

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	16 <sup>th</sup> October 2018
<b>Application Number</b>	18/04897/FUL
<b>Site Address</b>	Land referred to as Paddock View Farm, Dean Road, East Grimstead, Wiltshire, SP5 1HR
<b>Proposal</b>	Retention and alterations to an existing agricultural building and the retention of a stable block and tack room in connection with the use of land for equine and agricultural purposes (resubmission of 17/04844/FUL)
<b>Applicant</b>	Mr K Baldwin and Miss Z Church
<b>Town/Parish Council</b>	West Dean
<b>Electoral Division</b>	Winterslow – Christopher Devine
<b>Grid Ref</b>	424261 127166
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Joe Richardson

**Reason for the application being considered by Committee**

The application has been called-in by Cllr Divine if officers are minded to approve.

**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 for the reason(s) set out below.

**2. Report Summary**

The issues in this case are:

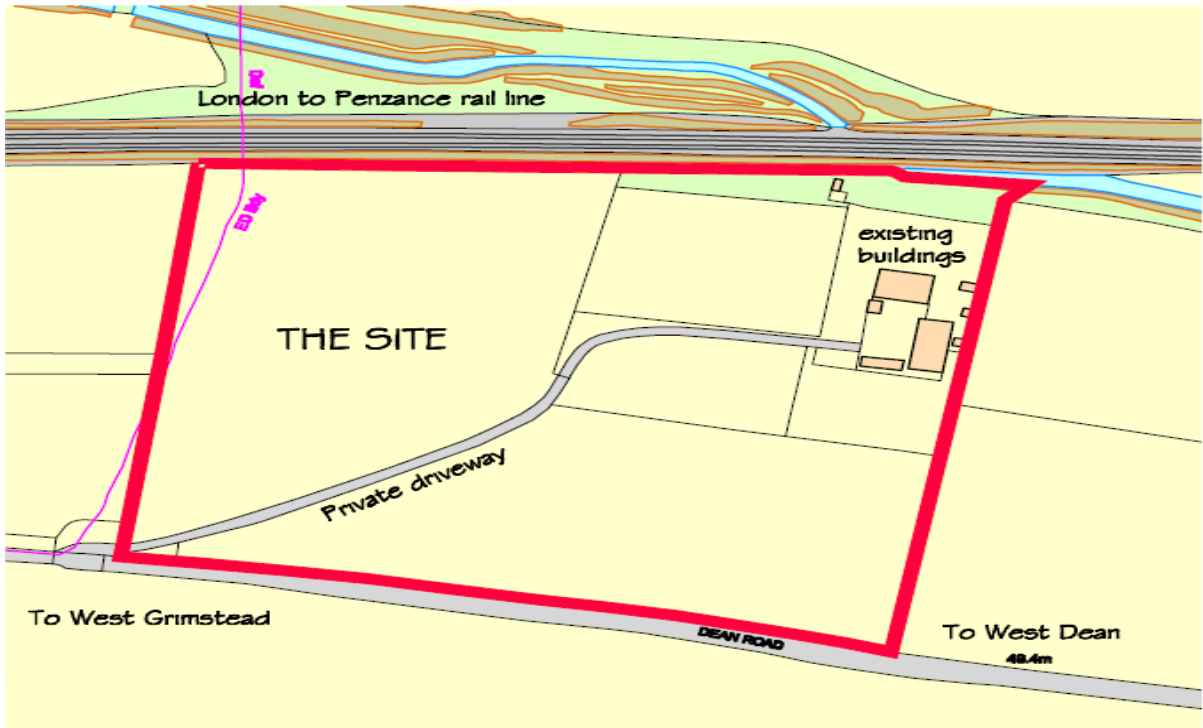
- Principle of development
- Scale, design and Impact to the character of the area
- Environmental Impact
- Highway safety

The publicity has generated one letter of objection from a member of the public for the application with an objection also received from West Dean Parish Council and Grimstead Parish Council given to the development.

**3. Site Description**

The application site is located within the open countryside between the villages of West Dean and Grimstead accessed via a private track from the public highway (Dean Road). The application site consists of a parcel of land bounded on the north by the railway line and to the west and south by Dean Road. The parcel of land is approximately 3.14 hectares in area and is accessed via a track from the south eastern corner (off Dean Road). The site is not

located within a settlement boundary and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.



#### **4. Planning History**

S/2008/0551/FUL – Erection of an agricultural barn for use of a haystore, machinery store and animal pen A.C 09.05.08

17/04844/FUL - COU of land from agriculture to a mixed use of agriculture and the keeping of horses as well as the retention of the existing barn, stables and store/tack room (retrospective) REF. 13.11.17

#### **5. The Proposal**

The application which is retrospective, proposes to retain the use of the agricultural barn, the retention of a stable block and tack room in connection with the use of land for equine and agricultural purposes. This application is a resubmission of the previously refused scheme, 17/04844/FUL.

#### **6. Local Planning Policy**

The Wiltshire Core Strategy (WCS) was adopted in January 2015 and constitutes the primary planning document. The relevant planning policies are:

Core Policy 1 Settlement Strategy  
Core Policy 2 Delivery Strategy  
Core Policy 34 Additional employment land  
Core Policy 48 Supporting Rural Life  
Core Policy 57 Ensuring high quality design and place shaping  
Core Policy 61 Traffic matters

Also of relevance are the NPPF & NPPG.

#### **7. Summary of consultation responses**

**West Dean Parish Council** – Objection with comments stating:

*Ref.1. S/2008/0551, dated March 2008, planning application (approved) that established permission for erection of barn now proposed to be modified. West Dean Parish Council (WDPC) strongly opposes this planning application for the following reasons.*

##### *1. Change of Use*

*This planning application seeks approval for change of land use from agricultural to mixed agricultural and equestrian use. This change of use has been included within a number of previous planning applications already rejected by Wiltshire Council. In each case the change to include equestrian use was cited within the planning officer's comments as a contributory factor to the refusal; particularly due to the likely increase in vehicle movements on a site with unsuitable access and surrounding road network. It can also be seen from the case officer's report to the planning application that originally allowed erection of the barn now being modified (Ref. 1.), that recommendation for approval was based, amongst other factors, on there being no change of use.*

*This application does not quantify the additional vehicular movements that would result from the proposed change of use but it does make clear the applicant's intent to grow this business through the offering of Livery services (e.g. to the Wiltshire Hunt) and through breeding. It is noted that this increase in equestrian business is in addition to a stated intent to grow the agricultural business which will undoubtedly bring its own increase in traffic.*

*On the basis that, whilst unquantified, this application must result in some level of increased traffic and that concern over the site's unsuitability for additional vehicular movements has been raised consistently and repeatedly by Wiltshire Council WDPC is opposed to the proposed change of use.*

## **2. Building Modifications**

*There was an express condition associated with the Ref. 1. approval for erection of the barn that there should be no windows or rooflights other than the single rooflight shown in the barn plans. This condition was imposed due to concerns over light pollution and to preserve the visual amenity. The proposed introduction of shutters to the 1st floor windows does not address these concerns given that Wiltshire Council cannot realistically impose and enforce conditions under which those shutters should be closed. It is noted that the property falls within a Special Landscape Area and, as such, any development of this nature should be carefully controlled.*

*Of greater concern, however, is the fact that the proposed design of the barn is such that it remains very suitable for unapproved residential use and subsequent conversion to a habitable dwelling. WDPC remains very concerned that a development of this nature could, in future, very easily lend itself to such unapproved residential use which might eventually lead to a Certificate of Lawfulness as has recently happened on the neighbouring property (Windrush Farm2). WDPC would prefer that the barn is returned to the design that was approved in the Ref. 1. planning application to minimise this possibility but should Wiltshire Council decide to approve this retrospective planning application then WDPC requests that full consideration be given to all possible conditions, limitations and constraints that could be placed on approval in order to limit this possibility. WDPC would also wish to see Wiltshire Council's enforcement team continue to monitor the site.*

**Grimstead Parish Council –** Objection with comments stating:

*Grimstead Parish Council objects on the grounds that the proposed equestrian use is not suitable for the site. The condition for the erection of the barn stated only one roof light so all windows created since should be removed. Increasing the size of the business would create a large amount of vehicular movement. The barn is such that it remains very suitable for unapproved residential use and the Parish Council is very concerned that this does not happen. The site should be continually monitored by the Enforcement Team.*

**WC Public Protection –** No objection subject to conditions with comments stating:

*Whilst this department does not have any significant concerns with the proposals, there are residential properties located to the east and south east and would therefore recommend that the conditions below are attached to any planning approval granted:*

1. *No burning of manure or other material derived from the keeping of horses or livestock shall take place on the development site or land connected with it.*
2. *No development shall commence on site until details of the arrangements for the storage of manure and other material derived from the keeping of horses and livestock have been submitted to and approved in writing by the Local Planning Authority. The details are to include a plan illustrating where the material will be stored and details of the construction and design of the structure/enclosure within which the material will be stored. The storage of manure and other material derived from the keeping of horses or livestock shall only be carried out in accordance with the approved details.*

*As far as I can see the applicant has not detailed whether or not they propose to install any external lighting, if they do we would expect to see further information on the type of lights to be installed and where they will be positioned to ensure that no light spill will impact on those neighbouring residents.*

**WC Highways Officer** – No objection subject to conditions

**Third party representations** – 1 x letter of objection with comments stating:

*I oppose this application (resubmission of 17/04844/FUL). Despite the additional information provided the need for such extensive livestock facilities is still not clear. There is no record of foaling and no record of a Wiltshire Hunt (the two local hunts – Wilton & Hursley do not visit West Dean). As to the proposed changes to the barn – they still do not meet the original specifications – i.e. green cladding to match all the existing agricultural barns. With the introduction of agricultural animals the Planning Authority should – in accordance with the views of the Parish Council – refuse the application.*

## **8. Publicity**

The application has been advertised by way of site notice and letters to near neighbours.

The publicity has generated a letter of objection for the application with objections received from West Dean Parish Council and Grimstead Parish Council given to the development.

## **9. Planning Considerations**

### **9.1 Principle of development and policy**

The application site is located within the open countryside between the villages of West Dean and Grimstead accessed via a private track from the public highway (Dean Road). The application site consists of a parcel of land bounded on the north by the railway line and to the west and south by Dean Road. The parcel of land is approximately 3.14 hectares in area and is accessed via a track from the south eastern corner (off Dean Road). The site is not located within a settlement boundary and is therefore outside of the defined limits of

development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

A recent retrospective planning application 17/04844/FUL was submitted to the Local Planning Authority and was refused for the following reason:

*Whilst a mixed equine and agricultural business use would, in principle, not be unusual in the open countryside, the application contains limited information regards the proposed equine business, in terms of its nature, scale, or intensity. Furthermore, based on the submitted information, the 24 hour grooms accommodation element of the scheme, would be tantamount to a new residential accommodation in the open countryside without significant justification. Additionally, without any information to the contrary, an unfettered equine business use would, by reason of its relatively remote location, be likely to attract a high level of vehicular traffic movements into this rural location, to the detriment of the general amenity of the area.*

*As a result, in the absence of any substantial justification, the proposed development would not conform to the objectives of Core Policies 2, 48, & 57 of the Wiltshire Core Strategy, and the aims of the NPPF.*

Retrospective planning permission is sought for the change of use of land from agriculture to a mixed use of agriculture and the keeping of horses as well as the retention of the existing barn, stables and tack room. Planning permission was granted (S/2008/0551/FUL) for the erection of a barn for the use as a hay store, machinery store and animal pens. It is apparent the permitted barn structure has not been built in accordance with the approved plans of the scheme with the insertion of casement windows and doors into the northern and western elevations and; the erection of ancillary buildings related to the keeping of horses on the land that include a tack room with WC and stable block.

This current application seeks to address the changes to the permitted barn with the introduction of purpose made timber shutters attached to each window at first floor level; the removal of the existing French windows at ground floor level with the insertion of a set of timber framed doors and; the erection of timber weather boarding on the elevations of the building replacing the existing metal profiled sheeting. Other changes externally include replacing part of the original roofing with newer profiled cladding; the replacement of the existing grey metal profiled cladding around the building with dark stained horizontal weather boarding and the retention of a small section of red brickwork at the northern end of the western elevation.

Core Policy 48 of the WCS deals with the supporting of rural life and is based upon the following four key objectives:

- Protecting the countryside and maintaining its local distinctiveness;
- Supporting the sensitive reuse of built assets to help meet local needs;
- Supporting improved access between places and to services; and
- Supporting the community in taking ownership of local services.

Whilst this policy deals predominantly with the provision of new dwellings in the rural area, it is noted that the removal of the grooms living accommodation from this application reduces the relevance of this policy to this application. However, the proposed changes to the appearance of the building as described do have relevance to a degree as these changes, in the opinion of the case officer, reduce the visual prominence of the building within the landscape and its surroundings.

Core Policy 57 of the WCS requires there to be a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

## 9.2 Scale, design and Impact to the character of the area

Following the recent refusal of planning permission, the applicant has sought to address how the design of the barn and surrounding structures along with the use of the land will harmonise within the local landscape.

The changes to the barn externally have been documented in section 9.1 of this report. Internally the ground floor will remain in two unconnected sections, which will include a rest room and facilities for tea and coffee, an area for hay storage and animal feed, and pens for piglets. The other section will be used for secure machinery, equipment, vehicles and associated storage. The first floor of the building will remain largely as it is and be used for general storage purposes, the partially completed area shown as a 'welfare facilities room' within the previous scheme will be completed to provide toilet and washing facilities only for the applicants. Therefore, it is considered that the changes to the existing barn structure are considered to be acceptable in planning terms.

Other structures on the land include the tack room and stable block. No changes in scale, size or location are proposed to the stable block. It is proposed to timber clad the tack room covering the existing external blockwork so that it is more in-keeping with the surrounding buildings and area.

The applicants in 2014 stationed an unauthorised mobile home on the land to be used as a rest room for visiting family members. The applicant has requested that following an on-going planning enforcement investigation into the site, the mobile home is conditioned to any planning permission that it is removed from the land within 6 months to 1 year whilst the works to the barn and other structures are completed. Whilst this request is noted, it would not be reasonable under the terms of the NPPF to impose such a condition and as such, this issue would be a matter for the Council's Planning Enforcement Team to regularise in agreement with the applicants.

The applicant has provided further information to the number of animals (detailed in section 9.4 of this report) to be kept on the land in respect to the retrospective change of use to the land from an agricultural use to a mixture of agriculture and equestrian use. Given that this type of use within the countryside is not usual, it is considered the use of the land in this way

would not have any significant detrimental impact to the amenity of the area or wider surrounding land that would warrant the refusal of planning permission.

### 9.3 Environmental Impact

The Council's Public Protection Team have been consulted on this planning application and raise no objection subject to conditions regarding the storage of manure on the site and; additional information regarding the installation of any lighting on the structures. Subsequently, the agent has provided an additional plan showing the storage of manure on the site and has confirmed that no external lighting exists on the site or is proposed to be installed on the site.

As such, it is considered that the continuing use of the site will not have any significant environmental impact on the wider area that would warrant the refusal of planning permission.

### 9.4 Highways safety

Access to the site will be obtained via the existing access from Dean Road. The applicant proposes to gate this access within the site to allow a vehicle to stand in front of the gate. The access passes between stock fenced fields before ending at the buildings and structures subject to this planning application. There is an existing area with the site adjacent to the barn utilised for the parking of vehicles and horse boxes related to the site.

The Highways Team of Wiltshire Council have been in discussions with the applicants as there were concerns raised regarding the use of the existing access for a livery. Subsequently, the applicants have decided not to operate any equine related commercial or business from within the site. The application involves the retention of the 8 stables. The applicants own 9 horses which graze within their fields and are stabled on site. No horses other than their own will be grazed or stabled on site.

Following the removal of the livery business from the proposal, the Council's Highways Officer has withdrawn his previous objection to the scheme provided that a condition is applied to any decision securing the use of the stables to the applicant/ to private or domestic use only. To advise, the Highways Officer has also stated that existing access is severely substandard in terms of visibility and is also at an acute angle to the highway. It is therefore encouraged that the applicant seeks improvements to the existing access arrangement in consultation with the Local Planning Authority, but in the context of this application, this is not essential.

Notwithstanding the above regarding the comments on the existing access, the private use of the access in this way not related to a livery, will not have any significant detrimental impact to highway safety and highway users that would warrant the refusal of planning permission.



## 10. Conclusion

The comments and concerns of the third parties and Parish Councils have been noted and taken into consideration. However, following an assessment of the situation as outlined above, the proposed uses and changes to the existing structures are unlikely to have such a significant impact on the amenity the area as to warrant refusal, and therefore the scheme conforms to the objectives of Core Policies 57 and 61 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore, the Local Planning Authority considers that retrospective planning permission should be granted.

## 11. RECOMMENDATION:

Approve with conditions

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

DWG No: 918.1 Site Location Plan, Proposed Site Location Plan, Proposed Ground and First Floor Plan of Existing Barn, Existing Floor Plan of Tack Room and Stables  
Date Received 22.05.18

DWG No: 918.2.A Proposed Barn Elevations Date Received 14.08.18

DWG No: 918.1.A Manure Storage Plan Date Received 02.10.18

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

2. Notwithstanding the provisions of 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 site shall be used solely for the purposes of agriculture and the private stabling of horses associated with the agricultural/equestrian use of the land.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

3. 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.

4. No burning of manure or other material derived from the keeping of horses or livestock shall take place on the development site or land connected with it.

REASON: In the interests of amenity