

Date of Meeting	25 July 2018
Application Number	18/01969/FUL
Site Address	The Clovers, Hartley Farm, Winsley, Bradford on Avon BA15 2JB
Proposal	Regularisation of area of hardstanding and formation of access and proposed change of use of agricultural land to equestrian use and erection of a timber loose box / stable building
Applicant	Mr Keith Harper
Town/Parish Council	WINSLEY
Electoral Division	WINSLEY AND WESTWOOD – Cllr Johnny Kidney
Grid Ref	380141 161820
Type of application	Full Planning
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: This application was reported to the 27 June 2018 committee meeting but was deferred for a members site visit and for officers to obtain more information about utility connections. Cllr Kidney requested that this application be called-in for the elected members to determine should officers be minded to grant permission and for members to appraise the impact of the development on the green belt, the scale and visual appearance of the development, the impact of additional traffic using narrow roads and to note that other similar developments have been converted to residential use utilised permitted development rights.

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

This report appraises the principle of development, the impact on the Green Belt and special landscape area as well as the impacts on neighbouring amenity, flood risk and highway safety.

Winsley Parish Council object to the application for the reasons cited in section 7 of this report; and following the public notification exercise, seven third parties raised concerns/objections which are also summarised in section 8.

3. Site Description

The application site, which is illustrated in the insert plan below, relates to an approx. 0.88 hectare parcel of land which is located about 500m north-east of the Hartley Farm and prior to the applicant's purchase, it was owned and controlled by Hartley Farm.



Site Location Plan



The site, access road and its immediate surroundings

The application site is bounded by a hedgerow along its northern boundary, with a vegetated boundary to the east, which contains a number of mature trees. This rural site is located within the West Wiltshire Green Belt and Special Landscape Area for the southern fringes of The Cotswolds that are not covered by the Area of Outstanding Natural Beauty. There is a Public Right of Way (WINS38) which crosses the site to the west of the proposed siting of the loose box.



Northern site boundary



Proposed site and eastern site boundary

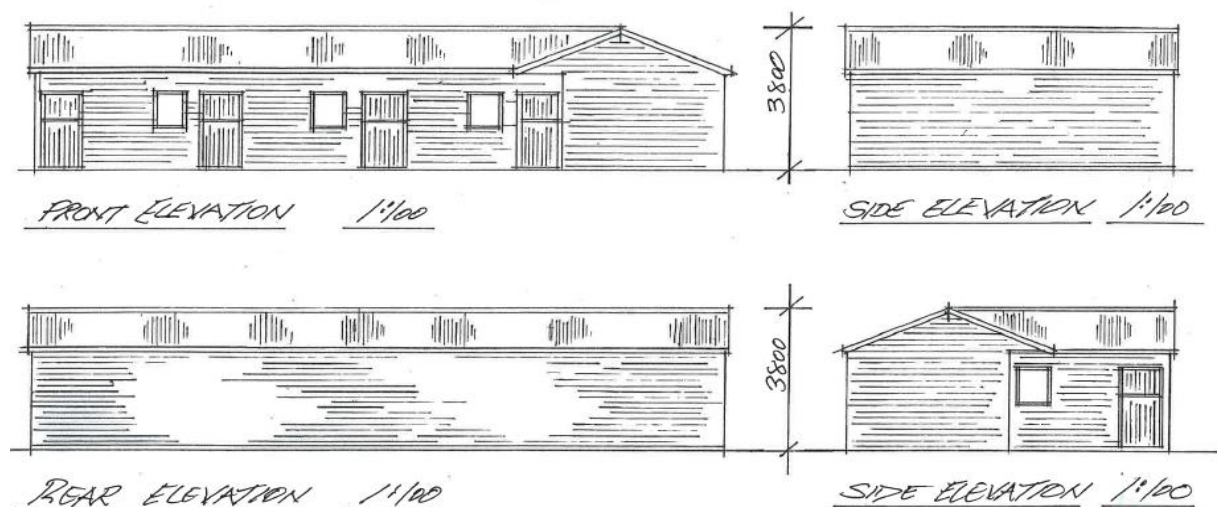
The applicant is currently grazing a small flock of sheep on the site and has sited a caravan for use during lambing periods. The site also has two small field shelters which are considered to be chattels – having no fixed foundations. The caravan is also considered to be a chattel with no fixed foundations. Officers have been informed by the applicant that the caravan and field shelters would be removed if planning permission is granted for the proposed stabling.

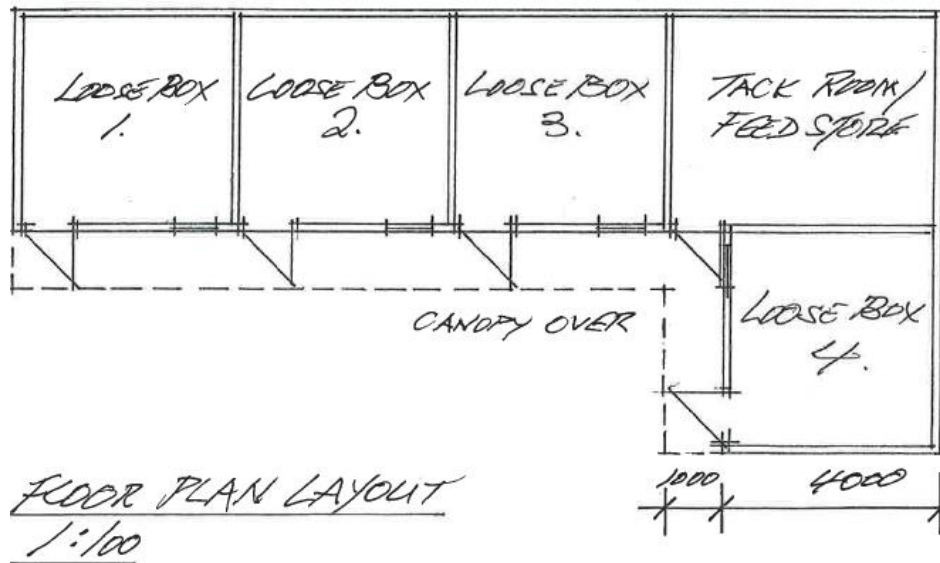
4. Planning History

There is no planning history pursuant to this site.

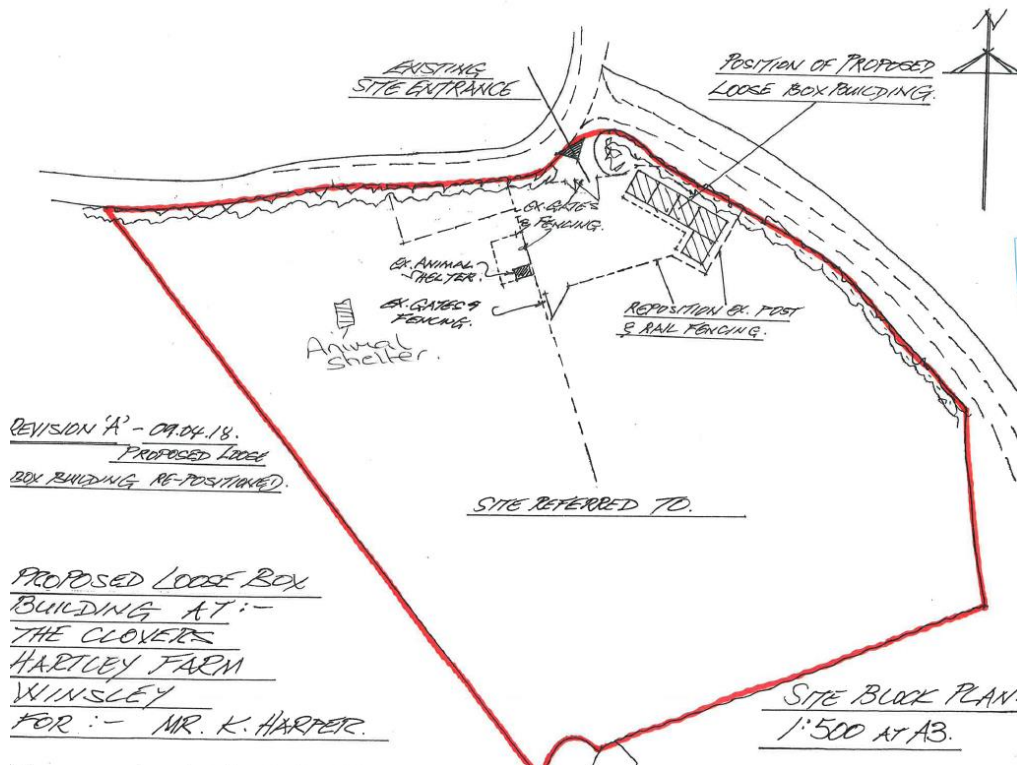
5. The Proposal

This application seeks permission to construct an 'L' shaped timber loose box stabling with associated post and rail fencing. The proposed building would measure approximately 17m in length and 3.8m in height. The loose box would comprise 4 bays with a tack room and feed store (as illustrated below). The stabling would be used solely for the private use of the applicant.





The application also seeks permission to regularise the formation of an area of hardstanding and formation of the access at the site frontage as well as change the use of the agricultural paddock to equestrian use. During the course of the application, revised plans were submitted repositioning the proposed stable against the existing eastern field boundary, as illustrated below:



6. Planning Policy

Wiltshire Core Strategy (WCS) - Core Policies: CP1 - Settlement Strategy, CP2 - Delivery Strategy, CP48 - Supporting Rural Life, CP51 - Landscape; CP57 - Ensuring High Quality

Design and Place Shaping, CP61 - Transport and New Development; and, CP64 - Demand Management

The following saved policies from the West Wiltshire District Plan – 1st Alteration are also relevant C3 (Special Landscape Areas) and E10 (Horse Related Development).

The Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy is also relevant

National Planning Policy: National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also of material relevance to this application.

7. Summary of Consultation Responses

Winsley Parish Council: Objects: Although Winsley Parish Council accepts Wiltshire Council's obligation to plan positively to enhance the beneficial use of the Green Belt by provision of opportunities for outdoor sport and recreation, it does not regard this proposed development as appropriate within the bounds of the NPPF. The position of the proposed development in open fields rather than adjacent to any form of settlement, plus the size and extent of the development, would erode the openness of the Green Belt.

The Council also notes that the drawings presented with this application are inaccurate and do not show several features. In particular, they do not show the presence of a mobile home that has been parked on this land for some time. The Council recognises that 'parking' a caravan/mobile home within the curtilage of a garden is deemed to be permitted development, but is so for this agricultural site? Its presence blights the open countryside.

The Council noted that the application indicated maintenance of the level of parking for six vehicles on site which appears to be at odds with the proposal to erect stabling for four loose boxes. The site is accessed via very narrow lanes, which do not have the capacity to take an increase in traffic. It has been highlighted that both the lanes and the site itself flood regularly (there are ponds at the southern corner of the site). Consequently, it was felt that any building on this field would increase the frequency and impact of flooding in the area.

The Parish Council is also concerned about the possible conversion of stable buildings into residential buildings under permitted development rights at a later date, which has happened in other cases in the area. If the authority is minded to approve this application a precondition should be set that precludes further development of the loose boxes to residences of any form.

Rights of Way Officer: No objection: There is a public footpath (WINS38) which runs to the west of the site. However the proposed building does not affect this footpath.

Wiltshire Council Highways: No highway objection, subject to conditions.

8. Publicity

The application was advertised by neighbour notification and by the display of a site notice. Third parties were also consulted for 14 days on receipt of the revised drawings in early May; and although the local ward Cllr noted the changes made, the committee call-in request was not retracted. The following summarised concerns were raised within the received letters of objections:

- Highway concerns raised about the site being accessed off a narrow road, with limited passing spaces;
- Harm to the green belt and erosion of the open countryside;
- Overdevelopment;

- Scale of the development;
- Flooding concerns;
- Lack of information as to how horse manure would be managed on site;
- Concerns about stables being converted into residential properties in the future; and
- The public right of way is not identified.

9. Planning Considerations

9.1 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.

9.2 Principle of Development - This application is seeking permission for the construction of a timber stable and to change the use of paddock to equestrian use. There is no in principle or policy objection to the proposed change of use of the small field to a private equestrian use and the proposed stable is considered to be policy compliant in terms of the WCS and NPPF.

9.2.1 Saved WWDP 1st Alteration Policy E10 states that “*proposals for equestrian facilities and changes of use will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications. All such building proposals should have special regard to siting, design materials and construction to ensure they blend in with their surroundings and do not have an adverse impact on the countryside and the natural environment including the water environment*”.



9.2.2 Officers report that the revised position of the proposed stable would have a minimal impact on the overall appearance of the countryside and since the stables would be used for personal use only and not likely generate significant vehicle movements. The building would be positioned with the backdrop of the trees and hedgerow seen in the photograph above and would be well screened from the lane. As a consequence, the proposed development would satisfy saved policy E10 and would be compliant with WCS CP51.

9.2.3 Officers appreciate the concerns raised about a potential future conversion of the stable building if it is approved, however the LPA must appraise the merits of the submitted application. If the application is approved, the lawful use of the stable would be for

equestrian use and not agricultural, so the building would not benefit from the change of use permitted under the current Town and Country Planning General Permitted Development rights. A separate change of use would be required to convert the proposed building into agricultural, commercial or residential use and the Council would assess any such proposal against the policies and weigh up all the material planning considerations that apply.

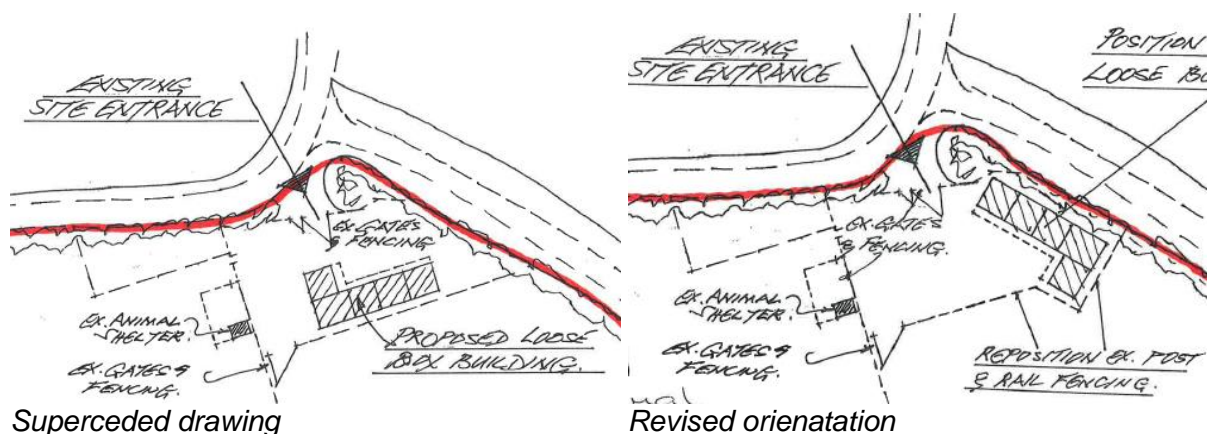
9.3 Principle of development in the Green Belt: Paragraph 87 of the NPPF states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. Paragraph 88 leads on to state that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.

9.3.1 Paragraph 89 of the NPPF regards “*the construction of new buildings as inappropriate in Green Belt*” unless the proposal falls within the specific exceptions set out in Paragraph 89. One such exception is the “*provision of appropriate facilities for outdoor sport, outdoor recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*”.

9.3.2 In this case, the proposal seeks permission for the construction of a modest sized stable for equestrian use to be used for the applicant’s recreational purposes which is considered to fall within the definition of ‘outdoor recreation’ and is considered to be an exception in Green Belt policy terms.

9.4 Impact on the openness of the Green Belt: The second Green Belt test relates to appraising the impact of the proposed development on the openness of the green belt as set out in Paragraph 79 of the NPPF. Paragraph 79 states that “*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*”.

9.4.1 As previously reported and as illustrated by the two insert plans below, the proposed development has been amended by repositioning the proposed stable to a position with a well-established landscaped backdrop that would reduce its visual impact in this rural setting and officers are satisfied that this would not result in demonstrable harm to the openness of the green belt.



9.5 Highway Issues: The proposed stable and site would be accessed via an existing vehicular access which is approximately 8.8m wide which connects with the lane that serves several isolated rural properties. The existing access is set back from the road by approximately 4m and the Council’s highway officer reports no objection.

9.5.1 The proposed stable would be used for private use only which can be conditioned. Wiltshire Council's highways have confirmed that the proposed use would not result in a material increase in traffic generation compared to the existing sheep farm smallholding. The proposals would also not lead to any material detriment to local highway interests. The lanes that serve the site may well be narrow and there may have been damage to boundary walls created by wide vehicles, however such circumstances cannot reasonably be used to refuse this application since the existing site is being used and has its own traffic generation and as reported by the Council's highway officer, no objection is raised to the proposal. The development would not conflict with local or national policy. Whilst it is appreciated that the submitted application form states that the site has provision to accommodate 6 cars on the site, this figure is based on the size of existing gravelled area to the front of the paddock. It does not necessarily mean that there would be or need to be six cars on the site at any given time.

9.5.2 In the interests of balancing the potential visual impacts, the applicant has agreed to remove the existing caravan and field shelters and a planning condition is recommended to request the removal of the caravan and field shelters.

9.6 Impact on the Special Landscape Area: Saved WWDP 1st Alteration policy C3 seeks the landscape character of such areas to be "*conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes*". In this instance the modest timber stable is not considered to be incompatible with the rural site context and nor would it be harmful for the reasons set out above.

9.6.1 In order to conserve the character of the open countryside and special landscape area, officers consider it necessary to impose a planning condition to prevent any external lighting on site without the prior consent of the local planning authority. A planning condition is therefore recommended in the interests of conserving the appearance of the open countryside and openness of the Green Belt.

9.7 Welfare Concerns: Following receipt of the representations relative to animal welfare concerns principally in relation to the number of loose boxes being proposed to house up to 4 horses on the site, officers submit that the guidance produced by the British Horse Society has been carefully appraised and after hearing further concerns about the matter at the June 2018 planning committee meeting, the following appraisal is made.

9.7.1 The total site (within the red line boundary) extends to approximately 0.88ha (i.e. 8800 square metres). The existing area of hardstanding (which would include where the proposed loose box would be sited) occupies approximately 555 square metres, which equates to 6.3% of the total site area. This would result in a grazing area of approximately 0.82ha. The British Horse Society (BHS) guidance on recommending two horses per hectare refers to horses in *permanent grazing*. It recognises that less land may be adequate where horses are principally stabled and where the grazing land is used for occasional turnout. In addition, the age, size and health of the horses amongst other factors also impacts on the amount of land they would generally require. In this particular case, the general animal welfare interests of horses are covered by other legislation, outside of the planning system. It is not considered reasonable to refuse the application citing BHS guidance where there appears to be such varying animal husbandry requirements and there is no planning policy conflict.

9.7.2 In addition to the above, the Department for Environment, Food and Rural Affairs, Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids, states on page 9, section 1.2, that there is a 'general rule' for each horse of having approximately 0.5-1 hectares of grazing if there is "*no supplementary feeding*" provided. As this application

seeks permission for the erection of stabling with a feed store, officers are satisfied that supplementary feeding would be provided.

9.7.3 In terms of utility connections, the applicant has confirmed that the site benefits from an electrical hook up point, which is positioned near to where the caravan is currently sited. There are currently no on-site water supply facilities; however, it is the applicant's intention to install an on-site water supply if the committee resolves to approve the application. Consent would be required directly from Wessex Water.

9.8 Impact on the Public Right of Way: The development would not affect WINS38 and the proposal would not have a substantive visual harm or impact on the use of the right of way. Moreover, no objection has been raised by the Council's Rights of Way Officer.

9.9 Flood Risk: Whilst the concerns raised by third parties regarding flood risk/surface water on the road are duly noted, the site is located within Flood Zone 1 (having the lowest probability of flood risk) and it is not within an area susceptible to high surface water. That said CP67 of the adopted WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground, unless site or environmental conditions make these measures unsuitable. The completed application form states that the surface water would be disposed of by a soakaway; however, no details have been provided with the application. As such, it is considered reasonable to request specific details by planning condition to ensure that the soakaway system is of a design to adequately deal with the surface water run-off from the site.

9.10 Impact on Neighbouring Amenity: The proposed development would not cause detriment to neighbouring amenities or privacy. It is acknowledged that the application does not contain any details of how manure would be managed or disposed. A planning condition can adequately cover this matter.

10 Conclusion (The Planning Balance) – The proposed change of use of the land and the construction of the stable would satisfy NPPF and WCS policies in terms of the principle and well as the impacts on the on the Green Belt, open countryside, special landscape area and highway safety interests. The proposed development is considered to comply with the requirements of Paragraphs 87-89 of the NPPF, and the Wiltshire Core Strategy in particular CP51, CP57 and CP61, and saved policies C3 and E10 of the West Wiltshire District Plan 1st Alteration. As such, it is considered that planning permission should be granted subject to conditions.

RECOMMENDATION: Approve 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: Drawing No. KH/003: Site Location Plan, as received on 26 February 2018; Drawing No. KH/001: Floor Plan and Elevations, as received on 26 February 2018; and Drawing No. KH/002/Rev A: Site Block Plan, as received on 3 May 2018.

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

3. Notwithstanding the provisions pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or

amending that Order with or without modification) the stable hereby permitted shall solely be used for the private stabling of horses and the storage of associated equipment and feed; and at no time shall the site be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: the proposed use is acceptable by the local planning authority would wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4. Within one month of bringing the hereby approved stable into use, the caravan and animal shelters shall be removed from the site.

REASON: In the interests of conserving the character and appearance of the open countryside and openness of the Green Belt.

5. The development hereby approved shall not be brought into use until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including the frequency) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution

6. The development hereby permitted shall not be brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

7. The development hereby permitted shall not be brought into use until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be completed prior to the use being enacted.

REASON: To ensure that the development can be adequately drained.

8. No external lighting shall be installed on site until a submission showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", 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.