

Date of Meeting	17 October 2018
Application Number	18/07478/FUL
Site Address	The Clovers, Hartley Farm, Winsley, Bradford on Avon, Wiltshire, BA15 2JB
Proposal	Regularisation of an area of extended hardstanding and proposed change of use of agricultural land to equestrian use (for private purposes) and the 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	380698 162186
Type of application	Full Planning
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: Cllr Kidney has requested that this application be called-in for the elected members to determine should officers be minded to grant permission, due to concerns over the size and bulk of the proposed building and the consequential impacts the development would have on the character and openness of the green belt.

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.

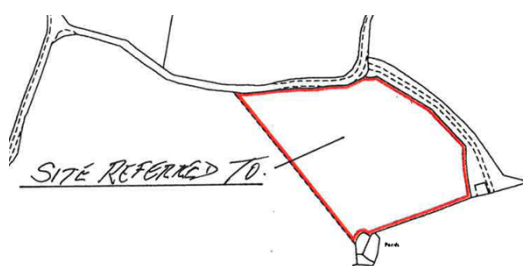
2. Report Summary:

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 approximately 0.88 hectares of agricultural land which is located about 500m north-east of the Hartley Farm. Prior to the applicant’s land purchase, it was owned and controlled by Hartley Farm.

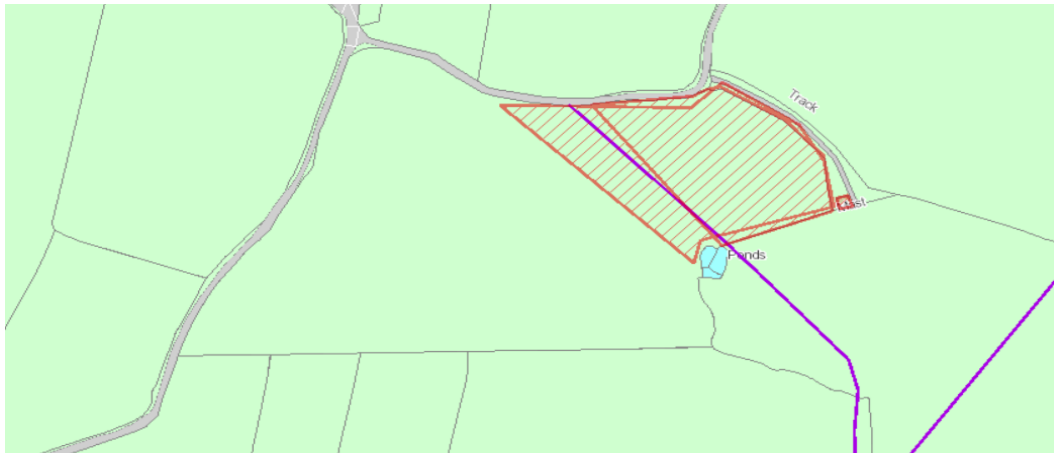


Site Location Plan



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 on the southern fringes of The Cotswolds. It is not, however, located within the Area of Outstanding Natural Beauty – which is located about 1km away to the south and 1.5km distant in a western direction.



The application site can be seen from the unclassified lane that connects Haugh / Potticks and Little Ashley as well as from a Public Right of Way footpath (WINS38) which is notated on the insert below by a purple line which dissects the site near its western boundary. More distant views would be gained from the additional PRow footpath (WINS37) which is shown in the right hand corner of the insert produced above.



The northern site boundary viewed along the lane



The eastern site boundary viewed from the lane access

The applicant currently grazes a small flock of sheep on the site and as illustrated in the top right above, a touring caravan is positioned on the site which is used by the applicant during lambing periods. In addition to the caravan, the site has two small field shelters which are also considered to be chattels – moveable structures having no fixed foundations. The caravan is also considered to be a chattel having no fixed foundations. The caravan is positioned where the applicant proposes to erect the loose horse box building and officers have been informed by the applicant that the caravan would be removed if planning permission is granted for this application.

4. Planning History

17/00244/ENF – Enforcement investigation into the siting of a touring caravan. The site was visited on 7 March 2017 and the case was closed on 26 April after finding that there was no breach of planning control.

18/01969/FUL - 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 – Refused

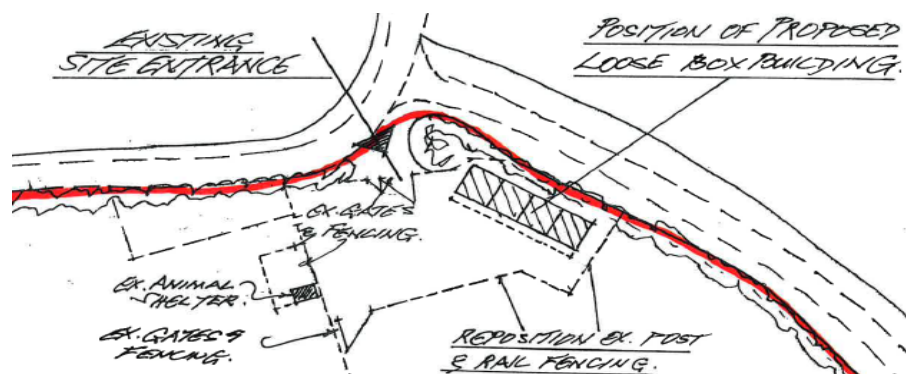
On 26 July 2018, the Western Area Planning Committee unanimously refused the aforementioned application against officer recommendation citing the following reasons:

- 1 The proposed loose box/stable by reason of its size, bulk and siting in an isolated location detached from any permanent built form of development is found to be harmful to the Green Belt which would not preserve the openness of the Green Belt contrary to Paragraphs 144 and 145(b) of the 2018 National Planning Policy Framework. Furthermore, the proposed development would have a harmful impact on the special landscape area contrary to Saved Policy C3 and CP51 of the Wiltshire Core Strategy by virtue of introducing an isolated form of equestrian development in the open countryside which would conflict with saved Policy E10 of the West Wiltshire District Plan, 1st Alteration.
- 2 The proposal, which in part, comprises an area of hardstanding extending to some 555 square metres and finished in loose stone material is considered disproportionate and unjustified for the purposes of keeping a small flock of sheep on the 0.88 hectare site and it represents harmful intentional unauthorised development which diminishes the openness of the greenbelt and falls foul of the Written Ministerial Statement released by the Government on 31 August 2015, published as a planning policy statement on green belt protection and intentional unauthorised development (thus making it a material planning consideration).

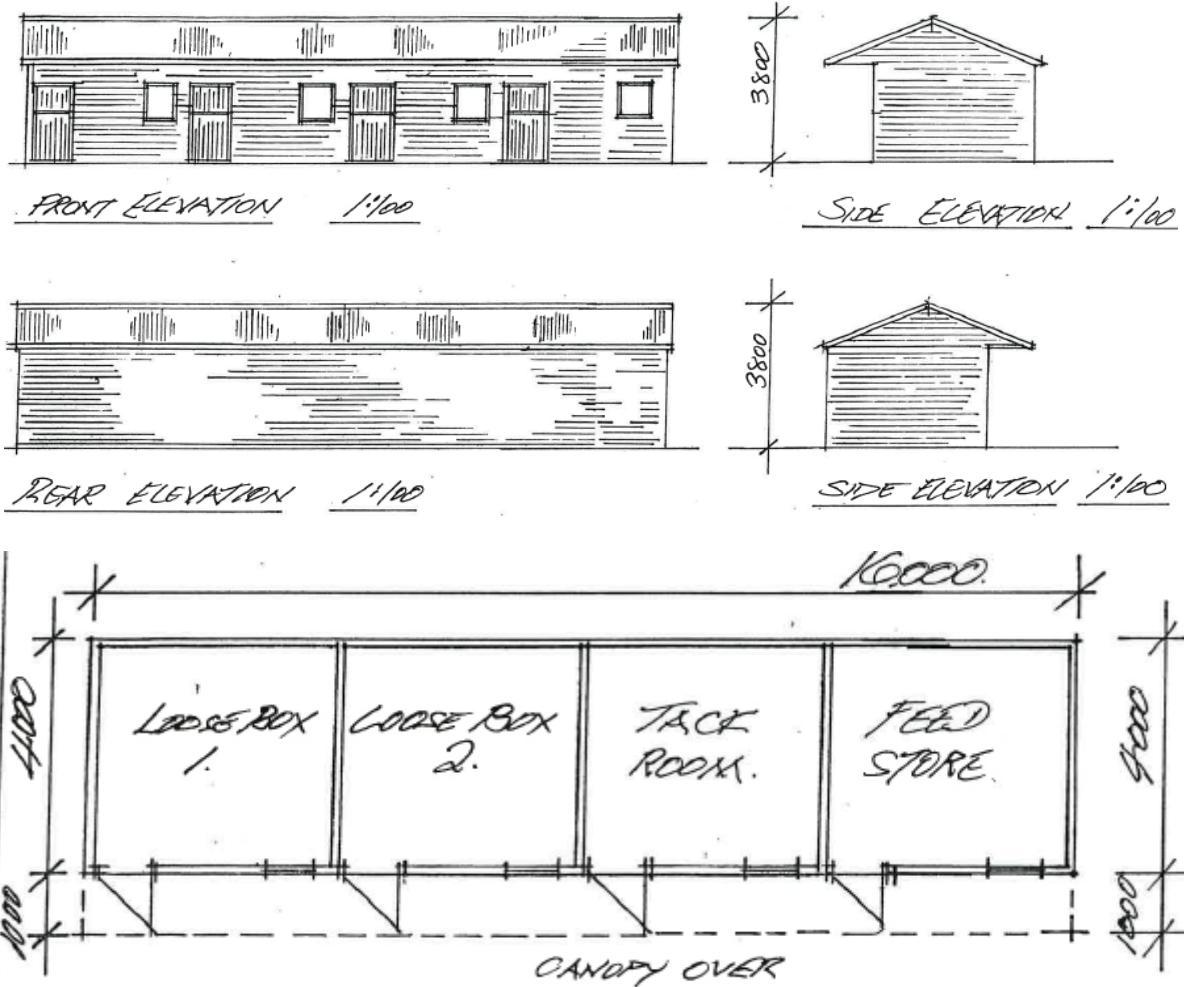
Whilst it is appreciated that the applicant has submitted a fresh application for a loose box/stable structure, it is important to note that each case must be assessed on its own merits. It is acknowledged that the applicant has scaled back the size of the proposed loose box by about 20% when compared to the above refused application and this fresh application is brought before the elected members to duly determine as officers maintain their consistent support for the application proposals.

5. The Proposal

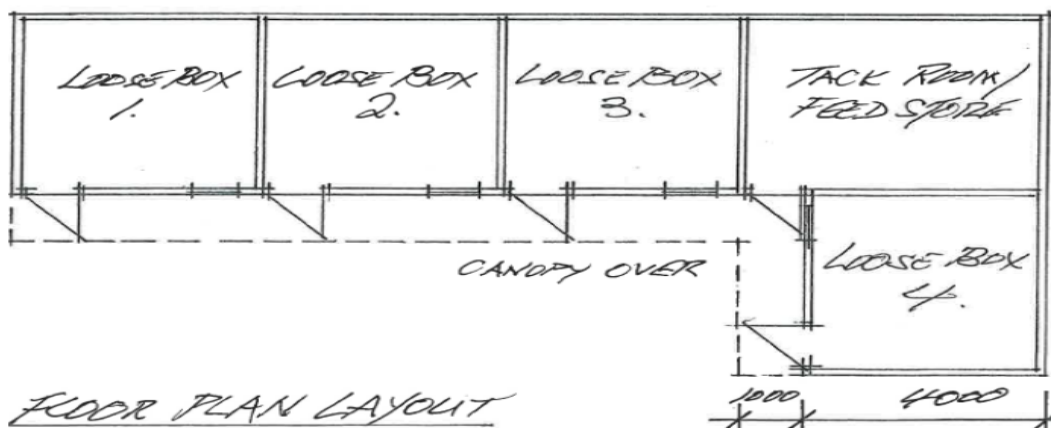
This application seeks permission to regularise a section of existing hardstanding, change the use of the agricultural paddock to equestrian use and construct a rectangular timber loose box stable to be positioned along the vegetated eastern site boundary, as shown below. The submitted plans indicate that one of the exiting two field shelters would be retained and the caravan removed.



The proposed building would measure approximately 16m in length and 3.8m in height. The loose box would comprise of 2 bays with a tack room and feed store. The stabling would be used solely for the private use of the applicant.



The proposed loose box/stable enshrined by this application represents a 20% reduction in size when compared to the refused stable submitted under application 18/01969/FUL – which is reproduced below. The reduction is created by reducing the length by 1m and removing what was shown to be 'loose box 4'.



Under this application, the loose box would have a footprint of approximately 64m² compared to the 84 square metre loose box proposed under 18/01969/FUL.

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 to this application and has asked for the Unitary Councillor to 'call in' the application. This application is similar to a previous application - 18/01969/FUL - which was objected to by Winsley Parish Council. The number of stables has been reduced from four to two but with only a 20% reduction in the size of the building footprint. It is felt that the proposed development would spoil the openness of the Green Belt. The Council remains concerned about the possible conversion of such a building into residential buildings under permitted development rights at a later date.

Wiltshire Council Public Rights of Way Officer: No comments and previously raised no objection recognising that the proposed building would not affect the footpath.

Wiltshire Council Highways: No comments – and previously raised no highway objection.

8. Publicity

The application was advertised by neighbour notification and by the display of a site notice. The following summarised concerns were raised within seven letters of representation:

- Whilst there has been a reduction in size, the proposal has not been reduced sufficiently
- Concerns raised during 18/01969/FUL still stand
- Reasons for refusal of 18/01969/FUL still relevant
- Erosion of green belt and impact on the special landscape area
- This will be the first building on the southern side of Haugh
- Proposal would still permanently harm the openness of the green belt.
- Conflict with paragraphs 133 and 145 (b) of the NPPF and the consequent conflict with the aims of the development plan
- The right of way is still not shown on the plans
- Currently the site is used for agriculture and not recreational

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.

9.1 Principle of Development - This application seeks permission for the construction of a timber loose box stable, with the change of use of the agricultural 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.

9.1.1 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”*.



9.1.2 Officers submit that the proposed siting of the stable, against the existing vegetated eastern site boundary (illustrated above) would have a robust landscaped backdrop which would minimise its visual impact. Through recognising that the stables would be used for personal use only, officers are satisfied that the proposal should not generate significant vehicle movements and would be comparable with traffic levels to be generated if the land was to remain as an agricultural smallholding.

9.1.3 The proposed development has been scaled back to address the first reason for refusing application 18/01969/FUL. Given the substantive landscape backdrop provided by the well-established trees and hedgerow, officers are satisfied that the proposed development would accord with saved WWDP (1st Alteration) Policy E10 and would be compliant with adopted Wiltshire Core Strategy Core Policy 51.

9.1.4 Officers acknowledge and appreciate the concerns raised by local residents about a potential future conversion of the stable building to residential use. However, it is important that the LPA appraise the merits of the submitted application and not be influenced by what may be proposed in the future. If the application is approved, as recommended, the lawful use of the stable would be for equestrian purposes. The building would not benefit from permitted development provisions as set out within the Town and Country Planning General Permitted Development Order (as amended). A separate application to convert the stables to residential use would be required and it would be appropriate at such time for the Council

to assess any such proposal against the extant local and national plan policies and weigh up all the material planning considerations that apply.

9.2 Development in the Green Belt: Paragraph 143 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 144 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 resulting from the proposal, is clearly outweighed by other considerations”*.

9.2.1 Paragraph 145 of the NPPF regards the *“construction of new buildings as inappropriate in the Green Belt”* unless the development falls within the specific exceptions as set out within Paragraph 145. One such exception is the *“provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*.

9.2.2 In this case, the proposal seeks permission for the construction of what officers consider to be a modest sized stable for equestrian use to be used for the applicant’s own recreational purposes which is considered to fall within the definition of ‘outdoor recreation’ and it is therefore considered to be an exception in Green Belt policy terms and should not be considered as being ‘inappropriate development’.

9.3 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 133 of the NPPF. Paragraph 133 states that *“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”*.

9.3.1 As previously mentioned, the proposed development would be sited near a well-established landscaped backdrop that would reduce its visual impact and officers are satisfied that with the reduced size of the stable, it would not result in demonstrable harm to the openness of the green belt and, consequently, officers are satisfied that the applicant has substantively addressed the first reason of refusal of application 18/01969/FUL.

9.3.2 The second reason for refusing 18/01969/FUL concerned an extended area of hardstanding - separate to the formation of the site access (which did not require the express consent of the LPA). The area of hardstanding is illustrated on previous plan inserts and extends beyond the site access and it is where the touring caravan is sited. Since the time of the 2017 planning enforcement site investigation, the area of hardstanding near the site frontage has been extended beyond what officers consider to be ‘permitted development’ as defined by the Town and Country Planning (General Permitted Development) (England) Order (as amended) under Schedule 2 Part 2 (minor operations) Class B (means of access to a highway) and the provisions enshrined within Part 6, Class B (agricultural development on units of less than 5 hectares) of the same Order.

9.3.3 The unauthorised extended area of hardstanding laid out in hard core material amounts to not more than 100sq.m which forms part of the quoted 555sq.m extent duly referenced in the refusal decision for application 18/01969/FUL, and it is important to appreciate that it is only the referenced circa 100 square metres of hardstanding requires planning permission. Officers argue that the extended area of hardstanding would be beneficial for agricultural and proposed equestrian related vehicular movements and parking purposes and avoid the ground from being churned up. The extended area of hardstanding

is not considered to be excessive in size and it does not substantively harm the openness of the green belt.

9.4 Impact on the Special Landscape Area: Saved WWDP 1st Alteration Policy C3 seeks the landscape character 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 particular case, officer maintain the professional opinion that the proposed timber stable would be compatible with the rural site context and it would not result in harm sufficient to warrant a refusal. The proposed development has been scaled back compared to the scheme submitted under 18/01969/FUL; a scheme which officers also supported; and consequently, officers continue to be supportive of this present submission.

9.4.1 In order to conserve the character of the open countryside and special landscape area, a planning condition is considered necessary to prevent any external lighting on the 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.

9.5 Highway Issues: The proposed stable and site would continue to be accessed via the existing vehicular access which is approximately 8.8m wide formed off the unclassified lane that serves several isolated rural properties at the Haugh /Potticks. The entry to the site is set back from the road by approximately 4m. No alterations to the existing access are proposed as part of this application; and as previously reported, officers are satisfied that the proposed development would not result in a material increase in traffic generation compared to the existing smallholding and would not lead to substantive material detriment to local highway interests.

9.5.1 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. There is no direct correlation with what is proposed under this application. Officers are fully satisfied that the development would not conflict with local or national policy.

9.5.2 The proposed stable would be used for private purposes only which can be conditioned.

9.5.3 The Council's highway authority previously recommended the imposition of a planning condition requiring additional consolidation of the access; however, as this access does not require planning permission, it is not considered that such a condition is necessary.

9.6 Impact on the Public Right of Way: The development would not affect WINS38 or WINS37 and the proposal would not have a substantive visual harm or impact on the use the right of way.

9.7 Flood Risk: Whilst concerns have been previously raised by third parties regarding flood risk/surface water on the road, 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, Core Policy 67 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 (created by the new building) would be disposed of by a soakaway. However, no details of the soakaway have been provided with the application. Given the low risk of flooding on the site, it is considered reasonable to

request specific details by planning condition to ensure that the soakaway system is adequately sized and designed to deal with the surface water run-off.

9.8 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 of. A planning condition can however adequately cover this matter.

9.9 Other Matters: In terms of utility on-site connections, the applicant 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 understood that the applicant intends to install an on-site water supply if the committee resolves to approve this application. Separate consent would be required directly from Wessex Water for new water utility connections.

10. Conclusion (The Planning Balance) – The proposed change of use of the land and the construction of the stable would satisfy the requirements of the NPPF and WCS policies in terms of the principle as 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 133 and 143-145 of the NPPF, and the Wiltshire Core Strategy in particular Core Policies 51, 57 and 61, 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.

11. 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; Drawing No. KH/002/Rev B: Site Block Plan; and Drawing No. KH/004, Proposed Floor Plan and Elevations, all received on 6 August 2018

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

3. The stable hereby permitted shall be solely 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: To define the terms of this permission. Any future or subsequent additional use would require separate consent.

4. The loose box stable hereby permitted 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 the site (including the frequency) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the storage and disposal of the aforesaid material shall be maintained and completed in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area to be approved under this condition.

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

5. The loose box stable 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 maintained in perpetuity.

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

6. Within one month of bringing the loose box stable into use, the caravan 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.

7. No external lighting shall be installed on site unless and until a detailed submission is presented to the Council 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)", and, it has been approved in writing by the Local Planning Authority. Thereafter, any external lighting shall be installed and maintained in accordance with the approved details.

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