

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	3rd August 2022
Application Number	PL/2021/03928
Site Address	Poppy House, Barnes Green, Brinkworth, Chippenham, SN15 5AQ
Proposal	Formation of arena: erection of stables: vehicular access and parking area: change of use of land to equestrian use.
Applicant	Mr J Barnett
Town/Parish Council	Brinkworth
Division	Brinkworth ED
Grid Ref	401,740 184,460
Type of application	All other Developments (Q6, Q18)
Case Officer	Perry Lowson

Reason for the application being considered by Committee

This report has been prepared following a call in to committee from Councillor Threlfall to consider the scale of development and impact on the character appearance and visual amenity of the locality, including in respect of floodlighting and highways access and ecological impacts.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The main issues in the determination of this application are as follows:

- Principle of Development
- Design & Landscape Impact
- Ecology
- Arboriculture
- Highways Safety
- Public Rights of Way
- Drainage
- Impact on Residential Amenities

Brinkworth Parish Council objects to the proposals.

14 representations in total were received from interested parties over multiple periods of consultation including multiple submissions from the same persons.

3. Site Description

The site is located outside any defined settlement boundary. Accordingly, for planning purposes, the site is considered to be within the open countryside. It is acknowledged that public comments have questioned whether the proposal is within the 'open countryside', giving reference to its central location within the village of Brinkworth. However, 'open countryside' is a planning term used to define sites located outside any defined settlement boundary. Brinkworth does not have a settlement boundary and as such the site is therefore within the 'open countryside'.

The site predominantly constitutes an open agricultural field situated to the rear of those dwellings fronting Barnes Green. The site location plan also includes a narrow strip of land to be used as an access, which proceeds through a wooded/scrubland area, across the field and down the side of Poppy House, adjacent to Bluebell. It is noted that the wooded area, the field and Poppy House are all within the applicant's ownership.

Due to the topography of the land, it is noted that the site is at an exposed position, with views possible from the east and south. With regard to the site surroundings, to the north of the site is the built form of Brinkworth, whilst to the west, south and east are open agricultural fields, with the exception of an equestrian field immediately to the east. A railway line also runs to the south of the site.

In terms of physical constraints, the site is partially impacted by surface water flood risk constraints (risk of surface water flooring 1 in 1000 and Risk of Flooding from Surface Water 1 in 100 + Climate Change (40%)). Additionally, records indicate the presence of Great Crested Newts on the site and a Public Footpath (BRIN71) which crosses the southern side of the site.

In terms of policy constraints, the site is not within any designated area.

4. Planning History

The development site is not considered to have any planning history of relevance to the current proposal.

There is no history of pre-application advice having been sought for the proposed development.

5. The Proposal

Planning permission is sought for the erection of a menage/arena, erection of associated stables, establishment of associated parking area with associated vehicle access and the change of use of the land to equestrian use. The proposal is for private use.

There are retrospective elements to the proposal, with the commenced works including a temporary access track, digging of the foundations for the stable and the installation of utilities. It is understood that work ceased following a request from the Council.

A number of further submissions and alterations to the proposals were made as part of this application. These further submissions are summarised below:

1st June 2021:
Representation - Response to Neighbour Comment

7th June 2021:

Revised Wessex Ecology Phase One Ecological Assessment.

5th July 2021:

Information on Vehicle Movements

19th October 2021:

Barnett-JH-04 New Front Gate Location

Lighting Specifications

Lighting Plan

Proposed Stable Block Plan

Existing Site Layout Sheet 1

Existing Site Layout Sheet 2

Preliminary Flood Risk Assessment

Soakaway Location Plan

PR123472-01 Tree Survey Plan

PR123472-03 Tree Protection Plan

Arboricultural Impact Assessment & Method Statement

Tree Survey

3rd November 2021:

Barnett-JH-04 B Site Plan

Revised Proposed Elevation Plan

Revised Proposed Roof Elevation Plan

5th November 2021:

Revised Proposed Elevation Plan

3rd December 2021:

GCN District Level Licensing Impact Assessment

3rd February 2022:

Annex 1 Location Plan (related to GCN District Level Licensing Impact Assessment)

21st April 2022:

Biodiversity Net Gain Small Sites Metric

6th July 2022:

Section A-A & B-B: Proposed stable building & arena

Barnett-JH-04 C Site Plan

6. Planning Policy

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy (2015)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 13: Spatial Strategy for the Malmesbury Community Area

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 52: Green Infrastructure

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 62: Development Impacts on the Transport Network
Core Policy 66: Strategic Transport Network
Core Policy 67: Flood Risk

Saved Policies of the North Wiltshire Local Plan 2011 (2006)

NE14: Trees and the Control of New Development

NE18: Noise and Pollution

Wiltshire Housing Sites Allocation Plan (2020)

Settlement Boundary Review and Sites Allocations

Neighbourhood Plan

Whilst Brinkworth is a designated area, it does not yet benefit from a 'Made' neighbourhood plan.

National Planning Policy Framework (2021)

Paragraphs 2, 8, 11, 12, 92, 100, 111, 130, 134, 167, 168, 174, 180 and 182

Section 2 Achieving Sustainable Development

Section 8 Promoting Healthy and Safe Communities

Section 9 Promoting Sustainable Transport

Section 12 Achieving Well Designed Places

Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 Conserving and Enhancing the Natural Environment

7. Consultations

Note that dates are included where there are multiple revisions to consultee responses, tied to the submission of additional information set out within the 'Proposal' section of this report.

Brinkworth Parish Council

Objection. The Parish considered that the proposal is unsuited to its location, which would be an intrusion on the immediate neighbours and the enjoyment of their lifestyles.

Concern was raised that the land would not be of sufficient size to support four, or even three, horses, with the absolute minimum being 5 acres.

Drainage concern is raised, which is considered to be worsened by the construction of the menage and parking area.

The proposed lighting for the menage is considered to be unacceptable in a location which is clearly visible from the main road in a village which does not have street lighting and would have a great intrusion on neighbouring houses. It is identified that applications for floodlighting in the village have always been successfully challenged. Further to this, the intention to install PIR lighting is also considered to be unacceptable, as they can be activated at any time to the disturbance of neighbours.

The site is considered to lack appropriate visibility from the access point and would be a dangerous access for horses and horse boxes.

It is identified that no provision is made for a tack room, hay barn or manure store which will reduce the grazing acreage further.

The provision of a car park is unnecessary as the property already benefits from sufficient parking.

The proposal breaks the natural great crested newt mitigation route allowing travel from pond to pond. It is identified that this has led to issues with past applications within the area.

Wiltshire Council Ecology

No objection subject to conditions.

Wiltshire Council Arboriculture

No objection subject to conditions.

Wiltshire Council Highways

No objection subject to conditions.

Wiltshire Council Public Protection

No objection subject to conditions.

Wiltshire Council Public Rights of Way

No objection received.

Wiltshire Council Drainage

No objection subject to conditions.

8. Publicity

There were three rounds of public consultation for the application. The initial round of consultation was actioned on 21st May 2021 and ran until 18th June 2021. Following the submission of 'Representation – Response to Neighbour Comment', which sought to address concerns already raised by neighbours, a further consultation was issued on 11th June 2021 and ran until 1st July 2021. Finally, in response to concerns raised by a member of the public and division member, a further consultation ran from 21st July 2021 until 11th August 2021 which included the erection of a site notice. Note that due to the COVID-19 pandemic, site notices were only being erected where it was a legal requirement.

All public comments received over the course of the three consultations are available to view in full online. The key concerns from these comments are summarised below:

Design

- Scale of development is too large/excessive for domestic use;
- Floodlights and the associated light pollution this would lead to;
- Unclear how land would be levelled;
- PIR lights are unacceptable and would be set off by wildlife throughout the night;
- Dressage arena should be the same height of the field; and
- The building design includes no hay storage facilities.

Drainage

- Site is at risk of flooding and proposal would create a new footprint;
- Unclear how foul water would be connected to sewer;
- The site would be turned into a quagmire by the horses; and
- The proposal would lead to flooding of neighbouring land.

Highways

- Access is unsafe;
- The quantity of parking in the proposal is excessive when Poppy House already benefits from parking; and
- Road is unsafe for horses.

Ecology

- The reduction in surface water drainage may lead to reduced waterflow into watercourses which support habitats for wildlife; and
- Floodlighting will detrimentally impact biodiversity.

Public Rights of Way

- Safety of walkers utilising the footpath which crosses the site.

Amenity

- Impact on private views from neighbouring dwellings;
- Construction noise would be a nuisance at weekends; and
- Hygiene of the manure storage in the vicinity of dwellings.

Arboriculture

- The wooded copse of trees should remain to retain privacy; and
- Hedging should be planted on the applicants site of the boundary to soften the view for nearby houses.

Other Matters

- Construction has commenced without the benefit of planning permission;
- The stables should not be used for commercial use; and
- Animal welfare (availability of land compared to number of horses).

9. Planning Considerations

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Wiltshire Housing Site Allocations Plan (WHSAP) (Adopted February 2020); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (Adopted June 2006).

Principle of Development

The site is located within the open countryside where, in accordance with Core Policies 1, 2 and 13 development will not be permitted, other than in circumstances as permitted by other policies within this plan, identified in WCS Paragraph 4.25. However, private equestrian use is a decidedly rural form of development, and the proposed development is located in close proximity to the existing residence of the future users of the facility, thereby providing for a sustainable form of development and, on this basis, is acceptable in principle subject to assessment of site-specific impacts and compliance with other relevant aspects of the development plan addressed within the following sections.

Design & Landscape Impact

Core Policy 51 of the WCS states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Additionally, Section iii of Core Policy 57 of the WCS states new development must respond positively to existing townscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines. Moreover,

Paragraph 130 states developments should be visually attractive as a result of good architecture and be sympathetic to local character.

It is noted that concern has been raised by neighbouring parties over the scale of development for domestic use; lighting; the height and levelling of the dressage area; and the lack of hay storage facilities.

The scale of the stables is acceptable and would not be larger than reasonably necessary for a private stable. The design of the building is utilitarian in nature as opposed to being overly elaborate. Whilst it is acknowledged that the proposal would sit at a relatively exposed position, and therefore visible from the surrounding countryside, including including Public Footpath BRIN71, it is not considered that the stable would be out of character with the rural setting and as such it is not considered that it would cause significant harm to landscape character and visual amenity. Additionally, as discussed further within the following sections, it is considered reasonable and necessary to apply a condition to approve landscaping and planting details within the site, thereby providing some additional screening for the development from surrounding areas.

In terms of the associated works, the access and parking area would have an acceptable impact on the character of the countryside. The works would require the use of retaining walls due to the sloping nature of the land, the most prominent of which would likely be that of the arena, given its location at the edge of the site and its length. However, Sections submitted on 6th July 2022 indicate that the retaining wall would be circa 1.5m in height. A retaining wall in the region of 1.5m is not significant and would not have a substantial impact upon landscape character.

In terms of lighting, this was identified as an unacceptable element of the proposal, in part due to the impact upon the landscape given visual prominence and significant views of the site. External floodlighting and PIR lighting was removed from the proposal in the Revised Site Plan submitted 3rd November 2021. A condition is also proposed to control use of lighting at the site. Accordingly, the proposal is now considered acceptable in this regard.

On the basis of the above, it is considered that the proposal would have an acceptable impact upon landscape character and the character, appearance and visual amenity of the area in accordance with WCS Core Policies 51 and 57 and NPPF Paragraphs 130 and 134.

Ecology

Records indicate the presence of Great Crested Newts (GCN) on the site. Core Policy 50 of the WCS states that all development should seek opportunities to enhance biodiversity. Additionally, NPPF Paragraph 174 d) requires that development provide net gains for biodiversity, whilst NPPF Paragraph 180 states that '*if significant harm to biodiversity resulting from a development cannot be avoided..., adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*'. Paragraph 182 is clear that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a designated habitats site.

The proposal benefits from a Phase One Ecological Assessment. The assessment recommends installation of bat boxes; that grass in the development area be kept short prior to development; that the newt compensation habitat could be increased in size from half the woodland to the entire woodland to achieve a net gain for newts; the hedgerow to the north and east of the site be cordoned off during construction phase; and enhancement measures should be part of any application to give a net gain for birds which should include bird boxes on the stable building/trees on the site.

The Council's Ecologist was consulted and, having considered the Ecological Assessment, requested the submission of a population size assessment survey for GCN on all ponds with 250m and details to demonstrate requirements of no net biodiversity loss can be incorporated into the design.

Following the Ecologist's comments, the applicant has submitted a GCN District Licensing Impact Assessment which addresses the requirement for further GCN surveys. However, separately, the applicant has not produced appropriate information to demonstrate no net loss of biodiversity, covering the second aspect of the Ecologist's requested information above.

In line with the Ecologist's comments and in order to secure biodiversity net gain (BNG), it is considered reasonable and necessary to apply an appropriate condition to require the planting of an area of native woodland on the southern side of the site, with its scale sufficient to secure no net loss of biodiversity in accordance with a revised Small Sites BNG spreadsheet to be submitted to the Council. It is considered that the planting of native woodland will negate the need for additional bird boxes on site.

Finally, in line with the Phase One Ecological Assessment, the hedgerow to the north and east of the site shall be protected by heras fencing during the construction phase and, so as to give a net gain for newts, the existing area of newt compensation habitat shall be increased from half the existing woodland to the entire existing woodland. The existing woodland shall be managed in such a way that benefits newts (as described in Great Crested Newt Risk Assessment, Avoidance Measures & Mitigation Plan Updated for Land South of Grayways, Brinkworth, Chippenham, Wiltshire, SN15 5AQ, Wessex Ecology November 2018).

It is noted that floodlighting has been removed from the proposal and as such no longer represents a concern to Ecology. Furthermore, separate from the Ecologist's comments, the applicant has made provision for three bat boxes to be affixed to the exterior elevations of the stable on the Proposed Elevation Plans received 5th November 2021.

Accordingly, subject to conditions, the proposal would accord with the provisions of WCS Core Policy 50 and NPPF Paragraphs 180 and 182.

Arboriculture

The proposal has resulted in the removal of a section of woodland/scrubland to allow for the creation of an access route to the proposed stable. Policy NE14 of the NWLP states that permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

Additional information has been submitted in the form of a Tree Survey, Tree Survey Plan, Tree Protection Plan and Arboricultural Impact Assessment & Method Statement. The statement confirms that although works have already commenced, these works are outside of any of the root protection zones (RPZs) of trees on the site, and as such trees have not been negatively impacted. Moving forward, a tree protection plan is recommended (received 19th October 2021). The tree protection plan is considered appropriate to protect the trees present on site from construction work.

The Arboricultural Officer has raised no concern in this regard. Accordingly, the proposal is considered to comply with the provisions of Policy NE14 of the NWLP subject to an appropriate condition requiring accordance with the submitted tree protection plan.

Highways Safety

The proposal would result in an increased use of an existing access and the provision of additional parking spaces. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Additionally, Core Policy 62 of the WCS states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

It is noted that concern has been raised by neighbouring parties over the safety of the access, the quantity of parking on the site (excessive) and that the road (Barnes Green) is unsafe for riding horses.

However, following confirmation that the stables would be private use only and confirmation of expected trips from the site, the Highways Officer raised no objection to the proposal and raised no concerns over the safety of the access nor the quantity of parking associated with the proposal.

It is acknowledged that the parking spaces would leave appropriate space for the manure trailer, the applicant's vehicle(s) and visits by the farrier/vet and as such are not considered to be excessive in this instance.

Concern over the safety of Barnes Green for the riding of horses is not a material planning consideration that can be factored into determining the application and horse riding on the public highway in the rural areas of Wiltshire is not uncommon.

Accordingly, it is considered that the proposed private stables would have an acceptable impact upon highways safety and the wider road network in accordance with the provisions of WCS Core Policy 62 and NPPF Paragraph 111. An appropriate condition will be sought to ensure that the building remains in private use to limit the impact on the local road network.

Public Rights of Way

Public Footpath BRIN71 crosses the application site and would form part of the land changing use from agricultural to equestrian. WCS Core Policy 52 states that development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained.

WCS Core Policy 57(ix) goes on to state that new development must ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66.

NPPF Paragraph 92(b & c) is relevant in this regard, stating that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible and enable and support healthy lifestyles, for example through the provision of safe and accessible green infrastructure. NPPF Paragraph 100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

It is noted that concern has been raised by neighbouring parties over the safety of walkers utilising the public right of way to cross the site.

Whilst it is noted that the proposal would lead to the keeping of horses within a field containing a right of way, advice from Natural England published within the NPPG ('Public rights of way: landowner responsibilities') states that horses may be kept loose in fields crossed by public rights of way, as long as they are not known to be dangerous. Further to

this, it is noted that the Council's Rights of Way Team has raised no concerns in this regard. The existing agricultural use of the land could also include grazing of livestock also.

Accordingly, it is considered that the Public Right of Way BRIN71 would not be obstructed as a result of the development and that the keeping of horses within the field, provided they are not known to be dangerous, is acceptable in line with the provisions of the NPPG. The proposal is therefore considered to accord with the relevant aspects of Core Policies 52, 57 and 66 of the WCS and NPPF Paragraphs 92 and 100. An appropriate informative will be attached to any approval advising of the necessary procedure should the applicant wish to divert the footpath in the future.

Drainage

The site is impacted by surface water flood risk constraints (risk of surface water flooding 1 in 1000 and Risk of Flooding from Surface Water 1 in 100 + Climate Change (40%)). Core Policy 67 states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and the ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

In addition to this, NPPF Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Lastly, NPPF Paragraph 168 is relevant in this instance, stating that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for a site-specific flood risk assessment as set out in footnote 55. It is noted that footnote 55 requires a site-specific flood risk assessment where a proposal is within a Flood Zone 2/3 designated area.

It is noted that concern is raised by neighbouring parties over increased surface water runoff into nearby watercourses and neighbouring land; that the proposal is unclear over the treatment of foul water; and, that the site would be turned into a 'quagmire' by the horses due to poor drainage.

The applicant has provided a preliminary flood risk assessment (FRA). The FRA concludes that the site is at low risk of flooding. In terms of flood mitigation measures, the FRA recommends that permeable hardstanding be incorporated in any proposed tracks, footpaths and car parking. In terms of managing surface water, the FRA advises on the installation of a soakaway at the site. Additionally, it is concluded that the risk of sewer flooding resulting from the connection of new drainage to the existing foul sewer will not be increased.

It is noted that the Drainage Engineer has raised no objection to the proposal subject to a standard drainage condition, which in this instance will seek details to demonstrate the use of permeable surfaces for tracks, footpaths and car parking and also to secure the implementation of the soakaway, in accordance with the conclusions of the FRA.

Again it is material to note that the established use of the site enables agricultural livestock grazing which is not considered to be materially different in terms of impact to ground conditions for equestrian use.

Accordingly, the proposal is considered to comply with the provisions of Core Policy 67 and NPPF Paragraphs 167 and 168.

Impact on Residential Amenities

Section vii of Core Policy 57 of the WCS refers to the need to protect the amenities of the occupants of existing residential properties and to make sure that appropriate levels of amenity are achievable within new development itself. Further to this, relevant aspects of Policy NE18 of the NWLP state that development will only be permitted where it would not

generate harm upon public health or cause excessive noise, light intrusion, or other forms of air pollution. Additionally, Paragraph 130 (f) of the NPPF states planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the equality of life or community cohesion and resilience.

It is noted that concern has been raised by third parties over impact to private views; construction noise; and hygiene of the manure storage in vicinity to dwellings.

In terms of impact to private views, the planning system does not provide for development to be resisted on these grounds.

In terms of construction noise, in line with advice received from the Public Protection Officer, given the proximity of surrounding dwellings and the need to protect the amenities of occupiers it is considered reasonable and necessary to apply an appropriate condition limiting the hours of construction. Accordingly, a condition will be attached to this effect should the proposal be granted consent.

In terms of the manure storage, the agent has confirmed that the manure storage will constitute a trailer parked in one of the parking bays associated with the proposal. If the northern most parking space were utilised for keeping the manure trailer, the manure storage would be circa 47m from the closest dwellings (Bluebell House & Poppy House). Again, it is material to note the existing permitted use of this site and the open countryside location. However, it is noted that the Public Protection Officer has raised no concern in this regard. Accordingly, taking account of the advice of the Public Protection Officer and site-specific context, it is not considered that the arrangement would lead to such a demonstrably negative impact on neighbouring amenities that the application could be reasonably refused on this basis.

The proposed private stable would not lead to any loss of light, overshadowing, loss of privacy or overbearing impact to any neighbouring occupiers. Additionally, flood lighting has been removed from the proposal and external lighting shall be controlled via condition in order to protect the amenities of surrounding residents.

With regard to the impact upon Poppy House itself, it is considered that the proposal would lead to the provision of domestic stables for the enjoyment of present and future occupiers without detrimentally impacting amenities.

On this basis the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

Other Matters

Concern has been raised that development has commenced without the benefit of planning permission. The agent has been appropriately contacted and asked to liaise with their client to cease works on site. Wiltshire Council Enforcement are aware of the issue and on this basis the Council is satisfied that appropriate steps have been taken. Any works commenced thus far are entirely at the applicant's own risk, though the fact that work has commenced is not a material planning consideration in issuing a decision and it must be noted that the Acts make provision for retrospective planning applications.

Concern is raised over the use of the stables on a commercial basis. The proposals are for private use only which shall be appropriately controlled via condition. Should the applicant wish to convert the building to commercial use in the future they will need to apply to the

Council for planning permission, where the Council will have the opportunity to assess the impacts of the building changing to commercial use.

Whilst it is noted that concern is raised around animal welfare, specifically the availability of land in comparison to the number of proposed stables, animal welfare is not a material planning consideration in and of itself as the matter is addressed under other legislative provisions and as such cannot be taken into account in the determination of the application.

10. Conclusion

It is concluded that the proposed development is acceptable in principle and in design and landscape terms in accordance with Wiltshire Core Strategy Core Policies 1, 2, 13, 51 and 57, North Wiltshire Local Plan Policy NE18 and National Planning Policy Framework Paragraphs 2, 8, 11, 12, 130 and 134, subject to conditions related to amenity.

In terms of Ecology, subject to conditions, the proposal would accord with Wiltshire Core Strategy Policy 50 and National Planning Policy Framework Paragraphs 180 and 182. An appropriate condition shall be sought to secure an area of natural woodland planting on the southern side of the site informed by a BNG spreadsheet to secure BNG on site. Additionally, in accordance with the submitted Ecological Appraisal, conditions will be sought to ensure the provision of bat boxes, that the hedgerow to the northeast of the site be protected and the protection of the remainder of the existing woodland for Great Crested Newt habitat. The provision of bird nest boxes is not considered necessary in this instance given the aforementioned condition requiring the planting of new native woodland and the associated benefits this will achieve.

In terms of arboriculture, subject to conditions, the proposal would accord with Policy NE14 of the North Wiltshire Local Plan. An appropriate condition will be sought in order to ensure the protection of existing trees on site in accordance with the submitted tree protection plan.

In terms of highways safety, subject to conditions, the proposal would accord with the provisions of Wiltshire Core Strategy Core Policy 62 and National Planning Policy Framework Paragraph 111. An appropriate condition will be sought in order to ensure that the proposal remains in private use and thereby maintains an acceptable impact upon the local road network.

In terms of public rights of way, the proposal would accord with the provisions of Wiltshire Core Strategy Core Policies 52, 57 and 66 and National Planning Policy Framework Paragraphs 92 and 100. An appropriate informative will be attached to any approval advising of the necessary process for diverting the footpath should the applicant wish to divert the footpath in the future.

In terms of drainage, subject to conditions, the proposal would accord with the provisions of Wiltshire Core Strategy Core Policies 67 and National Planning Policy Framework Paragraphs 167 and 168. Appropriate conditions will be applied to any permission to secure an appropriate on site soakaway and to require that tracks, footpaths and car parking areas be of a permeable material.

In terms of amenity, the proposals are considered to accord with the provisions of Core Policy 57 of the Wiltshire Core Strategy and Paragraph 130(f) of the National Planning Policy Framework.

In light of the above, it is concluded that, subject to appropriate conditions, the proposal accords with the adopted development plan and as such should be granted permission.

RECOMMENDATION

Approve with conditions

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Barnett-JH-01 Location Plan – Rec: 15th April 2021
Barnett-JH-03 Section Through Arena – Rec: 15th April 2021
P2021-057 Existing Site Layout – Rec: 19th October 2021
PRI23472-03 Tree Protection Plan – Rec: 19th October 2021
Barnett-JH-04 New Front Gate Location – Rec: 19th October 2021
PRI23472-01 Tree Survey Plan – Rec: 19th October 2021
Barnett-JH-04 Soakaway Location – Rec: 19th October 2021
P2021-057 Existing Site Layout – Rec: 19th October 2021
Proposed Elevation Plan Rev 1 – Rec: 5th November 2021
Proposed Roof & Floor Plan – Rec: 3rd November 2021
DLL ENQ WILT 00032 Land To The Rear Of Poppy House – Rec: 3rd February 2022
Barnett-JH-04 Site Plan – Rec: 6th July 2022
Barnett-JH-20 Section A-A & B-B: Proposed Stable Building & Arena – Rec: 6th July 2022

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture to those detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the Area

4. No external lighting, fixtures or fittings will be installed within the application site unless details of existing and proposed new lighting has been submitted to and approved by the Local Planning Authority in writing.

REASON: In the interest of visual amenity, the character and appearance of the area and biodiversity.

5. Bat boxes shall be installed within 6 months of the completion of the stable in accordance with approved plan Revised Proposed Elevations received 5th November 2021. Once installed, the bat boxes shall remain in perpetuity.

REASON: In the interest of biodiversity.

6. No further demolition, site clearance or development shall commence on site until a Hedgerow Protection Plan showing the position of the hedgerow on the east boundary of the site and its protective fencing in accordance with British Standard

5837: 2012: "Trees in Relation to Design, Demolition and Construction – Recommendations"; has been submitted to and approved in writing by the Local Planning Authority; and

The protective fencing shall be erected in accordance with the approved details, together with the protective fencing for existing trees on site in accordance with approved plan 'PR123472-03 Tree Protection Plan'. The protective fencing for the retained trees and hedgerow shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained trees/hedgerow shall be cut down, uprooted or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained trees/hedgerow is removed, uprooted, destroyed or dies, another tree/hedgerow shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

7. Prior to operational use of the development a planting plan showing a replacement area of planting must be provided to compensate for the loss of habitats already cleared (woodland and grassland) within the application site boundary. This will comprise an area of native woodland to be planted in the southern part of the site adjacent the existing hedgerow using similar species. The planting plan shall be submitted to the LPA for approval and will include details and specification of planting and management of the area to ensure to the area remains as woodland for the lifetime of the development.

The area of woodland planting shall be sufficient to ensure no net loss of biodiversity within the application site as demonstrated by the Small Sites Biodiversity Net Gain calculator. The area will be mapped on Wiltshire Council's 'mitimap' GIS layer to safeguard the area from any future development.

The woodland planting scheme shall be implemented in full accordance with the approved plans and the condition will be fully discharged once photographic evidence of the woodland planting has been provided.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences to ensure it complies with Council policy.

8. 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.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents.

9. Prior to the commencement of further works, details shall be submitted to the Local Planning Authority to demonstrate that the track, footpaths and parking area associated with the development are made of a permeable material in accordance with the provisions of the approved Preliminary Flood Risk Assessment (received 19th October 2021).

The track, footpaths and parking area shall be implemented in accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

10. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken to verify that soakaways will be suitable for the development.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

11. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

12. The existing area of newt compensation habitat could be increased in size from half the existing woodland to the entire existing woodland and retained as woodland and managed in such a way that benefits newts (as described in Great Crested Newt Risk Assessment, Avoidance Measures & Mitigation Plan Updated for Land South of

Grayways, Brinkworth, Chippenham, Wiltshire SN15 5AQ. Wessex Ecology November 2018). The existing woodland shall be maintained as such in perpetuity.

For the avoidance of doubt, the November 2018 Wessex Ecology report was originally submitted with the current application on 15th April 2021.

In the interests of clarity, the area to be protected is demarcated in grey hatching within the approved PRI23472-03 Tree Protection Plan received 19th October 2021.

REASON: In the interest of biodiversity.

INFORMATIVES

13. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
14. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
15. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
16. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
17. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on rightsofwayconsultations@wiltshire.gov.uk.
18. The scheme will be operating under a District Level Licence (DLL) for Great Crested Newts. Great Crested Newts are protected under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation.

19. With regard to infiltration testing, Part H of the Building Regulations states that infiltration devices should not be built within 5m of a building / road / unstable land.

20. With regard to infiltration testing, you must prove that a minimum of 1m clearance is available between the base of the soakaway and the maximum groundwater level.

21. In chalk, or any other fill material prone to instability, soakaways should be sited at least 10 m away from any building, road or structure foundations, in line with CIRIA C574 Engineering in Chalk.