

Date of Meeting	2nd December 2021
Application Number	PL/2021/06348
Site Address	Rabley House Poulton nr. Marlborough SN8 2LW
Proposal	Retrospective installation of stable windows and external door to tack room to existing barn and external lighting
Applicant	Ms Alison Gill
Town/Parish Council	Mildenhall
Grid Ref	
Type of application	Full Planning Permission
Case Officer	Jennifer Allen

Reason for the application being considered by Committee

This application has been brought before the Committee at the request of the Division Member, Councillor Thomas, should the application be recommended for approval, on the following grounds: a row of large windows has been inserted into a side wall; (ii) already built higher than spec and without cladding, as per planning conditions, to reduce its overbearing impact, leading to loss of privacy (clear line of sight into living and bedrooms) and material light spill as the windows are uncovered.

1. Purpose of Report

To consider the recommendation that the application for retrospective planning permission be granted subject to conditions.

2. Report Summary

The main issues to consider are:

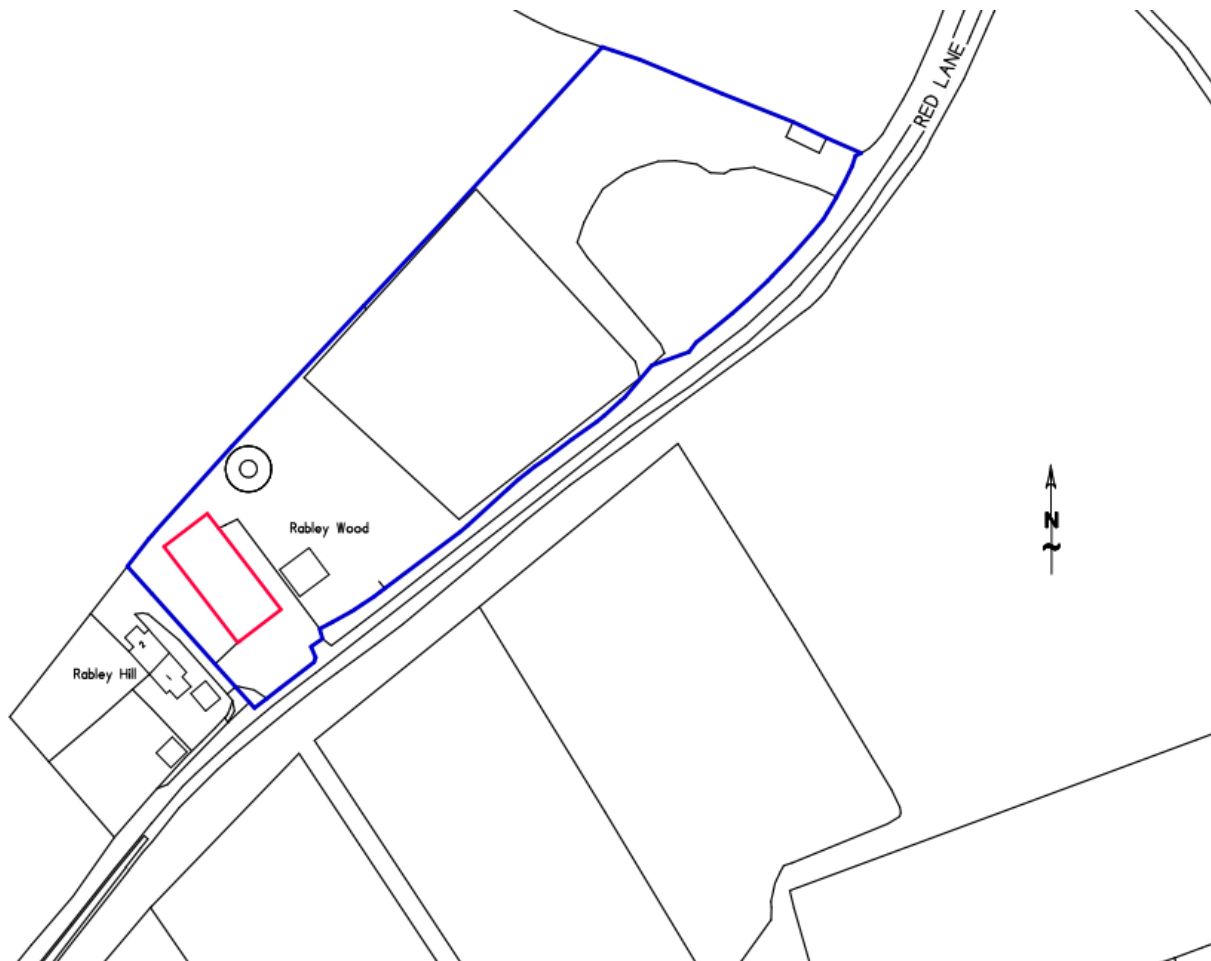
- Impact on visual amenity, including Area of Outstanding Natural Beauty, and design
- Impact on residential amenity

3. Site Description

The site is located on a hill to the north of Mildenhall and north-east of Marlborough, up a single-track lane within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The area is primarily agricultural fields with a few dwellings and buildings located within the local area. Adjacent to the site are a pair of semi-detached dwellings which face onto the southern boundary of the site, with an access

road to a garage between the boundary of the site and the frontages of the dwellings. The gardens associated with the cottages are to the rear of the dwellings, sloping down the hill.

The designated use of the barn that is the subject of this application is for equestrian purposes. It is orientated such that the gable end faces the road. It has gravel around the front and side. A single detached dwelling is located nearby, to the east of the barn. There is also a horse walker positioned against the rear boundary of the site. The boundaries are defined by fences and hedging of various heights and designs.



4. Planning History

PL/2021/06351 - Construction of outdoor arena and access track – Approve with conditions – 23/09/2021

14/05870/REM - Equestrian workers dwelling (Reserved Matters application following 14/02549/OUT in relation to access, appearance, landscaping, layout and scale) – Approve with conditions – 08/08/2014

14/02549/OUT – Equestrian workers dwelling – Approve with conditions – 29/04/2014

14/02039/FUL – The erection of a replacement barn and horse walker – Approve with conditions – 29/04/2014

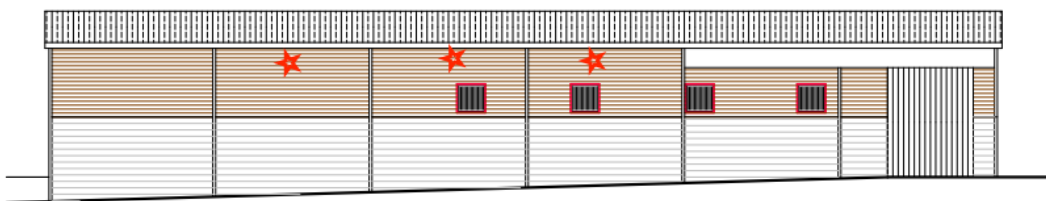
E/2012/1233/FUL - Demolition of existing barns 30 x 32m. Erection of single detached dwelling house. Use change from agricultural to residential.- Refused – 23/11/2012

K/39923/O – Outline application for stud buildings, to include two dwellings – Refused – 29/09/2000

K/83/0626 - Change of use poultry farm to craft workshop – Approve with conditions – 04/11/1983

5. The Proposal

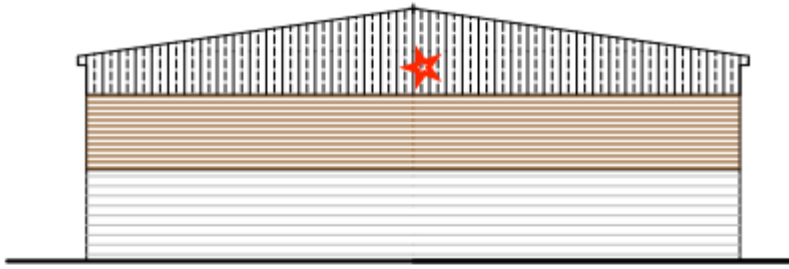
The application seeks retrospective planning permission for the insertion of windows and doors in the side elevations of the barn and the installation of external lighting. More specifically, this includes 7 windows and a door in the south-west elevation of the barn and 4 windows and a large door in the north-east elevation. Each window serves a stall within the barn. The external lighting is positioned on the front elevation; it comprises a single light above the entrance, three lights on the north-east elevation and a light on the rear gable. Each light is on a sensor.



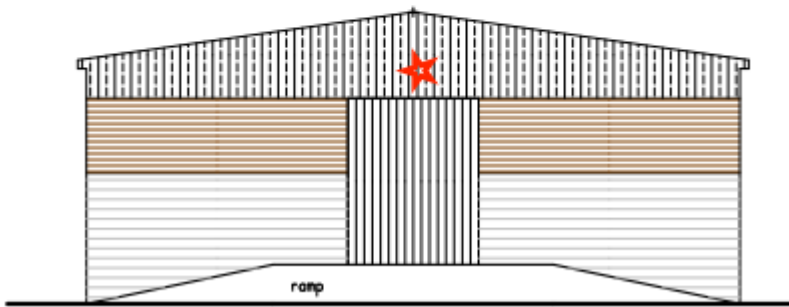
North East Elevation 1100



South West Elevation 1100



North West Elevation 1100



South East Elevation 1100

6. Planning Policy

National Planning Policy Framework 2021 namely:
Section 12 Achieving well-designed places
Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy 2015:
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 51 Landscaping

7. Consultations

Mildenhall Parish Council

'Mildenhall Parish Council has been contacted by the residents of Rabley cottages several times and inspected the property. Councillors wish to object to the application on the following grounds.

This application has been a text book example of aggressive development circumventing the planning process from the beginning. Mildenhall Parish Council supported the residents in objecting to the original application. This was granted with the condition that no windows would be cut into the south west side directly overlooking the cottages. From the start the

building height was increased due to the raised floor creating an even more overbearing property close to the cottages. The Landscaping and cladding, though in the application and a condition of planning approval, have never happened resulting in an incongruous building dominating the properties.

The property was recently sold and contractors, with no warning, cut large windows into the south west wall directly overlooking the cottages. This is the subject of an Enforcement order and due to the disappointing state of inaction, an example given to a review of Wiltshire County Council Enforcement procedures.

Mildenhall PC comments are as follows:

1. The windows directly affect the privacy and amenity of the residents of Rabley cottages.
2. The light spill and light pollution during the winter months will be an unacceptable nuisance to the use of their properties particularly as the light will be prevalent early in the morning and late at night due to the nature of looking after horses particularly those that will be eventing and returning at late hours.
3. The application makes much of the need for light and ventilation for the welfare of horses demonstrating with handy diagrams. The windows could have been placed on the other side of the barn ie the north east side where they would not be a nuisance to the residents of Rabley cottages.
4. The new buyers of this property bought the barn as seen and would have been made aware of the planning conditions through the buying process. If not this is a sad case of Buyer Beware but not the subject of this Enforcement order and subsequent new application.
5. The application refers to this as an already established equestrian site. It is not. There has never been any equestrian activity or stabling of horses here. It was purely a speculative development by former land owner Mr Bull.
6. The application refers to the cladding of the building being subject to this application. That is, if approval is not given to the windows the building will not be clad. Cladding was a condition of the planning approval for the first application. This is a threatening tone towards both WCC and the residents of Rabley cottages for something that was already agreed.
7. There has been no attempt to communicate with the residents of Rabley cottages or suggest actions or behaviour which might alleviate their distress, for example the fitting of shutters, agreed times for the windows to be open etc.
8. Mildenhall PC objects to this application in the strongest terms and seeks the help and advice of the Planning Committee in upholding standards of planning in Wiltshire. The Parish Councillors feel that the current windows are unacceptable and need to be moved to the other side of the barn and the wall returned to its opaque state. The application makes much of the profitable nature of the equestrian business and its contribution to the local economy. Restoring the current wall, cladding the building correctly, landscaping and installing windows facing the other side should therefore not be financial considerations for the new owners. Property owners should not be allowed to flout planning officer's decisions in this way.'

Highways Officer:

'Given the distance of the barn from the adjacent highway I am happy that the external lighting is not likely to be a distraction to passing motorists and as such I am happy to offer no highway objection.'

Public Protection Officer:

'The proposal is wholly retrospective for the installation of stable windows and external door to tack room to existing barn and external lighting at the Rabley House stables. Concerns related to impact on amenity from external lighting in a predominantly dark sky.

There is one sensor light facing the road which is not in my opinion especially intrusive. There are several sensor lights facing the applicant's property. It was a clear night when I visited, and I was able to see and appreciate the stars even with the lights on. It is not unreasonable to have security lighting on a stables. I have no adverse comments on this application.'

AONB Unit:

No representations received.

8. Publicity

The application was advertised by way of neighbour notification.

Expiry date: 13 August 2021, 27 August 2021 & 28 October 2021

Summary of points raised:

Twenty-seven letters of representation received - 25 object; 2 in support. Comments relate to:

- Loss of privacy
- Lack of screening
- Light spill
- Works should not be approved by default
- Windows are a poor solution to ventilating a barn
- Noise disturbance
- Planning conditions not adhered to
- Impact on AONB
- Impact on countryside
- Height of the barn
- Other options for ventilation
- Abuse of planning system
- Council's lack of control over the development
- Original permission not finished
- Applicant's response does not address issues raised
- Floor levels of the barn
- Photographs showing light spill from internal lights
- Vehicle movements in the evening

9. Planning Considerations

Site History

Prior to the existing arrangement, the site contained three barns. In 2014, planning permission was granted (under refs. 14/05870/REM, 14/02549/OUT and 14/02039/FUL) for the demolition of the original barns and the erection of the barn that is now on the site, along with a horse walker and an equestrian worker's dwelling. The barn was granted planning permission to be used for equestrian purposes in association with the site's use as a stud farm. As the barn is used for equestrian as opposed to agricultural purposes, it does not benefit from permitted development rights to make alterations to the building. The windows therefore require planning permission, hence this application has been submitted. In addition, lights have been installed on the exterior of the building. As these were restricted by a condition imposed on planning permission ref. 14/02039/FU and therefore do not have the benefit of planning permission, they have been added to the plans.

There is an enforcement case open in respect of the window openings and lack of cladding to the barn.

Earlier this year, planning permission was granted for an outside arena and walkway within the neighbouring paddock.

Design

Seven windows and a single door have been inserted in the south-west elevation of the barn and four windows and a large door have been installed in the north-east elevation of the building. Each of the windows serves a horse stall. The single door provides external access to the tack room. The large door is of a similar design to that approved under the original scheme. The openings are 1m by 1m in size, with galvanised steel 'windows' that have vertical bars. It is considered that the windows are acceptable additions to the barn in design terms, in keeping with the designated use of the building.





Five external lights have been installed on the building. These are sensor spotlights positioned above the doors on the front elevation, the rear gable end of the building and three along the north-east elevation, illuminating the area between the dwelling and the barn. The lights are small additions to the elevations of the building and as such they have not harmed the character or appearance of the building.

Visual Amenity including AONB

It is also considered that the development the insertion of windows and the installation of the five lights has not adversely impacted upon the rural character of the area. The equestrian character of the barn has been retained. The window openings do not impact on the scenic quality of the AONB and, although the openings allow more light from the internal lighting to

spill out, the level is not considered to be significant enough to warrant the refusal of planning permission. The external lights are activated by sensors, therefore, they are not on all the time. The degree of light spill is therefore minimised and is not considered to harm the scenic quality of the AONB. The lights were installed in breach of a condition on planning permission ref. 14/02039/FUL. However, it is considered reasonable for safety reasons and given the use of the site to allow this amount/type of lighting. The need for external lighting for security and safety purposes is compliant with the Guide to Good External Lighting produced by the North Wessex Downs AONB Unit. To ensure that no further lighting is installed without prior approval, a condition can be imposed in the event that planning permission is granted.

Residential Amenity

Concerns have been raised regarding the impact the windows have in terms of loss of privacy, light spill and the overbearing impact of the building.

Dealing first with the overbearing impact of the building, the footprint and floor levels of the barn were required to be submitted for approval under condition 3 of planning permission ref. 14/02039/FUL. The details were approved on 19 May 2015. The slab level agreed resulted in the building being higher than approved under the previous application. The barn appears to have been built in accordance with the approved slab details. It is acknowledged that there is a higher level combined with the change in ground levels between the application site and the neighbouring dwellings, however, in view of the distance between the barn and the dwellings (approximately 17 metres), it is not considered that this constitutes an overbearing impact. In any event, these details have been approved so this matter is not for consideration here.

Notwithstanding the above, the change in ground levels between the site and residential properties has resulted in the openings inserted in the south-west elevation facing towards the neighbouring properties. However, the openings are lower than the first-floor windows of the neighbouring properties and due to the existence of the boundary fence, views of the ground floor windows cannot be obtained. These windows are required for ventilation purposes and not for looking out of in the traditional sense, although it is acknowledged that a person within a stall could look out of the opening. It is considered that overlooking from these openings would be restricted to the front of the adjoining properties over which the neighbouring dwellings have a right of way, for both vehicles and pedestrian use of these properties. As such, there would be no significant increase in the amount of overlooking. The perception of being overlooked is also a material consideration, however, considering the degree of separation between the windows and the neighbouring properties (being over 10 metres) and the use of the barn, it is considered that any potential impact on privacy is not sufficient to warrant the refusal of planning permission on neighbour amenity grounds in this instance. The Design and Access Statement submitted with the application refers to the intention to insert obscurely-glazed windows in the south-west elevation to help alleviate privacy concerns. In the interests of neighbourliness, it is deemed reasonable to impose a condition requiring obscure glazing be inserted into the windows in the south-west elevation which should be retained as such thereafter.

Concerns regarding light spill have also been raised. The light spill referred to comes from the internal lights through vents under the eaves and the openings. There is little the local planning authority (LPA) can do regarding the level of internal lighting within the barn as this is outside of the planning remit. The LPA has sought to reduce the degree of impact on the neighbouring properties, asking the applicant to consider installing shutters or other form of screening. The applicant has indicated that shutters are not a feasible option due to the potential impact on the horses within the stables. They are prepared to consider planting

hedging along the boundary to screen the barn from the properties. As such, a condition should be imposed in the event of planning permission being granted requiring a landscaping scheme to be submitted for approval and implemented in the next planting season, with any plants that fail required to be replaced. This would have the additional benefit of softening the appearance of the barn within the wider landscape and enhancing biodiversity.

It is not considered that the sensor security lighting, being on the gable ends and on the north-east elevation of the barn have a significant harmful impact on the amenities of the occupiers of the neighbouring properties due to their positioning and distance from the dwellings.

Other considerations

Comments have been made regarding the 2014 application not being completed in terms of the installation of cladding. There is no time constraint on when development should be finished, only on when development should commence i.e. within 3 years of the date that planning permission was granted. As the development was started within the three-year time period, the applicants can finish the cladding at their own discretion.

Comments have also been made regarding the LPA's handling of this site, in terms of the monitoring of the development. This not a matter for consideration under this planning application. The application is has been assessed against planning policy and material planning consideration and a recommendation is made to grant planning permission.

10. Conclusion

It is considered that the works that have been undertaken to the barn are acceptable in planning terms. It is acknowledged there is a degree of impact on the neighbours but not to such an extent as to warrant the refusal of planning permission, particularly if the suggested conditions are imposed..

RECOMMENDATION

That the application be APPROVED subject to the following conditions and informatives.

Conditions

1. Within 3 months of the date of the decision, a landscaping scheme shall be submitted to and approved in writing by the local planning authority which shall includes details (species, planting sizes and densities) of a hedge to be planted along the site boundary.

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

2. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the decision date. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

3. Within 6 months of the decision date, the windows in the south-west elevation hereby permitted shall be glazed with obscure glass only to an obscurity level of no less than level 4 and shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. Other than the lighting hereby approved, no other form of lighting shall be installed on the site.

REASON: In the interests of preserve the special qualities of the AONB and in the interests of residential amenity.

5. INFORMATIVE:

The applicant's attention is also drawn to the conditions imposed on planning permission refs. 14/05870/REM, 14/02549/OUT, 14/02039/FUL and PL/2021/06351 which remain valid.

6. INFORMATIVE: The development hereby permitted has been assessed against the following approved plans and documents:

21/2107-3 Elevations etc received on 30 September 2021

21/2107-1 Location Plan received on 22 June 2021

21/2107-2 Site/Block plan received on 22 June 2021

Application form received on 22 June 2021

Barn Design and Access Statement received on 21 July 2021