Wiltshire Council

AGENDA SUPPLEMENT (1)

Meeting: **Eastern Area Planning Committee**

Place: **The Assembly Room, The Town Hall, St. John's Street, Devizes, Wiltshire, SN10 1BN**

Date: **Thursday 2 December 2021**

Time: **3.00 pm**

The Agenda for the above meeting was published on 24 November 2021. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.shannon@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

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7 **Planning Applications** *(Pages 3 - 58)*

Presentation slides.

7a **PL/2021/06348 - Rabley House Poulton nr. Marlborough SN8 2LW** *(Pages 59 - 72)*

Objector photos

DATE OF PUBLICATION: 2 December 2021

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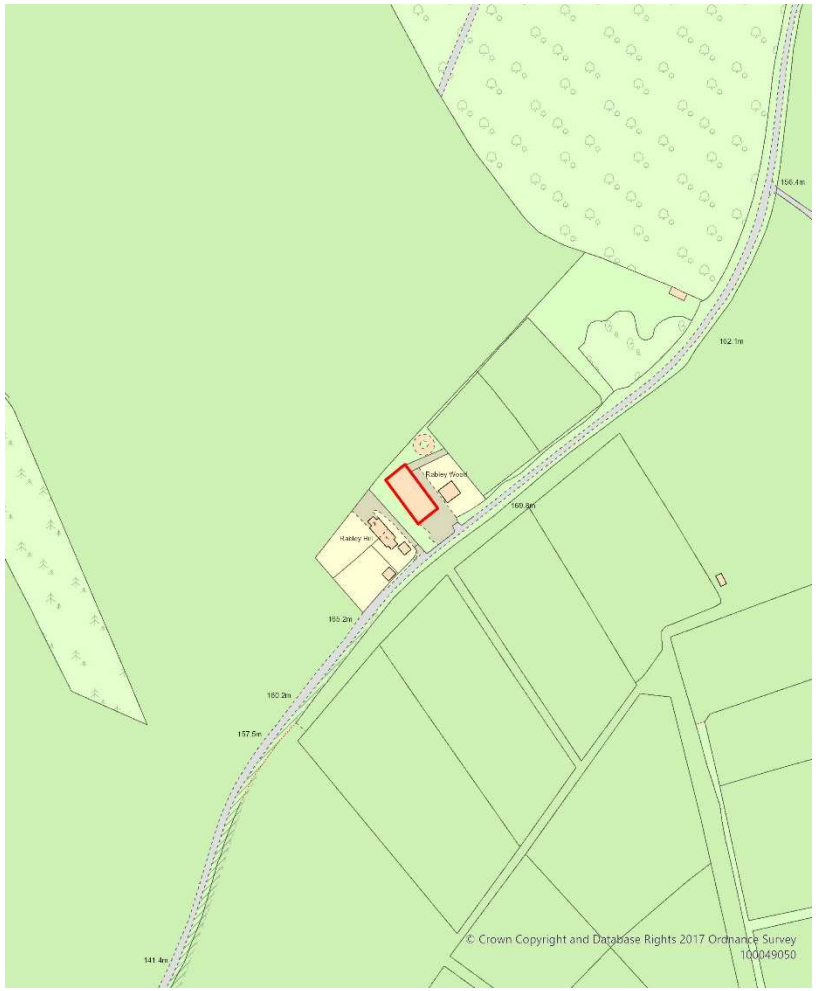
Wiltshire Council

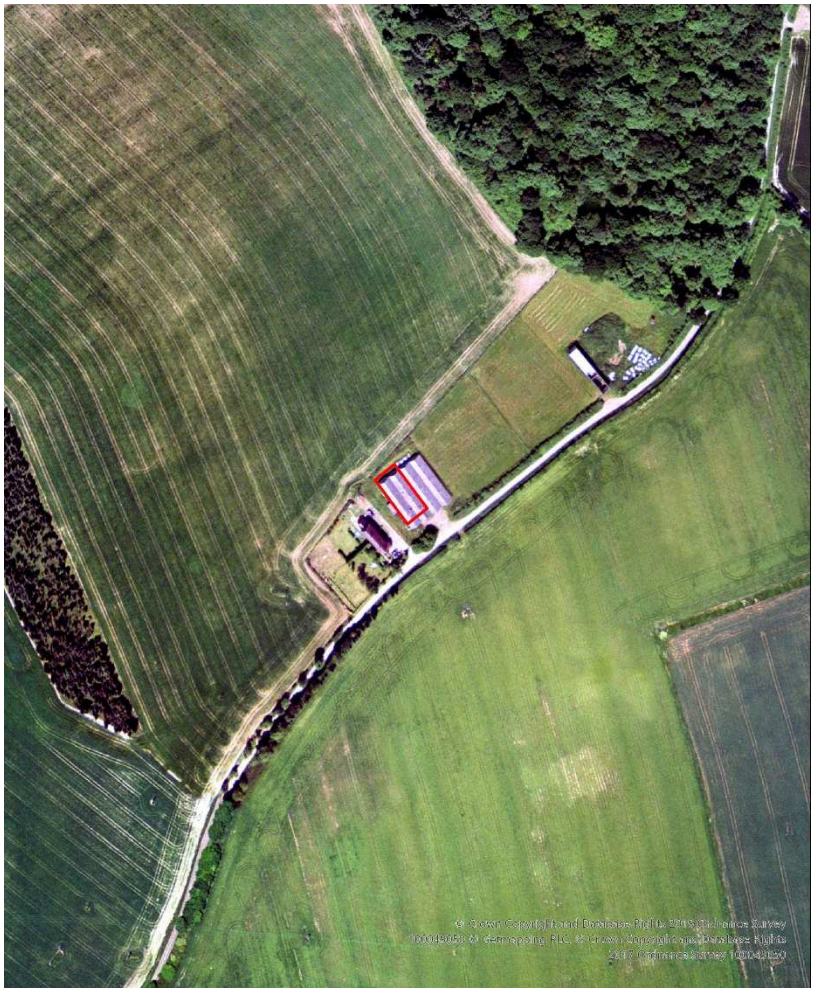
Eastern Area Planning Committee

2nd December 2021

7a) PL/2021/06348 Rabley House, Poulton, Nr. Marlborough, SN8 2LW
Retrospective installation of stable windows and external door to tack room to existing barn and external lighting
Recommendation: Approve with conditions.

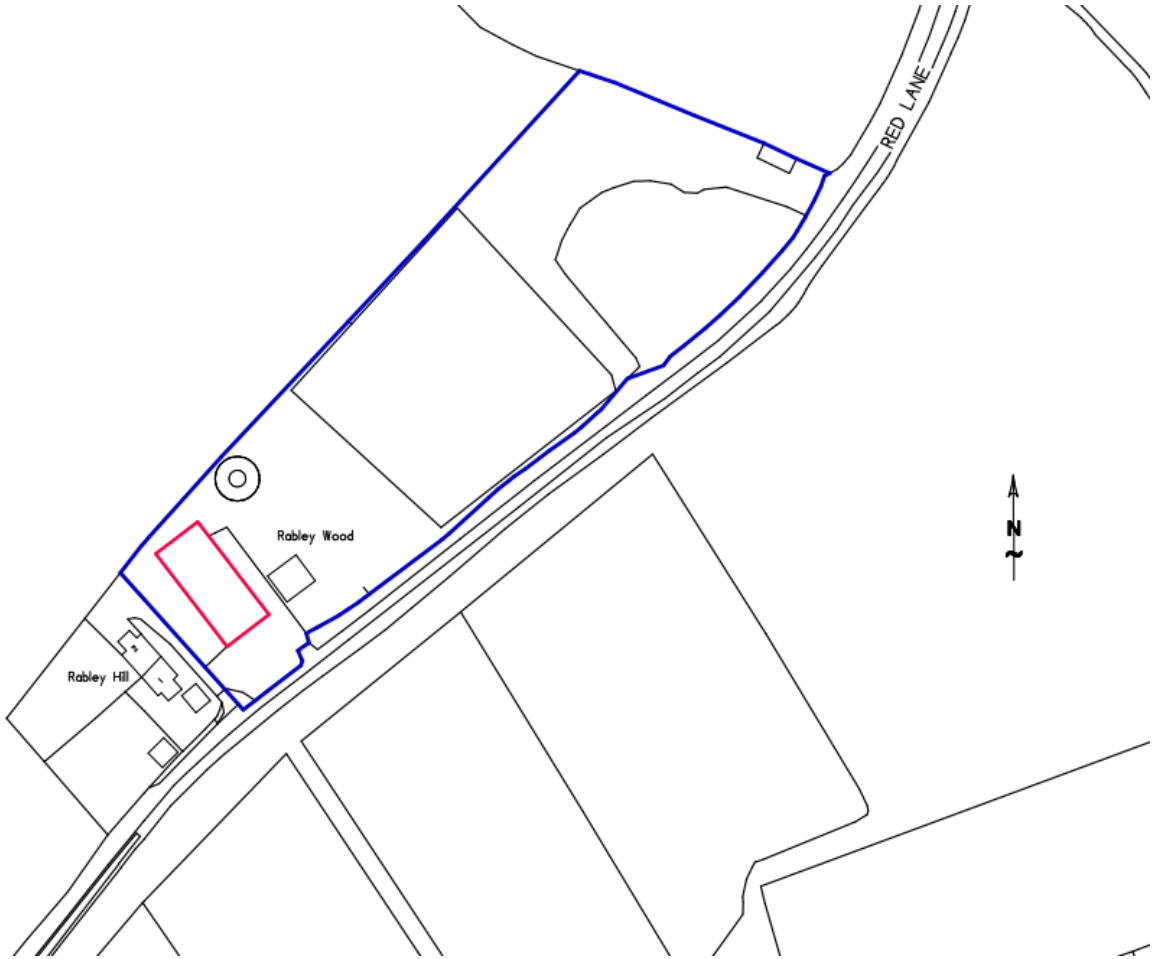


Site Location Plan

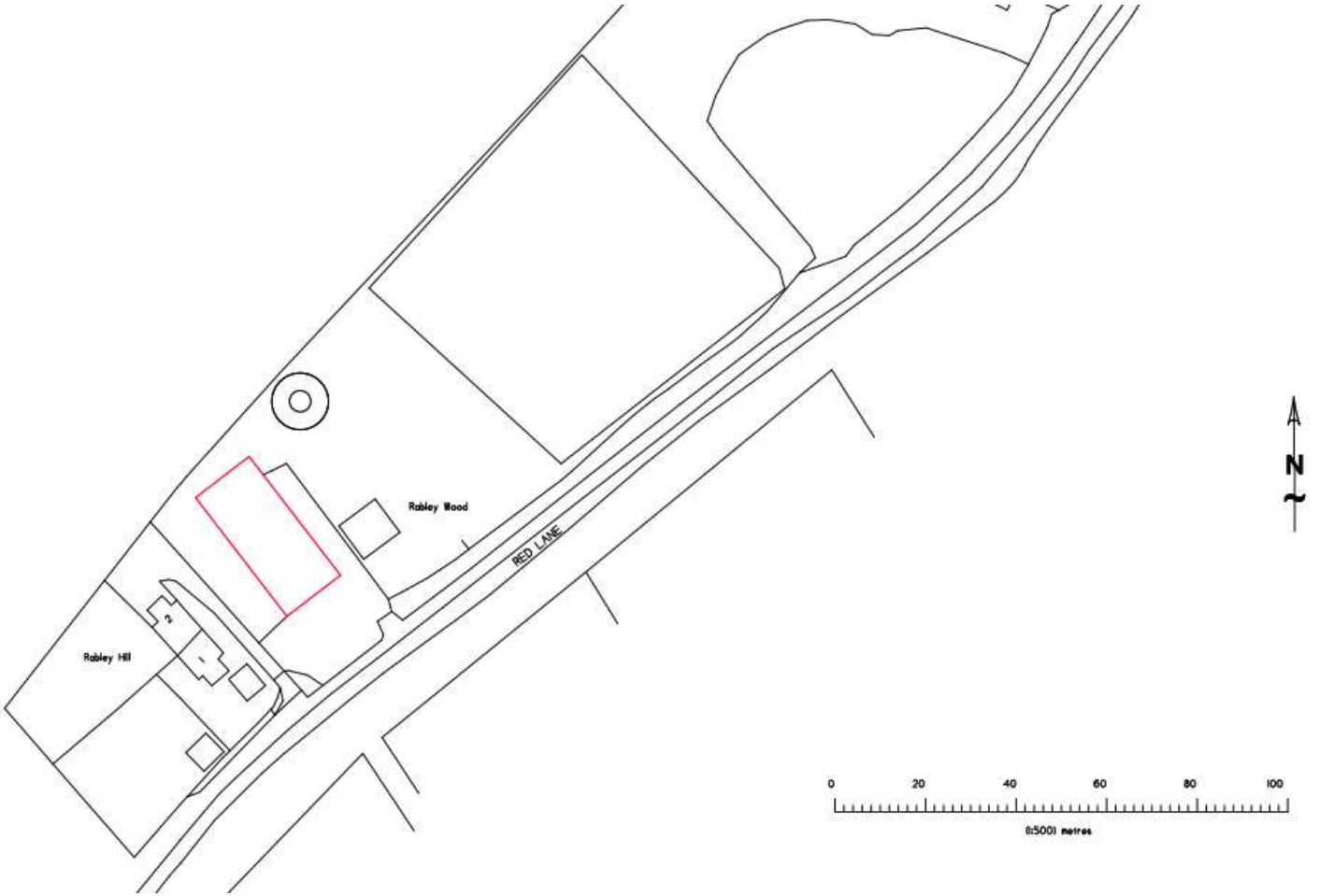


Aerial Photography

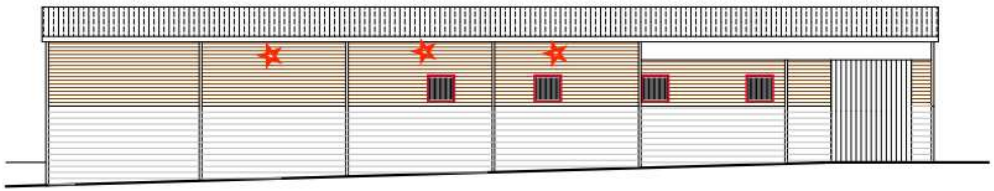
Location Plan



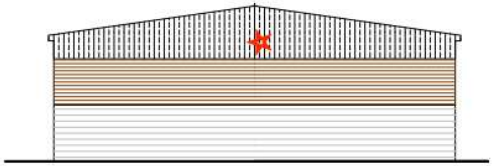
Block Plan


Rabley Wood
RED LANE
Rabley Hill
N
0
20
40
60
80
100
1:500) metres

Plans

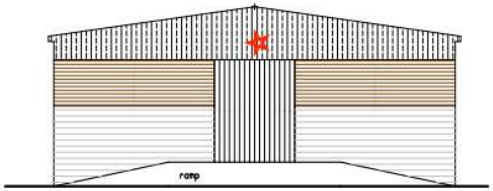


North East Elevation 1:100



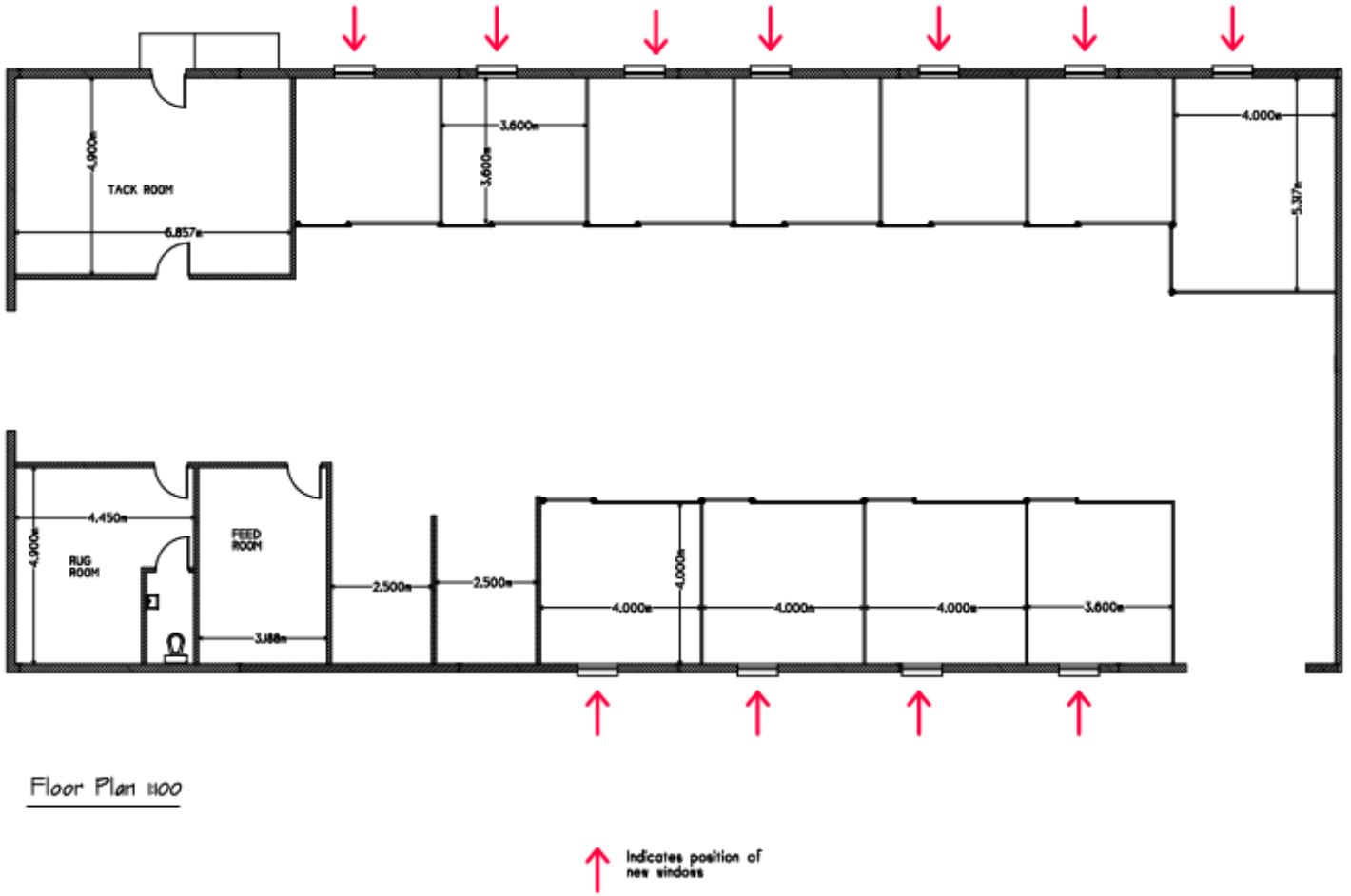
North West Elevation 1:100

South West Elevation 1:100



South East Elevation 1:100

Floorplan



Floor Plan 1:100

↑ Indicates position of new windows

Site photographs

Neighbour photographs

Rabley Barns Retrospective Application Objection

PL/2021/06348

14/02039/FUL

14/02549/OUT and 14/05870/REM

This objection

- Refers to the specific retrospective planning application submitted due to the identification of non permitted development – windows and external lights in a stud farm barn on a hill in an AONB
- Which should be considered in light of ongoing non compliance with key original conditions and a disregard for the neighbours' amenity, in pursuit of a "a sideline for his partner"(1) that is not "a stud farm only" as per the original Planning Decision Notice
- "This application has been a text book example of aggressive development circumventing the planning process from the beginning"
- A compounding impact
- Which the proposed conditions will not mitigate

(1) Colin Hammond's comment, Mildenhall Parish Council Minutes, 8th November 2021

It is primarily a subjective question of **harm**

- Officers have determined no undue harm to residents that is lessoned with the proposed conditions - a hedge and opaque window covers. No specific matters of policy are cited.
- I suggest the changes represent an unacceptable level of harm from the loss of amenity and privacy with the added noise, smell and light pollution which the proposed conditions will not mitigate
  - a hedge – of no stated specification – would take years to grow to a meaningful height (4m) to be of any benefit and is not possible on boundary fence line due to safety requirements (National Grid guidance re 6m high voltage lines)
  - The windows are kept open for ventilation - so opaque glazing will have no mitigating impact.

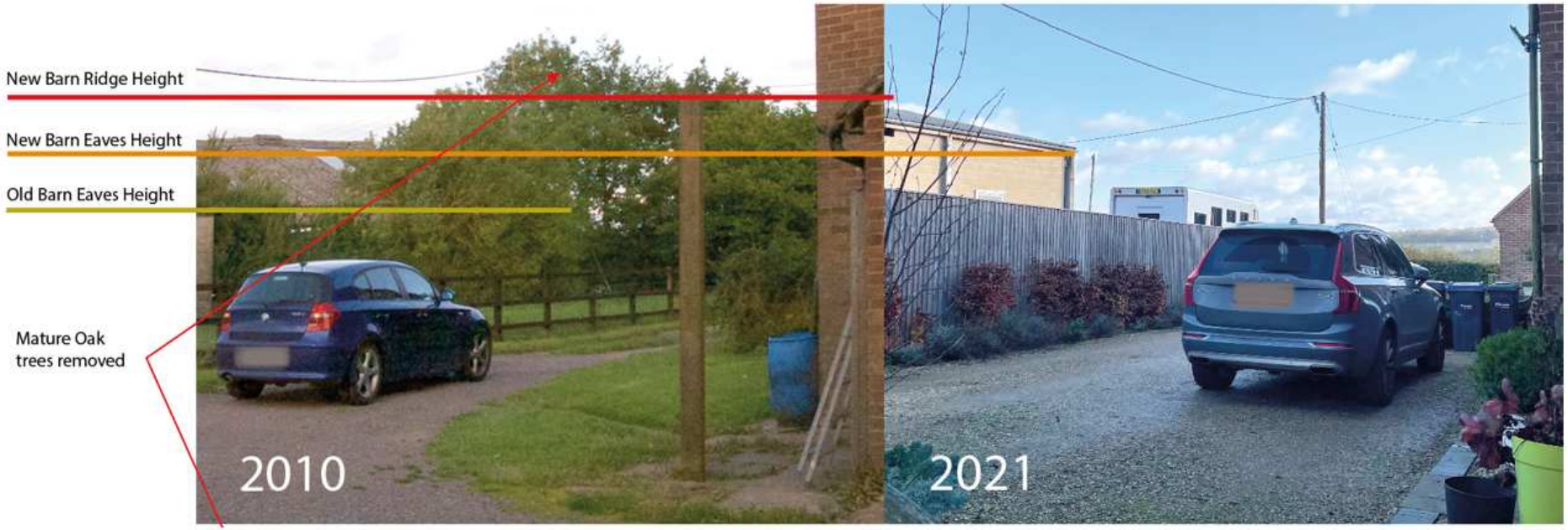
It is a subjective question of **harm**

- Due their height (caused by the barn's construction), the windows
  - Give workers a direct line of sight into family living areas and bedrooms
  - Direct the noise, amplified by the barn's size and height, towards the neighbours
  - Similarly the smell and insects
- 14m (minimum) distance vs 20m as the norm in back-to-back arrangements
- There is no consideration of the impact should the current or subsequent owners take advantage of the barn's 20 - 25 horse capacity – more workers, lorry movement, noise, light and smell

And Policy is relevant

- **Core Policy 57** of the Wiltshire Core Strategy states that a high standard of design is required in all new developments, and that **development is expected to create a strong sense of place** through drawing on the local context and being complimentary to the locality.
- Also… the **importance of protecting neighbour amenity**. It states that development should have regard to the compatibility of adjoining buildings and uses, as well as the impact on the amenities of existing occupants
- **Core Policy 51** states that development should **protect, conserve and where possible enhance landscape character**.
- **In the AONB, National policy NPPF 176** says that **'great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs** and 'the scale of development in AONBs should be limited to avoid or minimise adverse impacts .
- **NPPF 177** says In AONBs ' applications for development should be refused for major development other than in exceptional circumstances AND where it can be demonstrated it is in the public interest'. Any development must demonstrate; the need for the development, impact of the development, scope for developing outside the AONB, **detrimental effect on the landscape and environment**

Core Policy 51/ NPPF 176 - development should protect, conserve and where possible enhance landscape character



Had the original planning application included…

- Barn ridge height on SW side of 7m (1.6m above original)
- 5m high fair faced blockwork only
- 7 uncovered windows on SW boundary side at an external height starting at 2m
- 0.5m gap under the eaves along the SW boundary side (with the windows, allowing permanent egress of internal strip lighting)
- A lorry park sited by the SW boundary fence, 5m from neighbours' front doors and windows
- External lighting
- No soft landscaping
- Removal of existing trees – Elders, Hazels, Oaks, Cotoneasters,
- To stable horses for international standard Event training

We cannot unpick the original permissions but WC can insist existing conditions are met and prevent further harm

Would it have been approved? No.

So how can it be acceptable now?

Or is it easy to get your way in a piecemeal fashion by flouting the rules?

Original Planning Conditions 14/02039/FUL

"8. The site shall be used as a Stud Farm only" (not general equestrian purposes noted in the Officer's Report and the Design and Access Statement)

When does 'Shall be used as a Stud Farm only' encompass a "performance event horse training facility"?

No development shall commence on site until **a scheme of hard and soft landscaping** has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

a) location and current canopy spread of all existing trees and hedgerows on the land;

b) full details of any to be retained, together with **measures for their protection** in the course of development;

c) a **detailed planting specification** showing all plant species, supply and planting sizes and planting densities;

d) finished levels and contours;

e) means of enclosure;

f) all hard and soft surfacing materials;

In more detail 14/02039/FUL

Non compliance

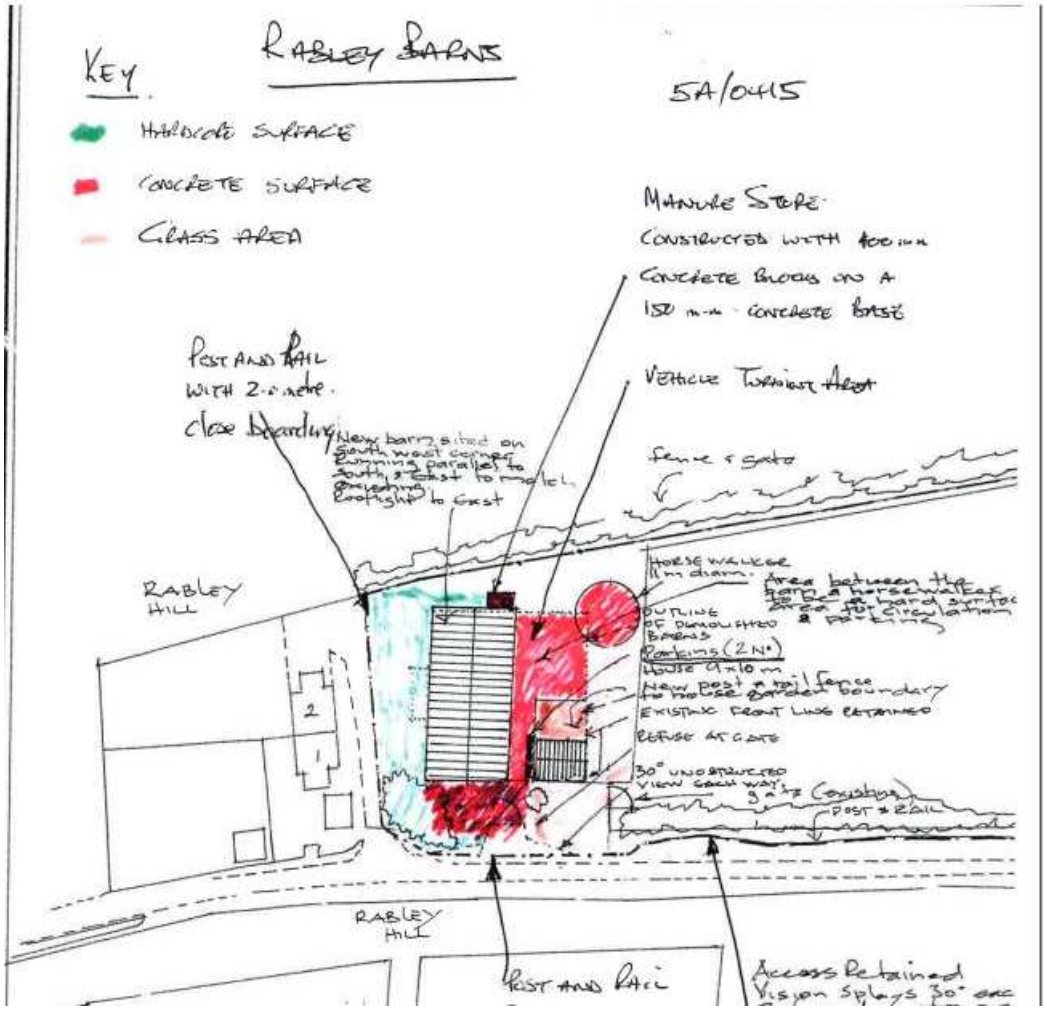
- All soft landscaping comprised in the approved details of landscaping shall be **carried out in the first planting and seeding season following the first occupation of the barn** or the completion of the development whichever is the sooner; ….. Any trees or plants which, within a period of five years, **die, are removed,** or become seriously damaged or diseased **shall be replaced in the next planting season** with others **of a similar size and species**, unless otherwise agreed in writing by the local planning authority.
- No development shall commence until specific details of a consolidated and surfaced vehicle turning space (including dimensions and surface details) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include **details of parking areas for the stud business and the dwelling**. No part of the development shall be first brought into use until **that turning space and parking area** has been completed in accordance with the approved details. Such turning space and parking area shall **thereafter be retained** and kept clear of obstruction at all times.

Ignored

Submitted Plan – considered sufficient to discharge all conditions relating to Landscaping, Turning Areas and Parking, Visibility Splays….

Was this ever sufficient to protect the neighbours' amenity?

Was a 'door opened' that today's officers feel they cannot now close?



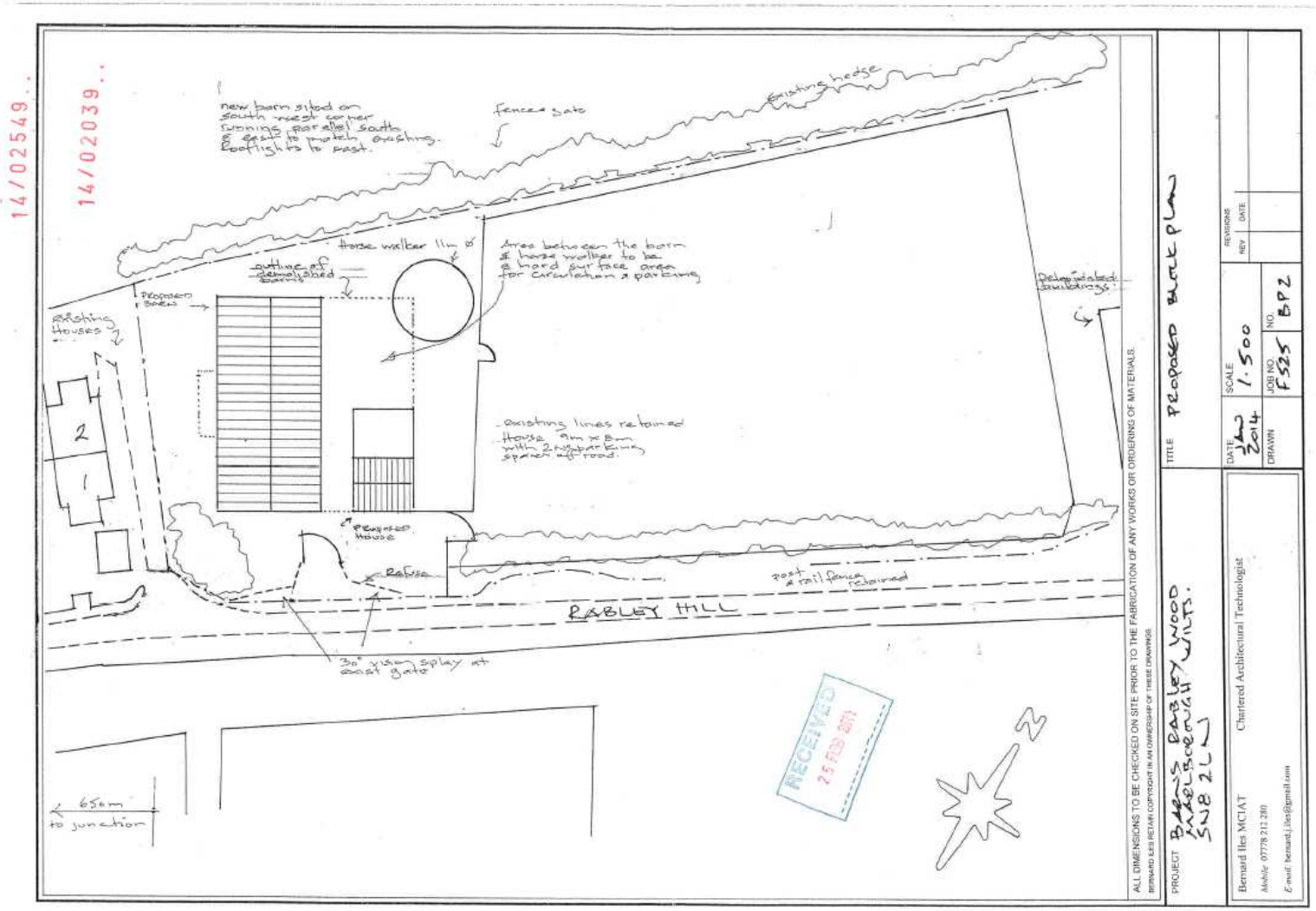
Planning Statement

Land between the horse walker and barn will be laid to a hard surface (creating a 'yard') **to provide circulation space and parking for staff cars and horse transport vehicles**. The yard will also provide sufficient space for horses to be lead from the stables to the horse walker and paddock land.

Submitted Block Plan

Clearly implying intent to retain trees and location of lorry parking. But trees were removed before the condition discharge.

What conclusion can be drawn? Removal of trees to give access to actually intended parking…avoiding harm to their property?



Poor control and a pattern of non compliance plus overt action contrary to permitted development

- Barn built by raising the SW floor / wall to even out vs excavating the NE side – approved without any consultation, on basis of internal height. WHY?
- A wide range of trees removed; no protection and not replaced
- No softening of the bulk via required cladding and planting schemes
- Lorry parking – 4m height within 5m of house frontage
- Removal of block work at 5m under the eaves without cladding – neighbours and dark skies impact
- Addition of open windows – invasion of privacy and light spill
- Addition of external lights – flashing on and off via sensors

Notably, no ventilation blocks removed or open windows on NE side that overlook the owner's house, with the consequential invasive light spill.

No line of sight to their horses despite the need for safety and security

Compounding adverse changes to the neighbouring residents, which they shouldn't have to endure

Windows, Door and Lights specifically

Officer's Report

- this attractive diagram of the SW view is overtly misleading
- There is no cladding and no ability to enforce its application
- It omits the row of blocks removed under the eaves - added in blue – equivalent to a 30m strip light
- It omits the wiring boxes in place for further lighting

South West Elevation 1:100

Officer's Report: contradictions & inadequate conditions - Privacy

- The officer suggests there are no privacy issues.
- *"the openings are lower than the first-floor windows of the neighbouring properties and due to the existence of the boundary fence, views of the ground floor windows cannot be obtained "* **Photographs demonstrate this is not the case. The sills are at 2m**
- *"overlooking from these openings would be restricted to the front of the adjoining properties"* – **yes, into family rooms and children's bedrooms**
- If there are no privacy issues, why is opaque covering a proposed condition?
- This is only useful when windows are fixed closed
- When open as the norm, for ventilation, the condition will not mitigate the loss of privacy

Loss of privacy

Raised floor height inside the barn

5’5” person’s view illustrated over a 14m distance

Light Spill

The North Wessex Downs AONB say they were not approached for comment

“There is little the local planning authority (LPA) can do regarding the level of internal lighting within the barn as this is outside of the planning remit.”

But it can reject a retrospective planning application for windows and require the missing blocks to be replaced or the cladding to be completed

“The applicant has indicated that shutters are not a feasible option due to the potential impact on the horses within the stables. They are prepared to consider planting”

The barn was built for stabling horses on a Stud Farm, without windows

Multiple examples of American Barn style stables do not have windows

A hedge would take years to grow 3m to block out the light spill and at that height cannot be sited under the high voltage power lines

Huge Light Spill

Even with 3m+ high lorries in the way.

"….although the openings allow more light from the internal lighting to spill out, the level is not considered to be significant enough to warrant the refusal of planning permission"

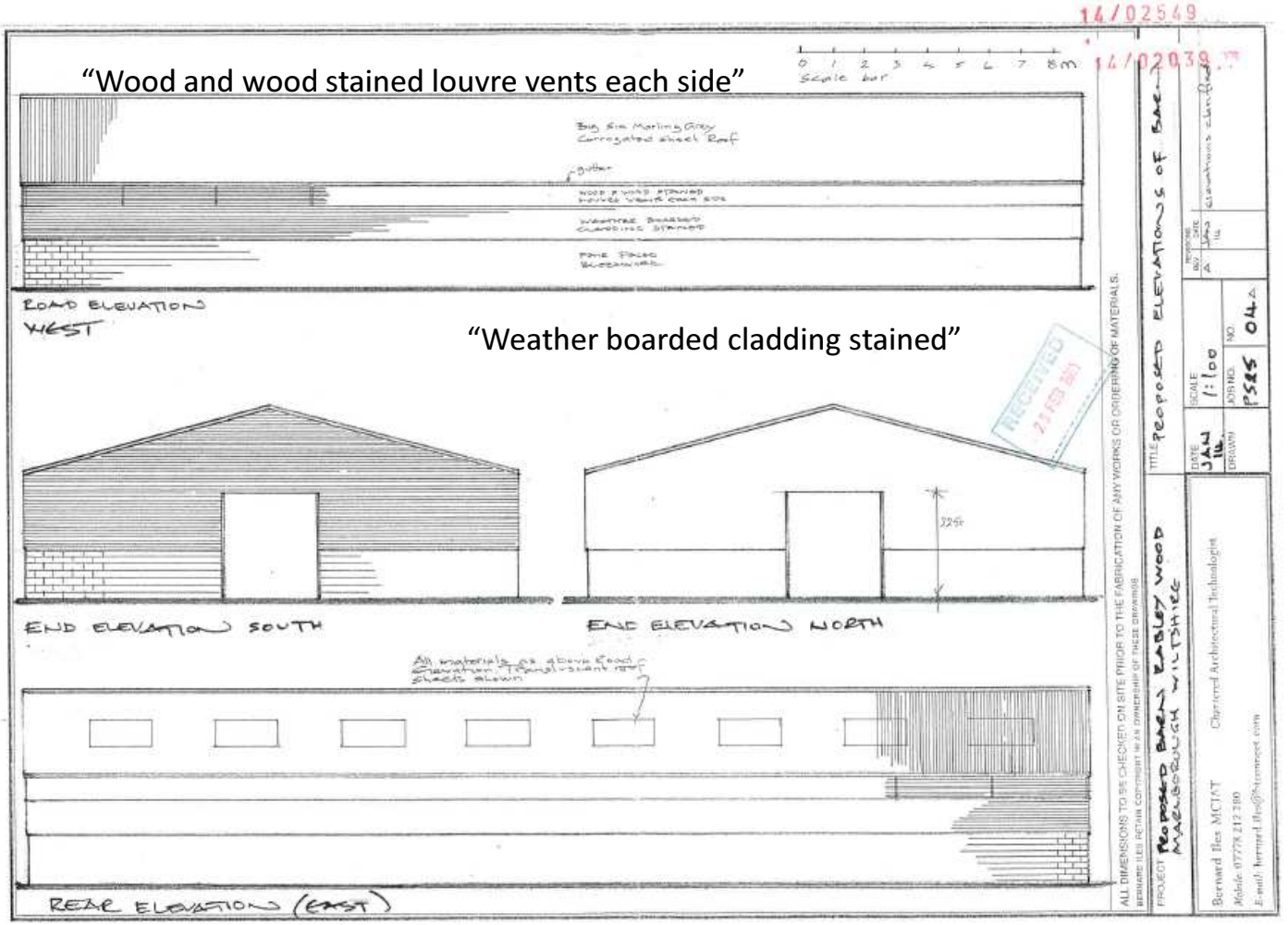
How much significant enough?

Public Protection Officer:
"Concerns related to impact on amenity from external lighting in a predominantly dark sky".

But what of the neighbours' amenity?

Plans submitted and approved show the intended means of ventilation and cladding.

'Hit and Miss' cladding could still be applied and materially mitigate the light spill



Windows for Ventilation?

- Can be achieved through gable end and ridge line arrangements and end doors
- The barn was designed and planning was given for a Stud farm only.
- Any requirement for windows stems from use for which planning hasn't been given…

"The facility will be run by Alison Gill, a triple Olympian and successful businesswoman. She competes in equestrian sports at an international level. The premises will also house the horses of 5* international event rider Lissa Green and international eventing coach and six times Badminton winner Lucinda Green".

Lights - why is a planning decision in 2014 and 2015 not the same in 2021?

- No external lighting shall be installed at the site.

REASON:

- In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Replicated in the decision notice for 15/12675/FUL, further along the road

The condition was deliberately flouted with lights installed on the NE side

Wiring is also in place to put flood lights on SW boundary side

With the open windows and block work removed, the length of the SW wall is externally lit

Has the North Wessex Downs AONB Unit been consulted on the retrospective application? No

The Officer's report provides no specification as to what lights are permitted or where. No protection as required under Core Policy 57

In conclusion,

The barn and surroundings should have been built as approved (no excuses given the limited separation distance)

The owners bought premises with a barn designed for and planning as a Stud Farm only. It was not designed to stable international event horses…their actions and the harm created stems from the barn not being fit for their purpose

They have introduced adverse change to the neighbouring residents, which they shouldn't have to endure.

And their activities to date have reinforced the need for enforcement action measures to remove the harm and protect the amenity of neighbours now and going forward

What might be acceptable

- Hit and Miss cladding on at least the SW side from 1.5m as per original plan…
- ….extending over the window openings and up to the eaves, obscuring all the created openings….also as per original plan
- A planting plan of mature trees (“heavy standards”) between the SW wall and 2m fence, away from the power cables, to break up the barn bulk, add to the bio diversity and reduce the carbon footprint, but allowing access to the rear
- Replacement of other removed trees and bushes around the SW and SE boundary in line with original conditions
- Lorry parking limited to the NE side in line with original plans

All conditions to be

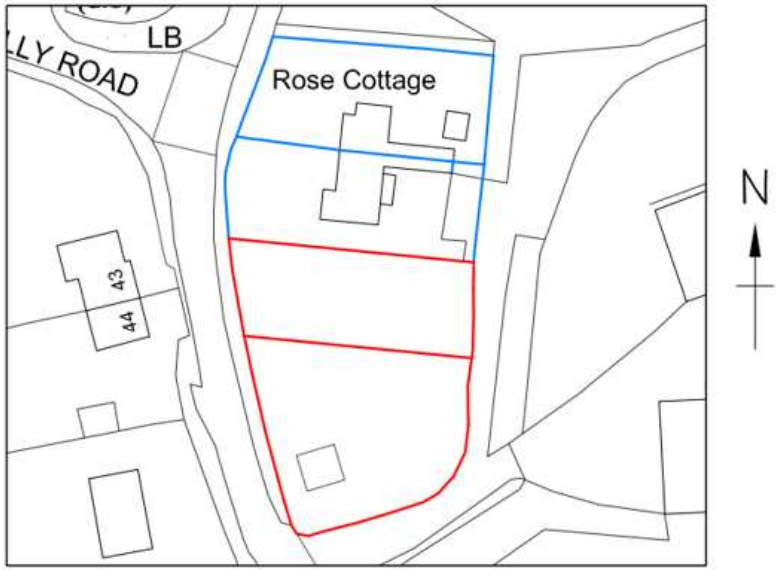
- Clearly specified
- Timebound

7b) PL/2021/08195 Rose Villa, Roundway, Devizes, SN10 2HY
Erection of a pair of semi detached dwellings, car parking, access and associated works.
Recommendation: Refuse

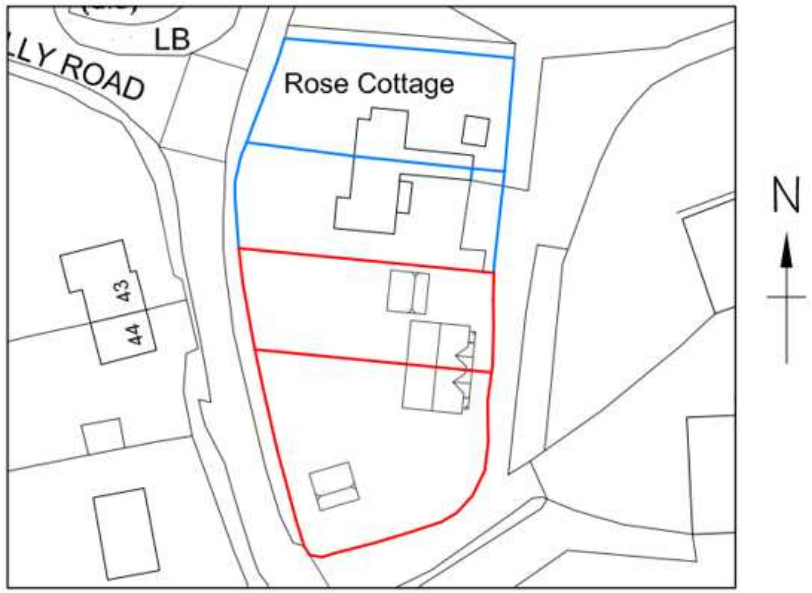
Site Location Plan

Aerial Photography

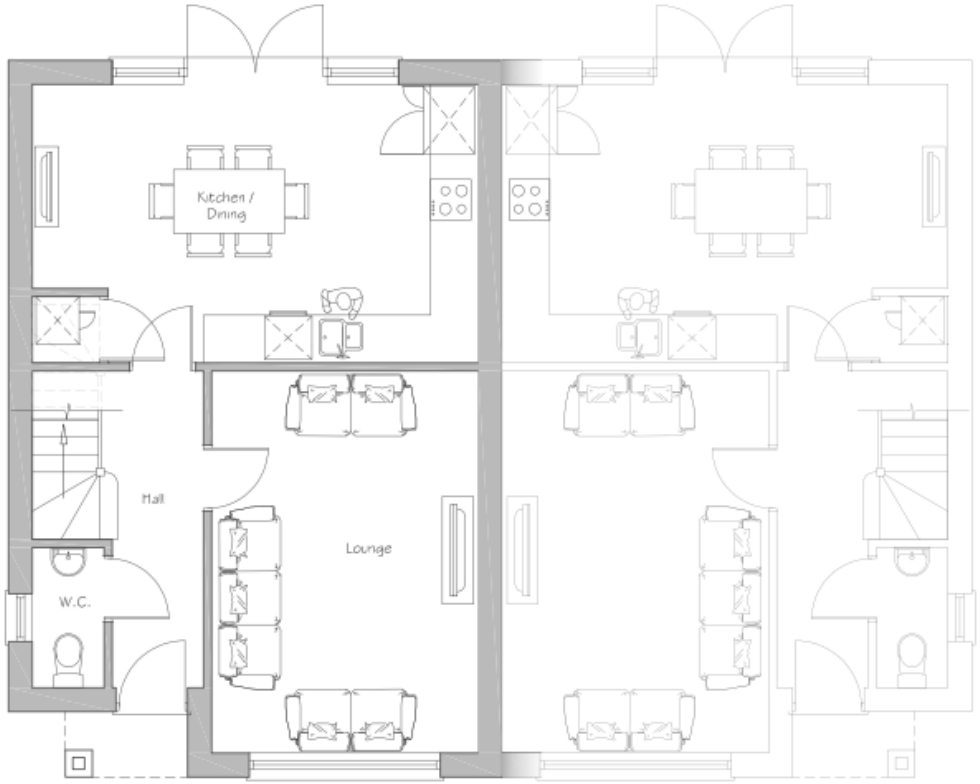
EXISTING AND PROPOSED BLOCK PLANS



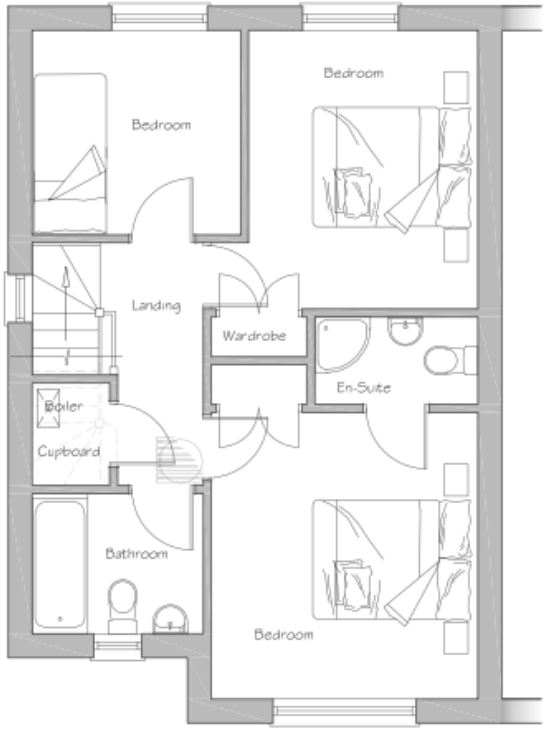
BLOCK PLAN
Scale 1:500



BLOCK PLAN
Scale 1:500



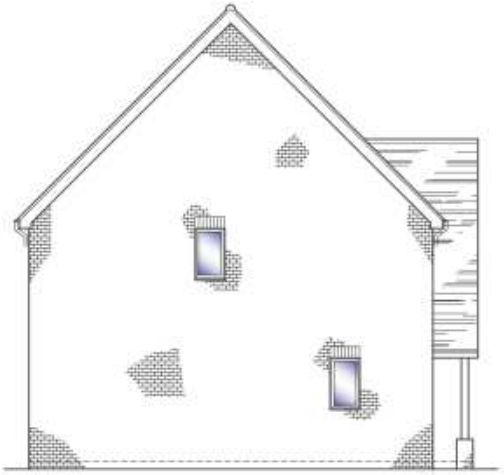
GROUND FLOOR PLAN
Scale 1:50



FIRST FLOOR PLAN
Scale 1:50

FRONT ELEVATION

Scale 1:100

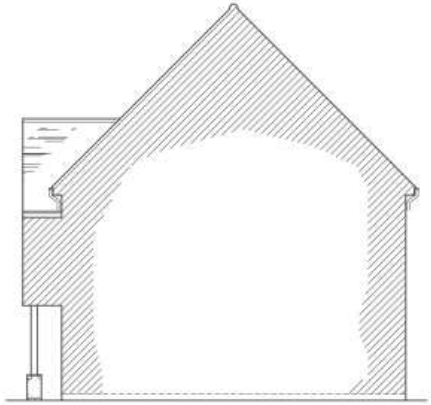


SIDE ELEVATION

Scale 1:100

REAR ELEVATION

Scale 1:100

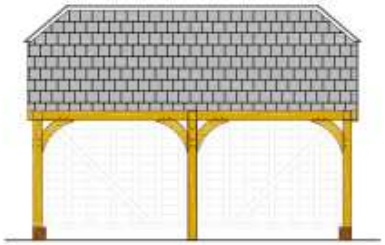


SIDE ELEVATION

Scale 1:100

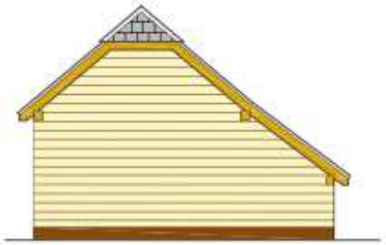
IMPRESSION

NTS



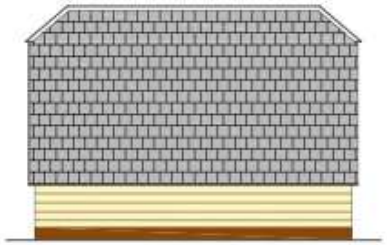
FRONT ELEVATION

Scale 1:100



SIDE ELEVATION

Scale 1:100



REAR ELEVATION

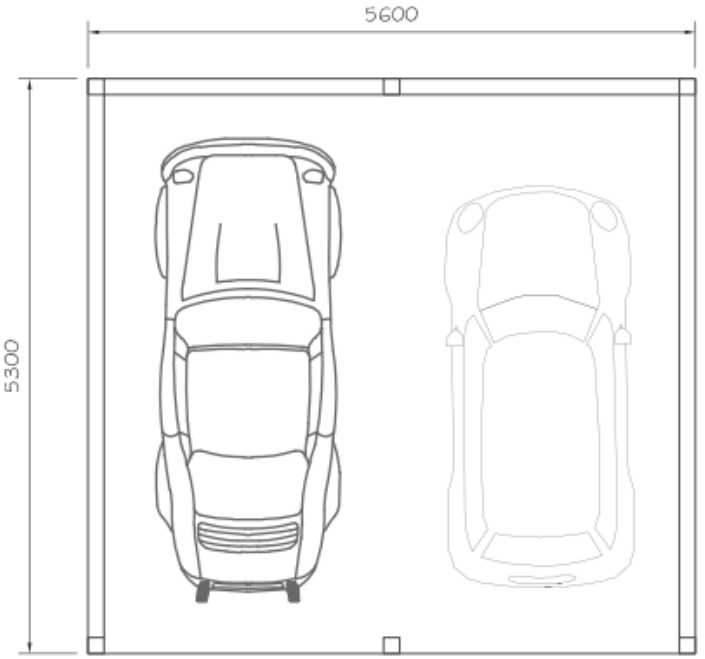
Scale 1:100

SIDE ELEVATION

Scale 1:100

IMPRESSION

NTS



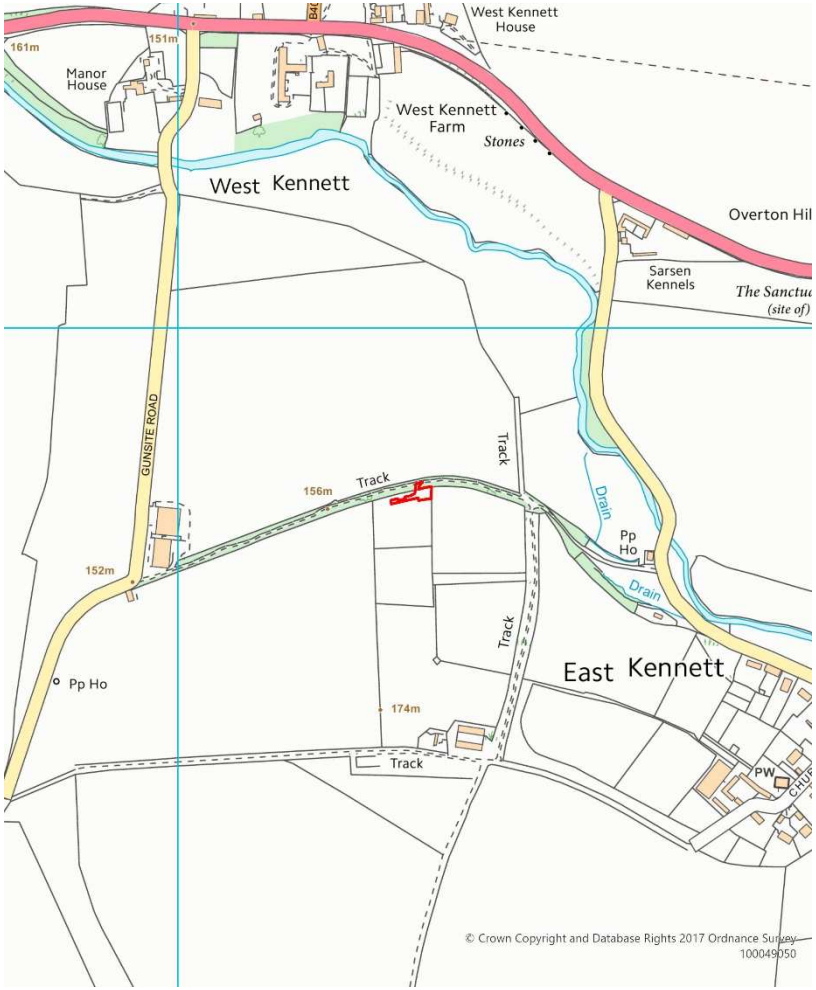
GROUND FLOOR PLAN

Scale 1:50

Photos of site

Photos of site from surrounding area

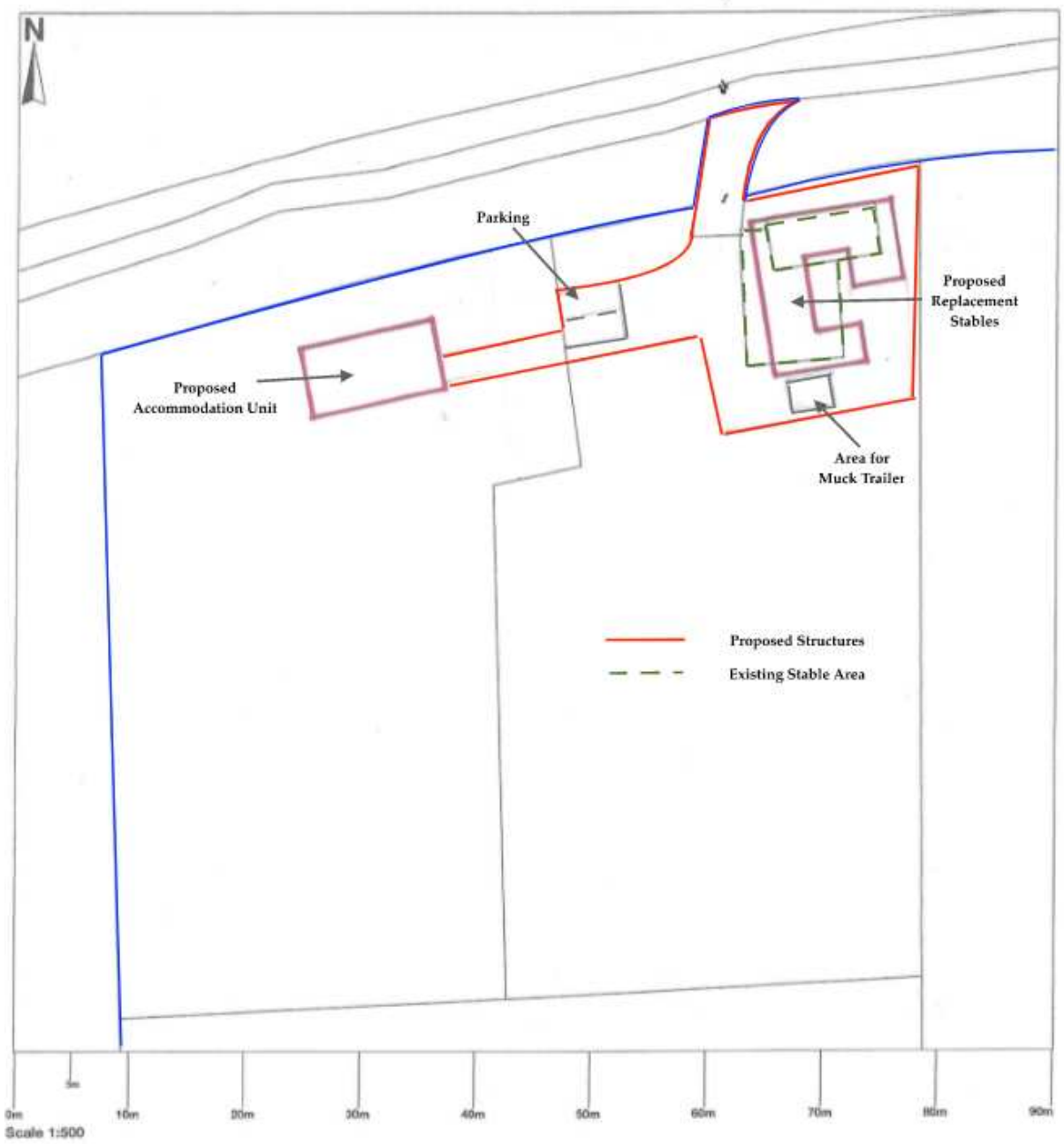
7c) PL/2021/04650 Land south of West Kennett Farm, East Kennett
Temporary Rural Worker Dwelling and Replacement Stabling
Recommendation: Approve with Conditions



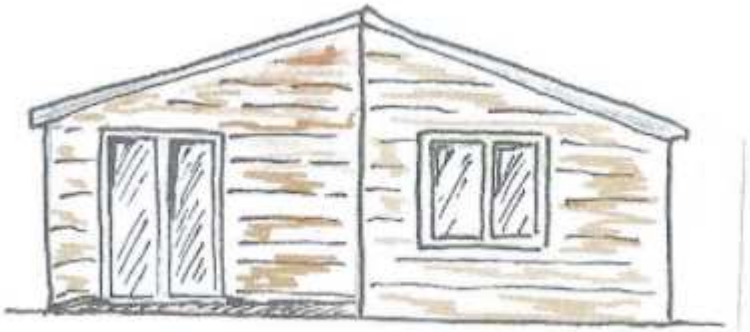
Site Location Plan

Aerial Photography

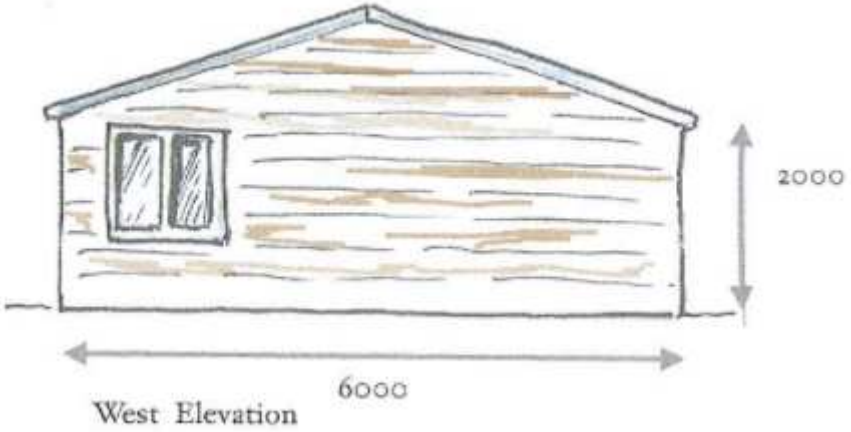
Block Plan Land South of West Kennet Farm



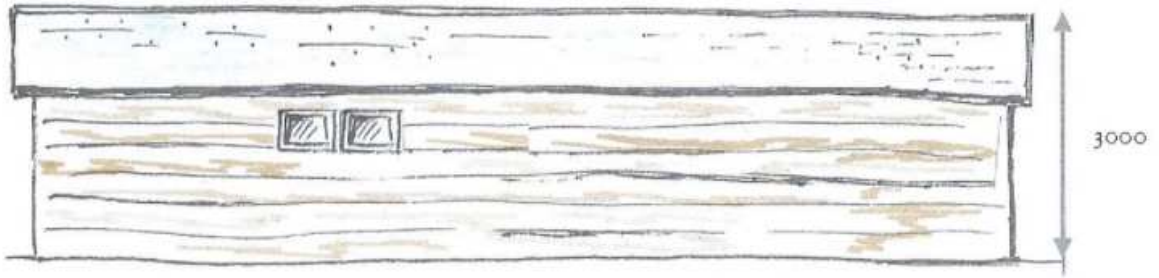
Dwelling Elevations



East Elevation



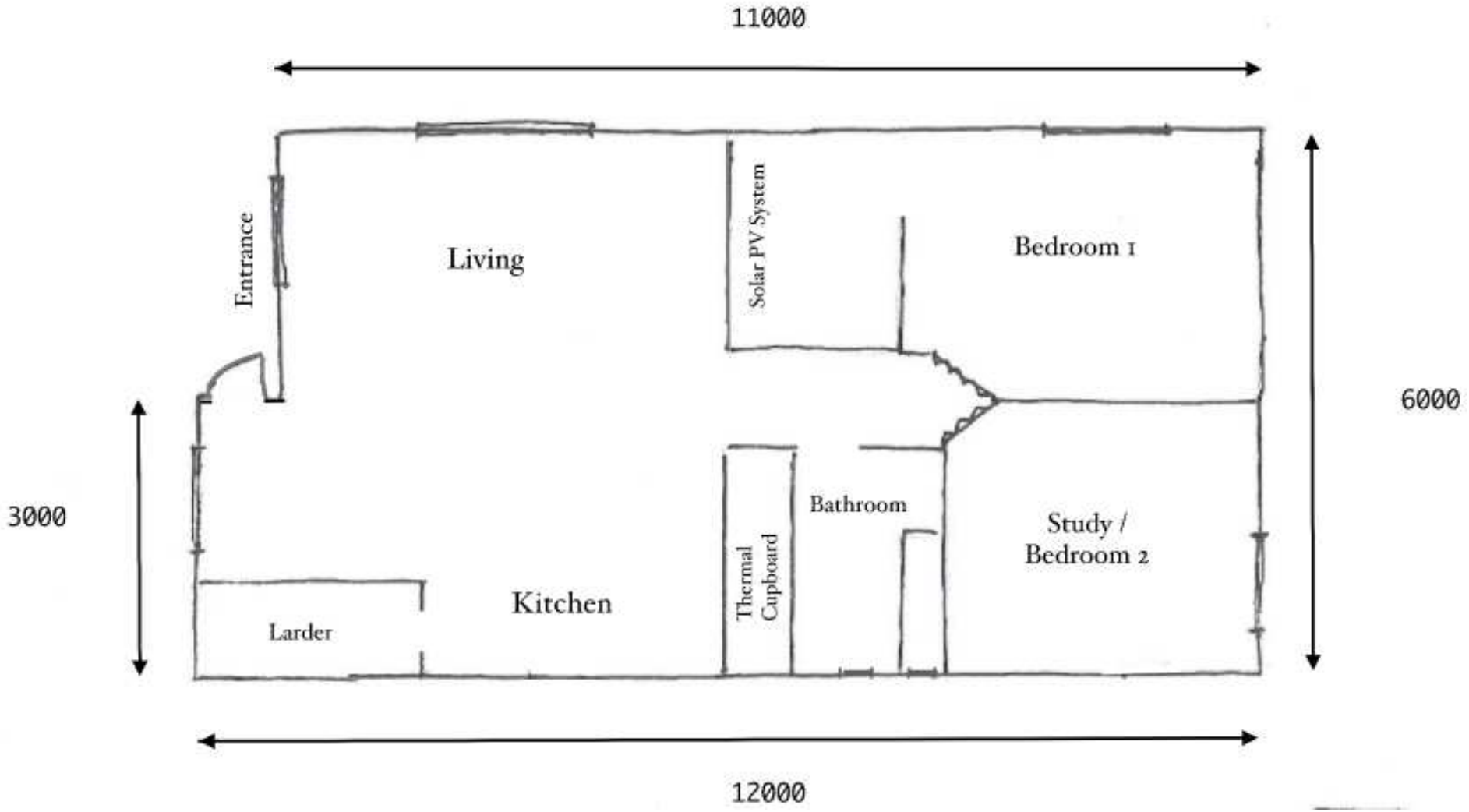
West Elevation



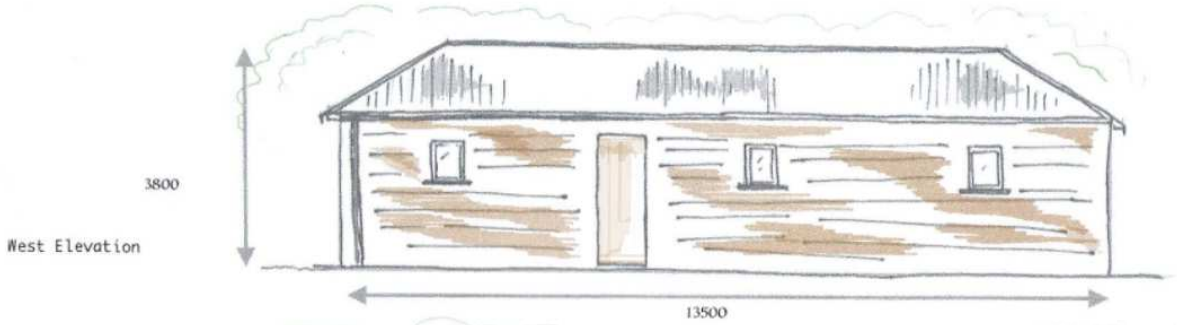
North Elevation

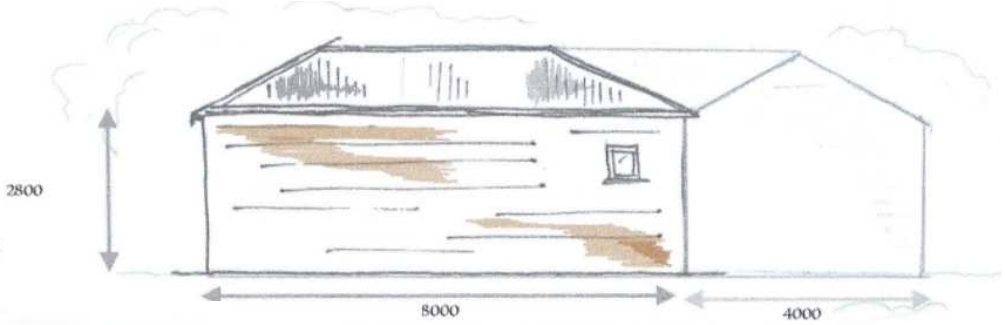
South Elevation

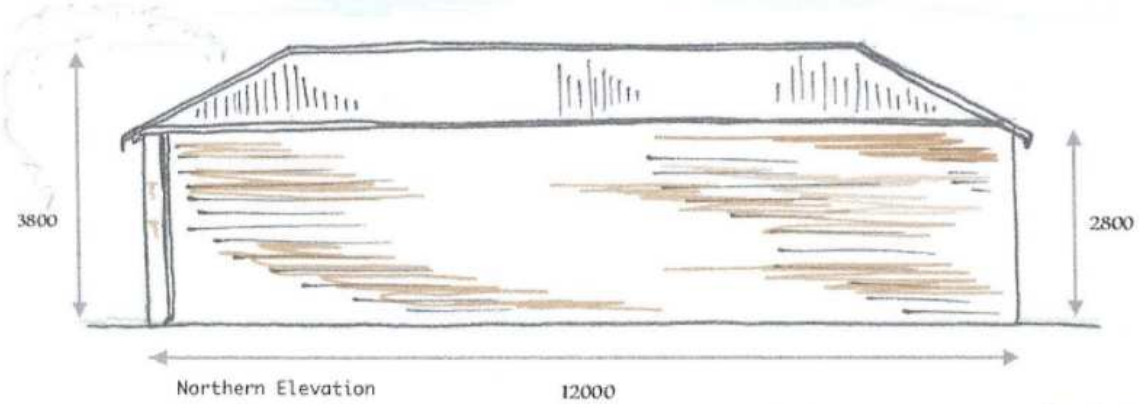
Dwellinghouse Plan

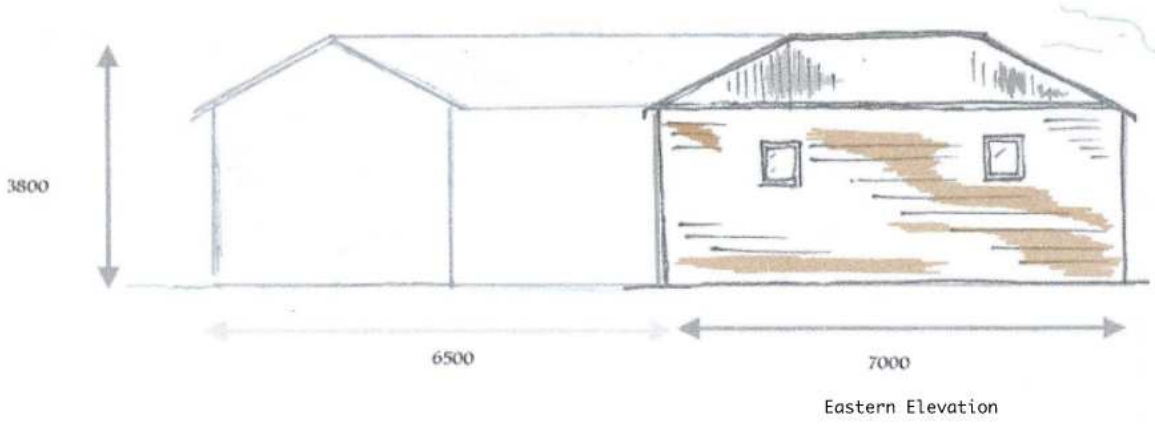


Stable Elevations

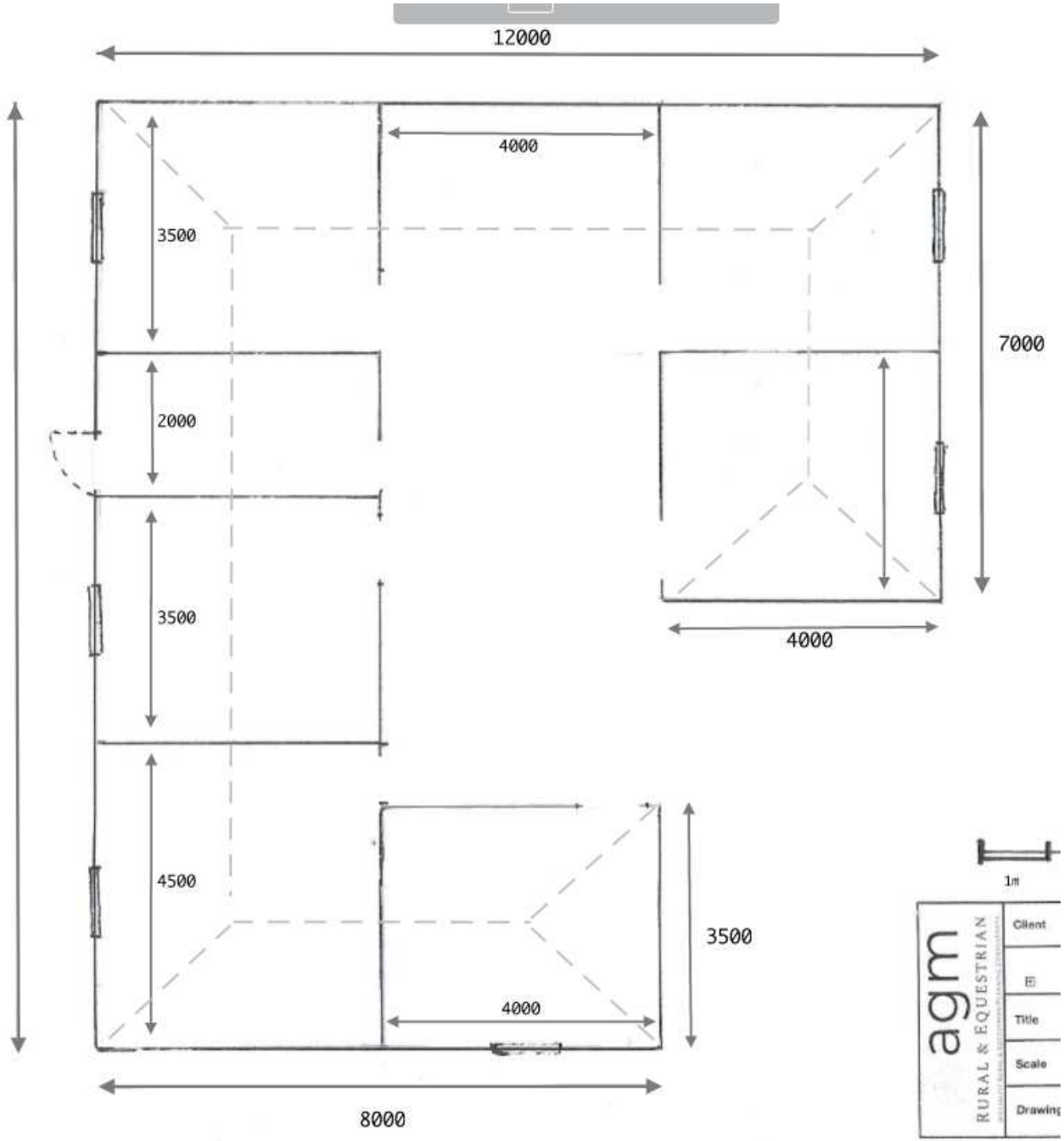








Stable Plan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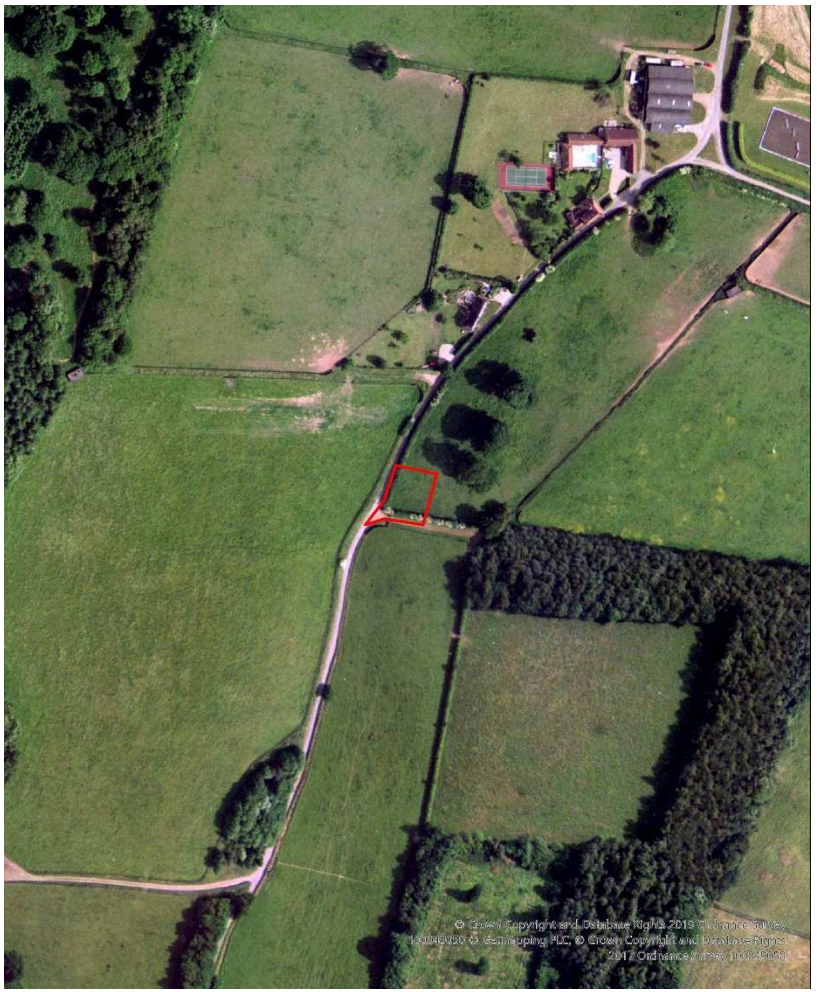
RURAL & EQUESTRIAN
Client
Title
Scale
Drawing

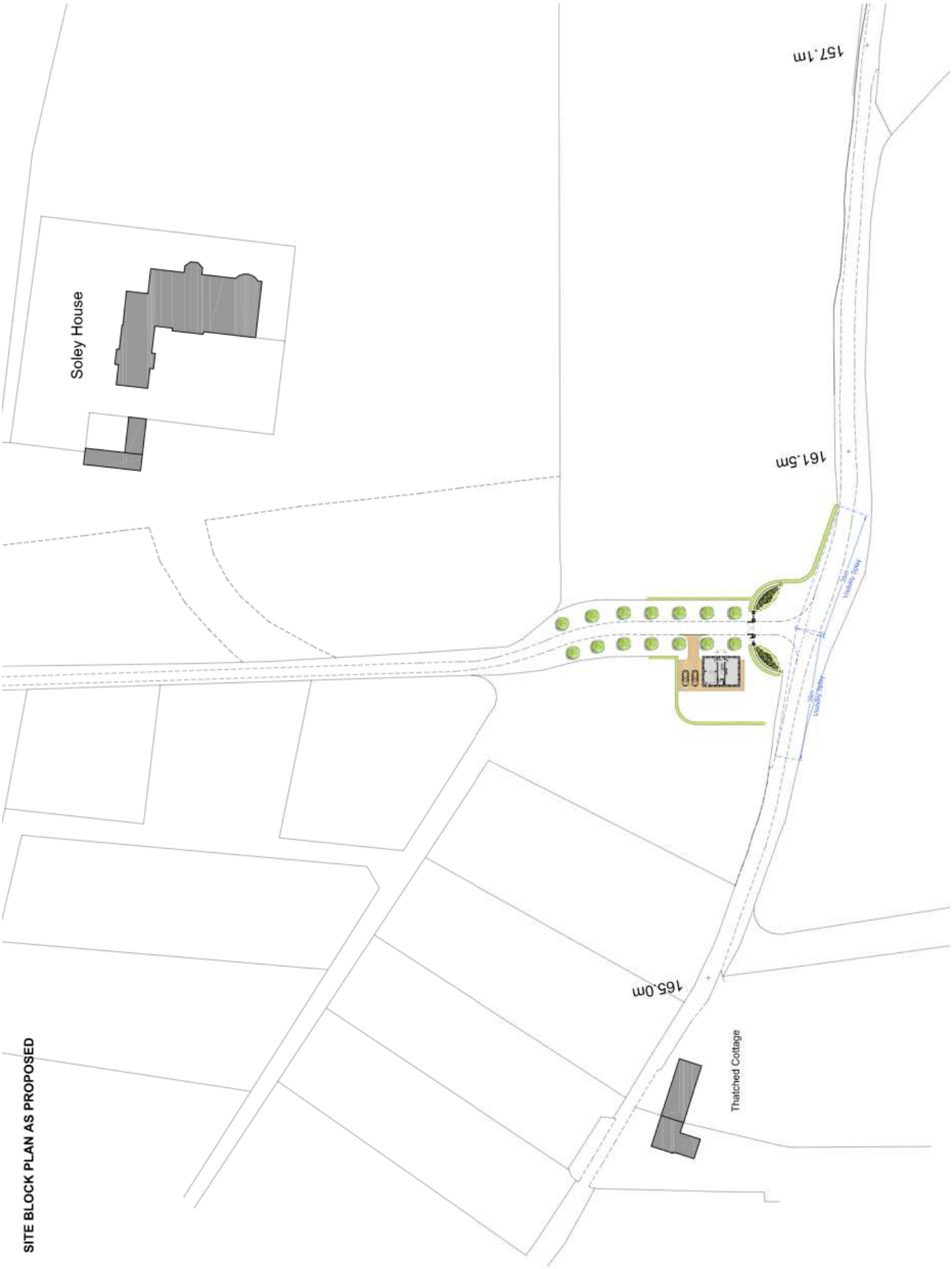
View towards site entrance from the BOAT
(North Easterly direction)

7d) PL/2021/07750 Soley House, West Soley, Chilton Foliat, RG17 0GW
Erection of a farm manager's annexe (gate house) to Soley House
Recommendation: Refuse

Site Location Plan



Aerial Photography



SITE BLOCK PLAN AS PROPOSED

GATE HOUSE ELEVATIONS

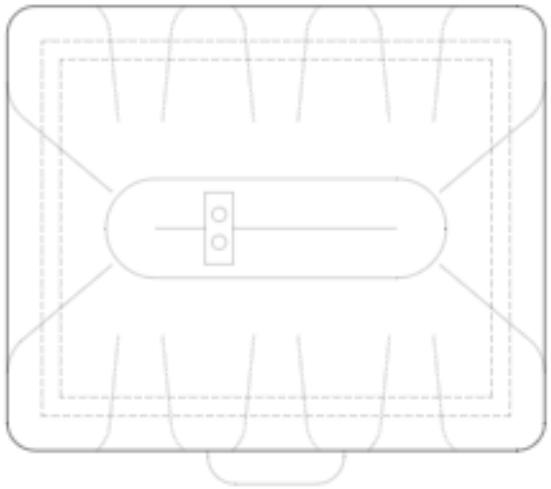
East Elevation

South Elevation

North Elevation

West Elevation

GATE HOUSE PLANS



Roof Plan

First Floor

Ground Floor

View towards site from Soley Rd
(Northerly Direction)

Google ©

View towards site from Soley Rd
(Southerly Direction)

Google ©

Aerial View of the site submitted as part of a previous application

Site photograph looking towards the entrance of Soley House

Photomontage showing the proposal submitted in support of application.

Wiltshire Council

Eastern Area Planning Committee

2nd December 2021

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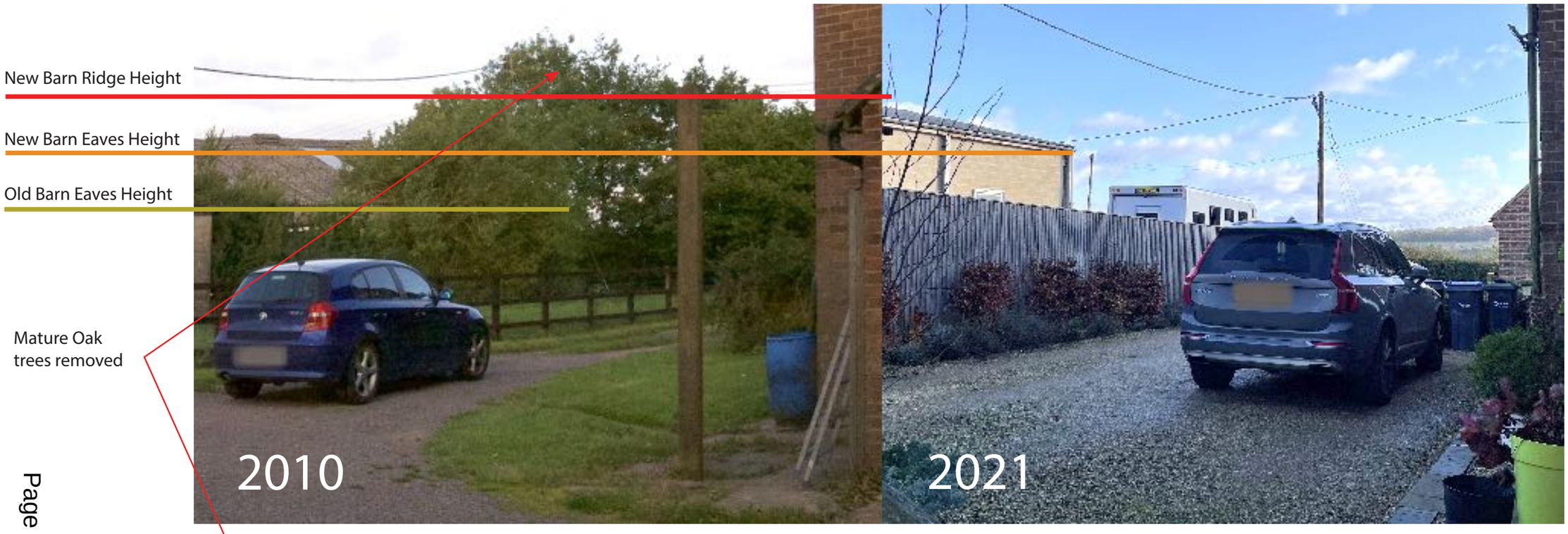
Eastern Area Planning Committee Hearing
Devizes - 2nd December 2021

Rabley House & Stud
Retrospective application for windows and lights to stable barn

Photographic visuals AGAINST the application.

Photos provided by:
Don & Anita Barrett - 1 Rabley Hill Cottages
Corinne & Giles Ashbee - 2 Rabley Hill Cottages

1. View of barns from driveway of 2 Rabley Hill Cottages (top) and lane (bottom) before and after redevelopment



2. View of barns showing 300sqm plus area of hard standing and lorry park - no landscaping

3. View of barns from lane with old features (trees, fence and old barn) over laid to show scale

View from road overlaying original barn facade and established oak tree silhouette. Post & rail fence removed - hedge to the front never planted. Creation of Staff Car and Lorry park (8 cars, 4 lorries) to the side & front of the barn.

4. Viewing Angles from windows on South Elevation into 1 & 2 Rabley Hill Cottages

Viewing angles from elevated barn levels - afford views right over 2m fence and through into children's bedrooms on first floor and family living spaces to the ground floor.

5. Interior floor level vs exterior ground levels

Showing Internal floor levels in comparison to exterior ground levels. Image taken from our first floor landing. Barn soon after construction top right. Notice various windows permenently open, and hooked back on latches.

6. Views from internally in 2 Rabley Hill Cottages

Windows from Ground Floor play room - 2 Rabley Hill Cottages

Windows from First Floor Bedroom - - 2 Rabley Hill Cottages

Windows from First Floor Landing

Tackroom door left open to staff socialising and viewing platform

7. Views from internally in 1 Rabley Hill Cottages

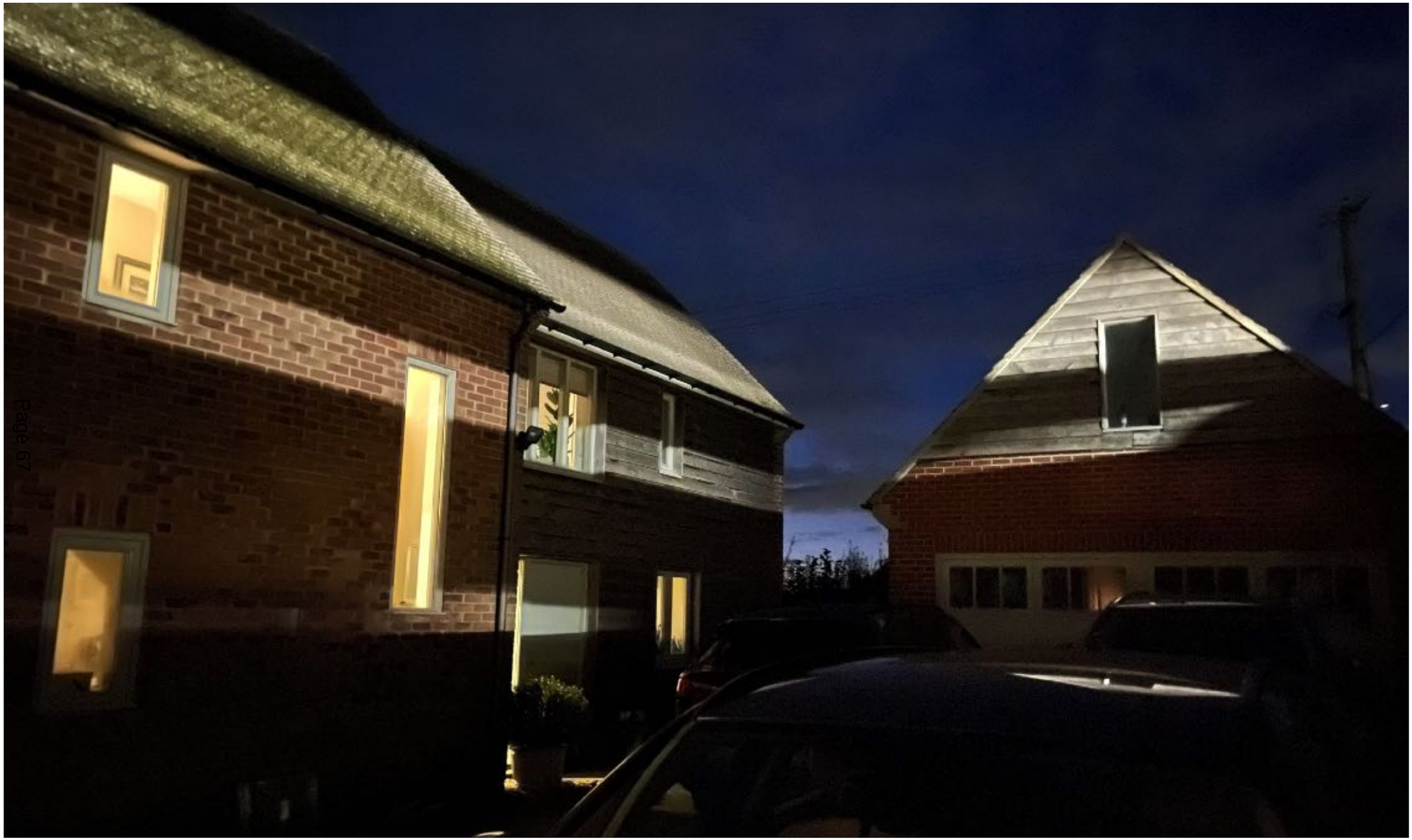
Windows from Ground Floor kitchen - horse box obscuring tack room door/ramp

Windows from Ground floor Living room

Windows/tack room door from first floor bedroom 2

windows/tackroom ramp from first floor main bedroom

8. light spill onto 2 rabley hill cottages from internal lighting



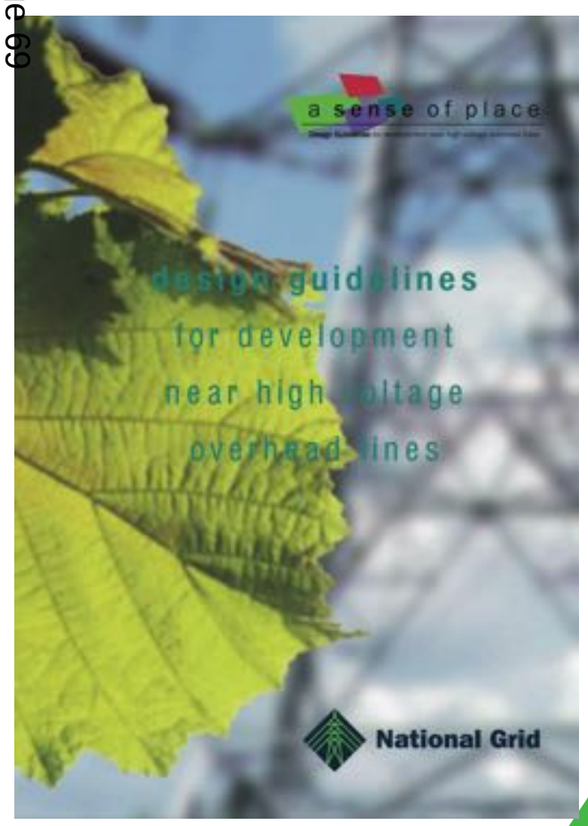
Light spill from internal lighting through open/glazed windows during winter months after dark, with 2 large 12m x 4m high horse boxes parked in front to screen. These lights are can remain on 24 hours a day.

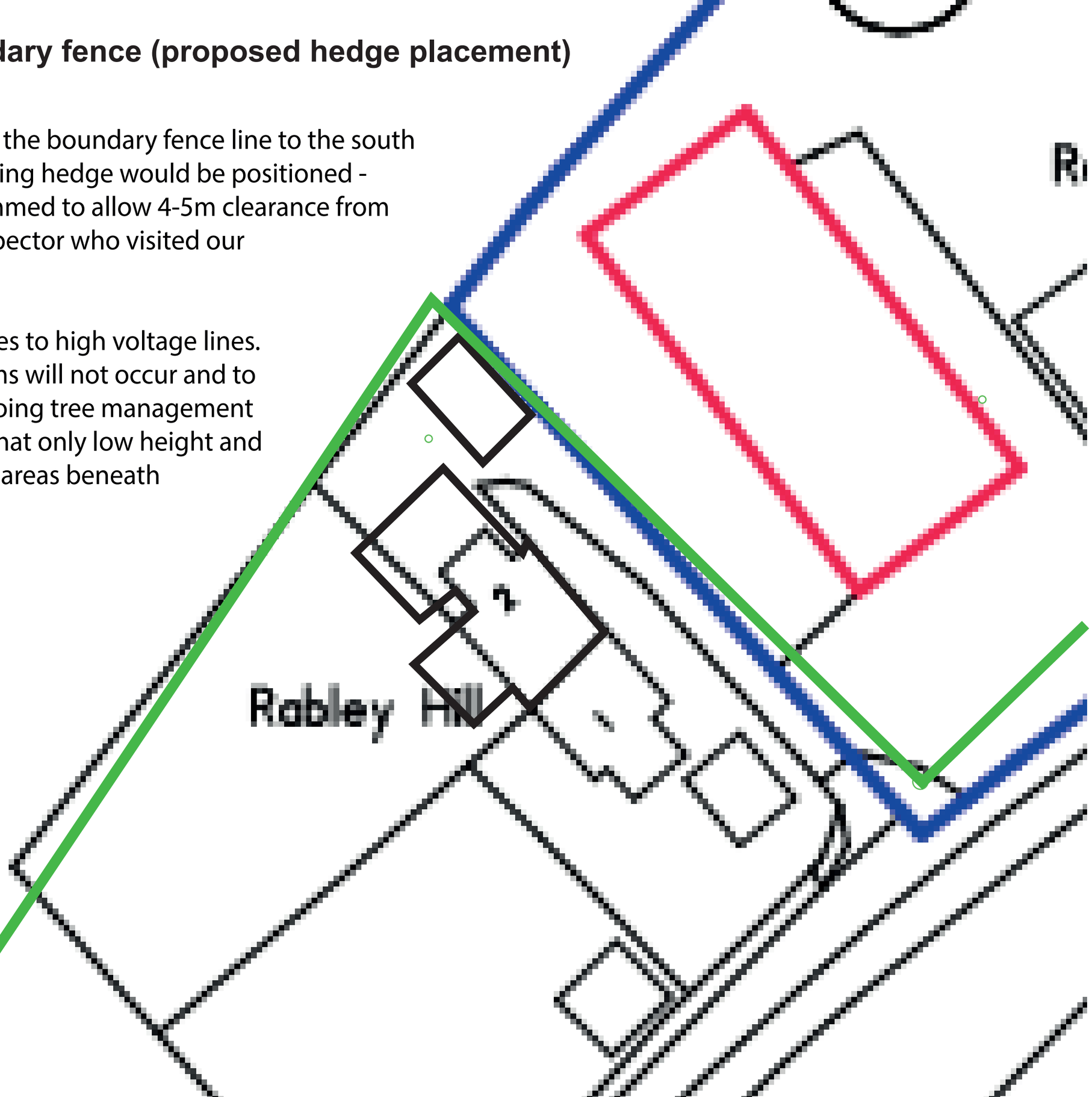
9. Light spill from all internal lights on during summer months at 11.45pm.

10. Power lines over boundary fence (proposed hedge placement)

Power lines in green, running along the boundary fence line to the south of the barn, where proposed screening hedge would be positioned - hedging and trees must remain trimmed to allow 4-5m clearance from power lines (guidance from SSE inspector who visited our property in 2020).

From nationalgrid - design guidelines to high voltage lines. To ensure that future safety problems will not occur and to reduce the need for significant ongoing tree management works, National Grid recommends that only low height and slow growing species are utilised in areas beneath overhead line conductors.





11. example of facility nearby of similar size and scale - no side windows ventilation

Flintstone Stud at West Overton, has been stabling a similar number of horses, in a converted cow barn for approx 20 years. The use of louvred timber cladding to create adequate ventilation in a less exposed position.

12. Examples of bespoke elite training facility stable barns designed by Equine Planning Solutions in Newbury, experts in their field and adequate ventilation provided without window openings.

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