

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	01 June 2016
Application Number	16/01382/FUL
Site Address	Land Adjacent to Ashley Lane, Box, Wiltshire, SN13 8AN
Proposal	Erection of American barn and associated works
Applicant	M Regnard
Town/Parish Council	BOX
Electoral Division	BOX AND COLERNE – Cllr Parker
Grid Ref	0 0
Type of application	Full Planning
Case Officer	Charmian Burkey

Reason for the application being considered by Committee

The application has been called in by the local member Councillor Sheila Parker in order to consider the scale of the development, its design and highways impact.

1. Purpose of Report

To consider the above application and to recommend that planning permission is GRANTED, subject to conditions.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Impact on the openness of the Green Belt.
- Impact on the landscape quality of the Area of Outstanding Natural Beauty.
- Access/highways.
- Enforcement issues.

Box Parish Council have not yet commented and 10 letters of objection and 3 letters of support have been received.

3. Site Description

The site is a field of approximately 4 hectares within the Cotswolds Area of Outstanding Natural Beauty and the Bath Green Belt. The site access is via Ashley Lane and the residential properties of Ashley are located approx 100m to the east.

There are mature trees along the northern boundaries which partially screen the site, which is at a higher level (approx 1.2m) than the lane. To the South (on higher land) is Wormcliffe Lane, with mature hedging which screens the site.

The site is currently divided into smaller fields and there are 2 field shelters on the higher slopes. The existing stables and 2 containers are along the northern boundary (all as permitted under 14/09422/FUL). The site access is tarmac/hardcore.

4. Planning History

14/09422/FUL Change Of Use From Agricultural To Equestrian Use, Erection Of 2 Stables, storage building & 2 Mobile Field Shelters. (Part-Retrospective)- permitted at committee 28th January 2015.

5. The Proposal

Planning permission exists under reference 14/09422/FUL for the change of use to equestrian use and the erection of 3 stables, a storage building and hay store and 2 mobile field shelters. There is a condition (condition 1) which allows up to 10 horses to be kept on site at any one time.

The application seeks to provide a purpose built timber American barn to provide stabling facilities for 4 horses, hay, machinery, tack room and WC (the application has been amended at the request of the case officer, these changes have resulted in the number of stables being reduced from 6 to 4 stables, with reduced storage and rest facilities).

The building has a concrete base and skirt around it. The manure pit is to be sited between the building and the northern boundary. It is proposed to keep the 10m of hardstanding and create a turning area of hexapath, filled in with grass seed. All fencing is to be upgraded to post and rail.

Surface water drainage will be collected via an underground 4800litre rainwater harvesting system with any excess overflow drained to a soakaway.

The proposal will mean that all buildings on the site (other than the field's shelters) will be removed; as the building is designed to accommodate all the stabling and storage facilities that are required.

6. Local Planning Policy

Wiltshire Core Strategy:
Core Policy 51 (Landscape)
Core Policy 57 (Ensuring high quality design and place shaping)
Core Policy 61 (Transport and development)

National Planning Policy Guidance Sections 9 (paras 87 and 89 in particular) and 11 (paras 115 and 125 in particular).

7. Summary of consultation responses

Box Parish Council- Object to the proposal, even as reduced, and maintain their original strong objection on the grounds that the building is overly large in the Green Belt and AONB; there is no business justification; the hardstanding is the subject of an enforcement investigation and the sewage system is at full capacity.

Highways- No objection but wish the previous condition on the number of horses to be re-applied. In terms of the access, the use of a consolidated material with an aco drain to ensure water does not run off onto the highway is required. A condition is suggested.

Cotswold Conservation Board- Object. Although the Board recognises that equestrian uses are not uncommon in the AONB landscape, nevertheless there can be negative impacts on the character and special qualities of the AONB through new and intensive equestrian uses, particularly on greenfield sites. The Board has guidance on keeping horses in the AONB and recommends that the site is only suitable for 4 horses. The site is within the "Enclosed

Limestone Valley” landscape character type and specifically within “4D Lower By Brook Valley Landscape Character Area”. The Board produces guidance on this and the impact of the proliferation of “horsiculture” in the area. They conclude that this proposal will result in new development and an intensification of use that will have a negative impact on the character and special qualities of the AONB.

8. Publicity

The application was advertised by way of a site notice and neighbours were notified. 10 objections were received raising the following concerns:

- The building is too large having a negative impact on the Green Belt and AONB. There is a need to protect the landscape quality of the AONB.
- Storage of horseboxes would also negatively impact on the environment.
- The siting is clearly visible from the road.
- There is no need for tea and WC facilities and there are poor and problematic connections to the existing system.
- The hexapath surfacing will become visible and lead to rainwater run off.
- The applicant has ignored enforcement/lack of enforcement.
- Concern about lighting.
- There are stabling facilities nearby that could be used.
- The amount of land available for grazing.

3 letters of support have been received On the basis of the following:

- Supporting rural businesses and rural lifestyle.
- Flooding has always occurred on the road.
- The building will be screened by trees and is well sited.
- Hexapath is a suitable alternative for parking vehicles.
- The materials are suitable for such a location.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development

The principle of keeping horses on the site and accepting some built form was accepted in the granting of planning application 14/09422/FUL. That application was mainly for retrospective development and required a number of buildings/structures to be removed from the site, including a mobile home and 2 green storage containers. The mobile home was removed, but the containers have remained because the applicant has stated that there is insufficient storage on site and this application seeks to address that issue by providing all the stabling and storage in one building.

The proposal has been amended since its original submission which was for a building measuring approx 21m x 11m and 4.25m in height to contain 6 stables, a hay store, tackroom, team room and machinery store.

The proposed building is now approximately 14m x 10.5m and 4.2m in height with 4 stables, hay store, small machinery store, WC and tack room.

The concrete surround has been significantly reduced to approximately 2.5m, the area for the parking of horse boxes removed and an element of enhanced planting along the northern boundary shown.

The tarmac entrance has been retained, but the parking and turning area has been shown to be hexapath; which will allow grass to grow through it and be permeable rather than hardcore. This is considered to be a visually acceptable solution in this AONB and Green Belt area.

The applicant has said that he does not have enough storage on site, but permission for this building will provide that and he is willing to remove the containers and stables from the site.

Design and appearance of the development

The building itself is agricultural in appearance (and similar to one in the nearby vicinity) and has the benefit of providing for all the paraphernalia associated with keeping horses, to be stored inside. The use of land for the keeping of horses for leisure purposes is an appropriate use within the Green Belt and, subject to careful controls, should not negatively impact on its openness nor on the landscape quality of the Area of Outstanding Natural Beauty. The building itself is typical of many buildings in such locations.

Impact of the development on the Cotswolds AONB

The comments of the Cotswold Board are noted, but relate more to the principle of the proposal (established by 14/09422/FUL) than the specifics.

However, it should be noted that the NPPF presumes that designated landscapes, including AONBs, should be protected for their own sake and should therefore be guarded against incursion; by overtly urbanising and cluttering influences, including the expansion of settlements. In the case of equestrian development in the open countryside, buildings typically associated with such activities are frequently comparable with modest agricultural buildings and of similar understated impact in the most sensitive of landscapes; provided they are properly designed and sited. In this application, the building is now modestly proportioned and positioned to minimise impact and well designed; and will therefore not unduly intrude on the character of the protected landscape. It will also replace a range of buildings and storage containers that exist on site and its simpler design makes it less intrusive. The use of hexapath and the reduction in hardstanding around the building will minimise its urbanising effect.

Official Guidance has been issued in respect of the keeping of horses within the Cotswolds AONB, as it is acknowledged that the clustering of equestrian development in particular can have an adverse impact on the character and appearance of the landscape. In particular, the document 'The Keeping of Horses and Ponies in the Cotswolds AONB' notes in particular that:

“The physical structures and equipment associated with horse keeping, if not sited correctly and sympathetically, can have a detrimental effect on the quality of the landscape. There needs to be appropriate siting of stabling, field shelters, manèges, fencing, muck heaps, parking for horse boxes, lighting, schooling rings and jumps.”

This sentiment is agreed entirely and, it is considered, reflected properly through the recommended conditions. Additional planting is proposed to screen the development from Ashley Lane and views from Wormcliffe Lane are already reduced by existing vegetation and distance, together with the building being sited against a backdrop of trees. It is considered that the impact on the landscape character of the Cotswold AONB is acceptable when the conditions proposed are applied and the existing structures on site are removed.

Highways

This application proposes to retain the access as it is and to provide a hexapath surface for parking and turning. In terms of highway safety, it is considered that the consolidated surfacing to the entrance is acceptable as it prevents mud etc being taken out onto the highway.

There is now nowhere dedicated to park a horsebox and the condition restricting this can be re-applied.

Green Belt

The guidance in the NPPF states that new buildings in the Green Belt are inappropriate unless they are (inter alia) for provision of appropriate facilities for outdoor sport and outdoor recreation provided that the openness of the Green Belt is preserved. It is considered that keeping and riding horses falls within this definition and that, subject to design, the proposed building is not inappropriate in principle. The openness of the Green Belt will, in fact, be improved by the removal of the existing stables and containers which are more sprawling in their layout. The proposal currently under consideration rationalises existing buildings on site into one location and minimises if not improves the openness of the green belt.

It is therefore considered that the proposal falls within the definition of appropriate development.

Other Matters

The local residents have raised a number of matters including lack of enforcement. The site has been the subject of negotiations with the local planning authority's enforcement officer, which has led to this submission. The applicant has consistently stated that there is not enough storage on site and this application is submitted to address that. The existing stables on site, together with the containers will be removed.

There have been concerns raised about flooding of the road, but this cannot be demonstrated to be attributable to the development and in any case the proposal provides for collection of run-off from the site (highways condition) and collection of run off on site (underground storage tank), which will improve the situation..

There is now no space allocated to park a horse box and lighting is to be controlled by way of planning condition. The provision of a WC is not unusual in such a remote location and although there may be other livery stables nearby, each application must be judged on its own merits.

The siting of the building has been chosen to be relatively near to the entrance and is partially screened by existing trees. Additional planting is proposed. It is not considered that the siting is prominent or detrimental to the street scene.

Conclusion

The proposal is considered to be appropriate in this AONB and Green Belt setting and to be compliant with policies CP51 and CP57 of the Wiltshire Core Strategy and advice in the NPPF, particularly section 11 on Green Belts.

RECOMMENDATION:

Planning Permission be GRANTED subject to the following 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: layout plan PL05C & PL07A; elevations and floor plan PL01B, side elevations PL02A dated 4th April 2015.

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

- 3 There shall be no more than 10 horses kept on site at anyone time, including foals at foot.

REASON: To prevent over grazing of the land to the detriment of the landscape quality of the Area of Outstanding Natural Beauty.

- 4 Within 2 months of the date of the first occupation of the development hereby permitted being occupied, the existing stables on site (not field shelters) and 2 containers on site, including any fixtures and ancillary pipework, shall be fully removed from the site.

REASON: To protect the amenity and landscape quality of the Area of Outstanding Natural Beauty and Green Belt.

- 5 No fences or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

- 6 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/or to protect the living conditions of nearby residents.

- 7 There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

- 8 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

- 9 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item

whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 10 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 11 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 building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur

elevy.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.