impact of development in this area in views from the ... East Meon to Bury Greensand Terrace as well the chalk landscapes beyond.

#### The Site

Norwood Farm lies to the west of Norwood Lane, overlooked by public rights of way to the north, west and south. Paddocks and fields lie to the west, with mature trees forming the backdrop to the north and east, and trees and hedges to the south and west.

#### The Proposal

The horse walker has been constructed close to the farm buildings, on the edge of an area of paddocks, and has had a light paling screen erected around it.

#### Comments

The structure has no roof, and is low relative to the adjoining barns. The sides have been covered with what appears to be willow screening. The walker was not in use at the time of the visit, so it was not possible to assess any noise impacts.

While the walker is clearly visible from all three rights of way, one of which runs close by to the west, its scale and appearance do not make it a particularly prominent feature. It does, however, add to an existing conglomeration of agricultural structures, including paddock fencing, horse box, barns, sheds and stores, further contributing to visual clutter.

## Recommendations

The surrounding landscape is characterised by woodland and hedgerows, including beech and holly. A layout of new hedges based on these and similar native species would soften the impact of the horse walker and help integrate the other existing structures into the landscape. This would support Purpose 1 of the National Park: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

### **5.0 Representations**

5.1 Five third party letters of support:

- This is a small addition to a substantial facility for keeping horses small trees have been planted to obscure the view
- The land has been used to keep horses and this nature of use is not new
- Equestrian use is long established
- The horse walker is not detrimental to the landscape

### **6.0 Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester District Local Plan First Review 1999 and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Submission 2018

6.2 Policies relevant to this application are set out in section 7, below.

#### National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.4 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.

## 7.0 Planning Policy

### Relevant Government Planning Policy and Guidance

7.1 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 172 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.

### National Planning Policy Framework 2018 (NPPF)

7.2 The following National Planning Policy Framework sections and paragraphs have been considered in the assessment of this application:

- Section 15 – Conserving and enhancing the natural environment

### Chichester District Local Plan 1999

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

7.4 The following policies of the Chichester District Local Plan 1999 are relevant to this application:

- RE1 - Development in the Rural Area Generally
- R6 – Equestrian Facilities
- BE11 – New Development

### Partnership Management Plan

7.5 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

7.6 The following policies of the SDNPA Partnership Management Plan 2014 are relevant to this application:

- General Policy 1
- General Policy 29

## The South Downs Submission Local Plan 2018

7.7 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Chichester District Local Plan First Review (1999), the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight, depending on the level of objection received on individual policies.

7.8 The following policies are of particular relevance to this case:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD7 - Relative Tranquillity
- Development Management Policy SD24 - Equestrian Uses

## **8.0 Planning Assessment**

8.1 The main issues arising from this proposal are:

- The impact of the development on the character and appearance of the area
- The impact of the development on neighbouring amenity

### The impact of the development on the character and appearance of the area

8.2 The application site occupies a tranquil rural location with the natural undulations of the landscape, pasture and locally distinctive buildings all contributing to this character. Whilst it is considered that this is the overriding character it is evident from the pattern of development and the character of farm/stable buildings that the current equestrian use and managed landscape has not lead to a degradation of the landscape character. The land remains relatively clutter free from equestrian paraphernalia with buildings being confined to the original farm adjacent to Norwood Lane.

8.3 The proposed horse walker has been sited against the backdrop of these existing buildings when viewed from the adjacent footpath to the west. When viewed from the bridleway to the south it is seen in the context of the existing building group. In this context against other equestrian buildings designed purposefully for this function the horse walker does not appear overtly intrusive or incongruous in the landscape. The Council's landscape consultant has raised no objection to the proposal but suggests further landscaping could soften the impact of the horse walker and adjacent buildings.

- 8.4 A form of reed fencing has been attached to the outer edge of the horse walker to soften its appearance however this is sporadic in places. This is relatively successful in terms of softening the appearance of the structure as it has a natural appearance similar to timber. It is however considered that the integration of the horse walker could be enhanced if additional screening, using a similar material was used. This can be secured by a condition requiring that further screening is added to this outer edge and that this should be carried out in a reasonable time frame (3 months).
- 8.5 In relation to this issue the horse walker is considered to have limited impact on the wider landscape character of the national park being set against a back drop of existing rural buildings. The proposal is considered to comply with policies BE11 and R6 of the Chichester District Local Plan 1999, policies SD1 (Sustainable Development), SD4 (Landscape Character), SD5 (Relative Tranquillity) and SD24 (Equestrian Uses) of the South Downs Submission Local Plan 2018, section 15 of the NPPF 2018 and the first purpose of designation of the national park.

#### The impact of the development on neighbouring amenity

- 8.6 The horse walker has been sited close to a number of nearby dwellings. Glenmore to the north-east is the closest residential property and it enjoys an open vista to the pasture and landscape of the South Downs beyond with little in the way of built development to disrupt this view. Whilst the right to a view is not a material consideration the proximity of the horse walker could have the potential to impact on residential amenity by way of noise. In this case it is considered that the horse walker is located at a distance that is sufficiently far from the dwelling that it will not lead to any adverse impact on the amenities of the occupiers of the neighbouring property. There is screening between the dwelling and the horse walker and any noise generated will be heard in the context of its setting adjacent to Upper Norwood Farm where there will be a degree of noise from the existing farming and equestrian activity.
- 8.7 In relation to this issue the retention of the horse walker is unlikely to lead to harm to neighbouring amenity and therefore complies with policy BE11 of the Chichester District Local Plan 1999.

## **9.0 Conclusion**

- 9.1 The horse walker is considered to have limited impact on the wider landscape character of the National Park being set against a back drop of existing rural buildings. The horse walker has been sited near to a number of dwellings, however, in this case it is considered that it is located at a distance that is sufficiently far that it will not lead to any adverse impact on the amenities of the occupiers. The application is considered to comply with the objectives of policies BE11 and R6 of the Chichester District Local Plan, policies SD1, SD4, SD5 and SD24 of the South Downs Submission Local Plan 2018 and the first purpose for the designation of the South Downs National Park.

## **10.0 Reason for Recommendation and Conditions**

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be carried out in accordance with the plans noted below.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The extent of attached screening to the north and west facing elevation of the horse walker hereby approved shall be enhanced with additional screening using the same material and use of colour filling any empty patches and increasing the existing density. The erection of additional attached screening shall be completed within three months from the date of this permission and retained in perpetuity unless as agreed otherwise with the written permission of the Local Planning Authority.

Reason: To ensure that the horse walker is satisfactorily integrated into the landscape

3. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority within one month from the date of this permission. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality, relative tranquillity and the conservation of the Dark Night Skies Core.

4. The horse walker hereby permitted shall be used for private equestrian use in association with Upper Norwood Farm only and shall not be used in association with a commercial function, livery or schooling unless with the written permission of the Local Planning Authority.

Reason: To safeguard neighbouring amenity and the relative tranquillity of the site for those using the Public Right of Way.

## **11.0 Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12.0 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.

## **13.0 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.

## **14.0 Proactive Working**

14.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Tim Slaney**  
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**South Downs National Park Authority**

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Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this  
Application

SDNPA Consultees

Background  
Documents

## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location Plan (A4)	001		02.01.2018	Approved
Plans - Site Block Plan (A4)	002		02.01.2018	Superseded
Plans - Site Block Plan (A4)	002	A	19.06.2018	Approved

**Reasons:** For the avoidance of doubt and in the interests of proper planning.