

<b>Date of Meeting</b>	06 November 2019
<b>Application Number</b>	19/07306/FUL
<b>Site Address</b>	Land to the North West of Broad Town, Swindon, Wiltshire
<b>Proposal</b>	Change of use of agricultural land to equestrian and construction of all-weather gallop
<b>Applicant</b>	Mrs Jane Allison
<b>Town/Parish Council</b>	BROAD TOWN
<b>Electoral Division</b>	Royal Wootton Bassett East - Cllr Mollie Groom
<b>Grid Ref</b>	409040 177993
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Nicole Gillett

### Reason for the application being considered by Committee

Cllr Molly Groom has requested the proposal be put before committee to examine; scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design and environmental/highway impact.

#### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission be APPROVED.

#### 2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Impact on character and appearance of the area and AONB
- Impact on highway safety
- Impact on neighbour amenity
- Impact on public rights of way
- Impact on Heritage Assets

Broad Town Parish council raised objection to the proposed development. 24 letters of objection and one support letter have been received, including multiple letters from individual writers.

#### 3. Site Description

The site is located to the west of Broad Town. The site lies at the foot of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The southern part of the site and Pye Lane areas occupy a geological transition between the elevated chalk geology rising to the south, and the lower clay vale landscape which extends northwards towards Royal Wootton Bassett. The south western corner of the site falls within the AONB designation, the remainder of the site is considered to fall within the setting of the AONB.

The site adjoins Broad Town, which contains several listed buildings. The closest to the site are; Queen Elizabeth Cottage, Broad Town Farmhouse and Jasmine Cottage all Grade II listed, however they do not adjoin the site. Further, medieval pottery sherds were found in the field 1997.

The site is a single agricultural field laid to grass with dense ruderal weed patches in places. The southern part of the site adjoins Pye Lane, a narrow rural road. To the east, the site is bordered by a mix of smaller paddock/field areas laid to grass and a linear single plot depth housing settlement stretching along Broad Town Road. The topography of the application site falls gently northwards. A mix of maintained native hedgerows, taller native hedgerows some with trees and tree belts border the various perimeter field boundaries of the application site with a notable small exception to the north east boundary where the housing lining Broad Town Road backs directly and openly onto the application field.

The White Horse Trail runs along the bottom of the scarp slope to the south of the site along Pye Lane. There are a myriad of other rural Public Rights of Way (PROW) surrounding the site in all directions. Three public footpaths pass through the site (BTOW7, BTOW9, BTOW10). The PROW are recorded as footpaths for pedestrians. An undesignated perimeter path exists around the boundary of the field. The land has two main points of access one to the north east on Broad Town Road and one to the south on Pye Road.

#### **4. The Proposal**

The proposal is to run an all-weather gallop from north to south down the field for commercial equestrian use. The rest of the field will be used to grow hay. Horses will cross Broad Town road, in up to groups of six led by a person, and enter via the northern Broad Town Road access. Horses entering the field will follow a grass route, mown, towards a short section of hardstanding before the gallop. A fence, which will be a maximum of 1.6 metres and constructed of wooden rails and keep safe wire, will run alongside the hardstanding. A PROW runs near the fence. Three metres will be maintained for the PROW at all points.

A circular turning circle, for turning horses only, is provided with plastic green railings at either end of the gallop. The gallop itself will remove 20cm of soil and place 10-15cm of geotextile membrane on top of sealed hardcore to form the gallop. The gallop colour is proposed as brown. The removed earth will be spread either side of the gallop and be grassed.

After finishing the gallop, the horses walk back up a mown strip of grassland, exiting via the Broad Town Road access. The horses will then cross Broad Town Road, being led by a person, to return to their stables at Manor Farm.

Where the PROW intersect the proposal warning signs are proposed.

The proposal changed two times during the application due to neighbour representations received. Firstly, the original proposal led the horses back to their stable via Pye Lane, however now the horses return via a grass strip in the field. Secondly, the original application had the hard standing close to the rear of the Broad Town Road properties but following revised plans the scheme was amended to set the hardstanding away from the boundary.

#### **5. Local Planning Policy**

Wiltshire Core Strategy Jan 2015:

Core Policy 1	-	Settlement Strategy
Core Policy 2	-	Delivery Strategy
Core Policy 34	-	Additional Employment Land
Core Policy 51	-	Landscape
Core Policy 52	-	Green Infrastructure
Core Policy 57	-	Ensuring high quality design and place shaping
Core Policy 58	-	Historic Environment
Core Policy 60	-	Sustainable Transport
Core Policy 61	-	Transport and Development

North Wessex Downs AONB Management Plan 2014–19 (2014)

Sections 66(1) and 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## 6. National Planning Policy

National Planning Policy Framework 2019

Paragraphs 2, 7, 11, 38 and 47

Paragraphs 108 – 110 Highway safety

Paragraphs 170-172 Conserving and enhancing the natural environment

Paragraph 83 and 84 supporting a prosperous rural economy

Paragraphs 189, 190, 191, 193, 196 & 197 Historic Environment

## 7. Summary of consultation responses

**Highways Officer:** No objection. Officers noted the benefits in terms of traffic generation in relation to the siting of the Gallop. The Officer stated Broad Town Road has good forward visibility to the junction accesses of Manor Farm and the site from the northbound carriageway, the forward visibility on the southbound carriageway is limited by a bend in the road and property hedges/walls. It would be beneficial to consider appropriate signing on at least the southbound carriageway of Broad Town Road in order to warn road users. Consequently, the report recommends a warning signs condition.

**Public Rights of Way Officer:** Following revised drawings showing the right of way as unenclosed by the slip railings and warning signs being added the ROW Officer removed their objection to the proposal. The Officer advised two conditions regarding warning signs and a condition stating the BROA10 be provided at a width of 3 metres. Consequently, the report recommends two PROW conditions.

**County Archaeologist:** No Comment response.

**Landscape Officer:** The Officer did not consider the gallop as currently proposed to be a particularly alien or visually intrusive feature, consequently they advised the proposal is not unacceptably harmful, but advised of a condition to prohibit further structures on the site, which has been added to the recommendation. The Officer advised greater consideration of the disposal of soil and possible drainage issues in the southern section of the site, however the drainage officer did not comment on the application as it presented low risk of surface or ground water flooding.

**Drainage Officer:** No comment. The Drainage Officer provided no comment regarding the application as the proposal site is of low risk for surface or ground water flooding.

**Council Ecologist:** Did not wish to comment on the application as the proposal did not present any ecological impacts.

**Councillors:** Cllr Molly Groom called the proposal to committee to examine; scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design and environmental/highway impact. Cllr Groom further specified “represents a significant development in the village as the site capacity is for 120 horses. The route of the horses through the village to and from the gallop has been identified as a particular issue.”

The Councillor requested a site visit however a site visit was undertaken 07/08/2019.

**Broad Town Parish Council:** Objected on the below grounds;

- Lack of communication with applicant
- Making paths less safe and enjoyable
- Loss of arable land
- Noise and nuisance

- Highway safety
- Future development on the site
- No benefit to residents

## 8. Representations

**AONB Officer:** The AONB Officer advised a Landscape Assessment should be undertaken to examine the proposals effects on long range views from the AONB. The Officer advised the proposal has the potential to urbanise the field. The AONB Officer commented on Archaeological issues, but the County Archaeologist confirmed they found no issue with the proposal.

**Neighbour Letters:** The application was advertised by neighbour letter, site notices and press advert. 24 letters have been received raising concerns and objections. 5 letters were received (one from ramblers group) as a result of re-consultation. This is inclusive of multiple letters from individual writers. In summary, they raise the following relevant planning issues;

- Manor farm business scale
- No benefit to village
- Loss of arable land
- Drainage and flooding
- Archaeology
- Additional information requested on; entrance to site, hard standing purpose, footpath, tracks, fencing, vehicles using hard standing and third party use of site.
- Inconsistency in application documents
- Requested hard standing is moved from property boundary. Revised plans show the applicant listened to this request.
- Alternative land could be used

### Design

- Effect on character and appearance, including AONB
- Design, appearance and layout

### Highways and pedestrian safety

- Highway safety
- Pedestrian safety on public rights of way
- Horses causing safety issues
- At Manor farm a lack of parking for seasonal workers
- Vehicles in field

### Residential amenity

- Number of horses
- Noise and light pollution
- Times of use

### Public Rights of Way

- Location of public right of way questioned
- Access to public rights of way

### Non material planning matters and/or covered by other legislation

- Applicant's history on constructing fencing and maintaining rights of way
- Public rights of way maintenance
- The perimeter footpath around the field in question has been used for in excess of 20 years without restriction enabling Section 31 of the Highways Act to be implemented.
- Applicant's motives for future development
- Horse faeces
- Littering
- Loss of private view
- Private property damage

- Private rights of way at East Farm House driveway and entrance track
- Proposal has already started being constructed
- Stiles already in place hard to use
- No toilets on site

One letter of support regarding:

Employment

Countryside must evolve to survive

Used field for horse riding without issue

**Ramblers Group:** Objected on the grounds of danger to pedestrians twice.

## 9. Planning Considerations

### Principle of the development

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.

In this case, the Wiltshire Core Strategy (WCS), including those policies of the North Wiltshire Local Plan saved in the WCS. The National Planning Policy Framework (NPPF) and, North Wessex Downs management plan (2013) Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

The site lies in countryside beyond any limits of development as defined within the Wiltshire Core Strategy (WCS) (2015). Paragraph 83 and 84 of the NPPF supports the promotion for development and diversification of agricultural and other land-based rural businesses. Further, the NPPF states decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. It is, consequently, considered that the NPPF supports a prosperous rural economy.

Representations have been received stating the proposal presents no benefits to Broad Town residents. However, the proposal does provide the opportunity of employment locally if the business grows, further the proposal allows the continued growth of a rural enterprise.

Comments have been received stating the Manor Farm business is becoming too large. However, this is in contrast to the NPPF and CP34 which seeks to support rural enterprise. The development relates to an existing stable which is considered to constitute an existing land-based rural business of the type that the NPPF and WCS seeks to encourage. It is therefore considered that the proposal is consistent with the aims and objectives of paragraph 83 and 84 of the NPPF and CP34 which encourages a prosperous rural economy and diversification of the rural economy.

### Impact on character and appearance of the area and AONB

Para 170 and 172 of the NPPF reiterate the importance of conserving and enhancing the natural environment and that great weight should be given to conserving landscape and scenic beauty in AONB's. This is reflected within the WCS (2015) CP51 and CP57 relating to landscape and design, where development shall protect, conserve and where possible enhance protected landscapes.

The proposal is to create a 4 metre wide all weather gallop. This would be similar in general appearance to a farm track in terms of its scale. Equestrian gallops and other equine uses associated with horse racing industry within the North Wessex Downs AONB are common features within the landscape. The gallop is not considered to be particularly alien or visually intrusive feature. The Landscape Officer stated they did not consider this current development proposal to manifest as an unacceptably harmful landscape feature. Further, the AONB Officer did not object to the principle of gallop, as they are not uncommon the AONB, but requested a landscape assessment be provided to show the proposals effects on long range views. A landscape assessment was provided and it is considered the proposal is not inappropriate in respect of the development guidance within the North Wessex Downs AONB Management Plan 2014–19. Consequently, it is considered no harm would be

caused to the visual amenities of the countryside or the AONB in this instance. A condition will remove permitted development rights to ensure any future development can be examined on its merits.

#### Impact on highway safety

Representations were received concerning vehicles entering the field. There is no vehicle parking or access proposed with the application. A comment was received regarding a lack of parking at Manor Farm, however no highways officer concerns were raised in this respect.

The horses are proposed to be walked between Manor Farm and the site access on Broad Town Road. Several representations are concerned with large strings of horses utilising the public highways and resulting in highways hazard/vehicular and road uses conflict. The applicant confirmed peak numbers will be six in a string but most of the time there will be 2-3 in a ride. They will be supervised over the road by a member of staff. Broad Town Road is a section of 30mph road which, whilst a B road, is still in a relatively rural location and horses are expected on roads such as these. Additional horses walking on this section of highway, albeit for a short section, may serve to reduce the speed on the road. Broad Town Road has good forward visibility to the junction accesses of Manor Farm and the site from the northbound carriageway, the forward visibility on the southbound carriageway is limited by a bend in the road and property hedges/walls. The Highways Officer advised appropriate signing on at least the southbound carriageway of Broad Town Road, which has been added as a conditional requirement to this recommendation.

The Highways Officer did not object to the proposal and noted benefits in terms of traffic generation in relation to the siting of the Gallop, as the current situation stands horses are required to be transported between manor farm and another Gallop some 8 miles away. Having a gallop situated within horse walking distance to the equestrian facilities would reduce the frequency of vehicular trips in the form of horse transportation. On this basis, it is not considered that the proposal would result in cumulatively severe impacts to the highway network contrary to the guidance contained at paras 108 – 110 of the framework and CP62 of the WCS such that consent ought to be refused on this basis.

#### Impact on neighbour amenity

The site is largely enclosed by fields with a notable small exception to the north east boundary where housing lining Broad Town Road back directly and openly onto the application field. A low level fence provides the boundary treatment. Representations were concerned with large strings of horses with riders viewing into properties. The applicant confirmed peak numbers will be six in a string but most of the time there will be 2-3 in a ride. It is not considered the proposal will cause substantial overlooking over what is already experienced at the site.

With regards to noise and light pollution. The proposal does not propose any light sources and the applicant confirmed galloping is undertaken in daylight hours. The applicant advised the yard begins work at 8am consequently horses will not be galloped until 8.30/9.00am. Additionally, there may be some afternoon galloping at peak times. An hours of operation condition has been recommended to ensure residential amenity is safeguarded. It is considered the proposal does not cause substantial harm to residential amenity and is in accordance with CP57 of the WCS.

#### Impact on public rights of way

Concerns have been raised by residents concerning the interaction between people, including children, and horses both within the field, the access route and the highway. The Highways Officer has not objected to the application on safety grounds with the regards to the highway and the management of a horse's behaviour is not a planning matter. The Public Rights of Way Officer removed their objection following revised plans showing warning signs at points where the PROW crosses the gallop.

Three public footpaths pass through the site (BTOW7, BTOW9, BTOW10). An undesignated perimeter path exists around the boundary of the field. The proposal does not enclose or change the PROW and a sufficient buffer has been created either side of the PROW tracks. Whilst the experience of the PROW will change, as horses will now being use the field, the PROW is still retained for people

to utilise. The proposal safeguards the public rights of way and is therefore considered to comply with CP52 of the WCS.

Representations concerning the; applicant's track record on constructing fencing and maintaining rights of way, BTOW7 needs a hole in the hedge to be useable and the perimeter footpath around the field in question has been used for in excess of 20 years are not planning matters. With regard to the perimeter path which residents are claiming has been used for in excess of 20 years, they could apply to add the path to the Definitive map of Public Rights of Way. Further, with regard to BTOW7 this is an obstruction/ access issue which needs to be reported to the Countryside Access Office via the "Reporting" section of the Wiltshire Council website.

#### Heritage Assets

Pottery shards were found in the field in 1997, however the County Archaeologist advised no comment as they found no archaeological issues with the proposal.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66).

Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 195 and 196 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 of the Core Strategy for Wiltshire requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

Given the distance and dwellings in between the proposal and the listed buildings along Broad Town Road, it is considered no harm is caused by the proposal to the heritage assets. The proposal is therefore considered to be in compliance with CP 57 and CP 58 in addition to paragraphs 195 and 196 of the NPPF.

#### Sustainability

A number of representations stated the loss of arable land is concerning given the need for crop production and biodiversity. However, the Ecology Officer did not wish to comment on the application as the proposal did not present any ecological concerns. Further, rural enterprises such as farms sometimes diversify, as noted within the NPPF 2019, consequently some arable land does change use.

### **10. Conclusion (The Planning Balance)**

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy. These benefits have to be balanced against the intensification of the fields use. The development would respect the character of the locality and would not cause any demonstrable harm to residential amenity. It is considered no harm would be caused to the visual amenities of the countryside or the AONB in this instance. Access is considered acceptable and no objections have been raised by the highways officer. It is not considered that harm arises to ecology or heritage assets. Therefore, it is considered that the benefits of the proposed development would outweigh the intensification of the fields use associated with it and the development would comply with the Wiltshire Core Strategy 2019 policies; CP1, CP2, CP34, CP51, CP52, CP57, CP58, CP60 CP61, CP67 and National Planning Policy Framework 2019.

**RECOMMENDATION: Planning permission be approved subject to conditions;**

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 Approved Plans

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

Site Location Plan KCC2759/01A received 21st October 2019

Site Plan KCC2759/02A received 18th October 2019

Further revised details of gallop and location of footpath crossings KCC2759/03B received 11th October 2019

Revised details of stopping circle KCC2759/04A received 7th October 2019

Details of start circle and entrance track KCC2759/05 received 29th July 2019

Revised cross section of gallops and details of footpath crossing including signage KCC2759/06B received 7th October 2019

Details of footpath crossing 3 and 4 KCC2759/07 received 7th October 2019

Details of track and fencing KCC2759/08 received 15th October 2019

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

## 3 Public Right of Way Signage

Prior to the commencement of the development hereby permitted, as to the type, position and wording of signage to be erected at the footpath crossing is to be submitted to and agreed in writing by the Local Planning Authority. The approved signage must be erected at the approved locations where each public footpath crosses the gallops before the gallops are first brought into use.

Reason: In the interest of public safety.

## 4 Public Right of Way

The Public Right of Way BROA10 must not be obstructed 1.5 meters either side of the Public Right of Way line.

Reason: to safeguard the Public Right of Way.

## 5 Warning Signs

The development hereby permitted shall not be first brought into use until the requirements for



warning signs have been discussed and determined in relation to both approaches on Broad Town Road. Any requirements for warning signs would be implemented at the expense of the applicant.

Reason: In the interests of highway safety.

6 Materials

No development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

7 Soil Disposal

No development shall commence on site until details of the disposal of top and sub soil have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

8 Timing of gallops

The use hereby permitted shall only take place between the hours of;

Monday to Friday

8:30am-5:00pm

Reason: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

9 Lighting

No external lighting shall be installed on site without prior written consent from the Local Planning Authority.

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

10 Parking

There shall be no parking of horse boxes, caravans, trailers or other vehicles on the site.

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

11 Fences and Jumps

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.

12 Structures

No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site. Further, no permanent structures will be erected on site without the prior written consent of the Local Planning Authority.

Reason: In order to protect rural character of the area.

13 INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

14 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans must first be agreed in writing with the Local Planning Authority before commencement of work.

15 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.

16 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.

17           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/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).