

REPORT TO THE AREA HUB PLANNING COMMITTEE

Report No. 2

Date of Meeting	2 nd February 2012
Application Number	E/11/0838/FUL
Site Address	Chantry Meadow, Ogbourne St George, Marlborough, Wiltshire, SN8 1SU.
Proposal	Change of use of the land from agriculture to mixed use of agriculture/equestrian, retention of stable building.
Applicant	Mr Dean Lockwood
Town/Parish Council	OGBOURNE ST GEORGE
Grid Ref	419654 174377
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been brought to committee at the request of Councillor Humphries.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

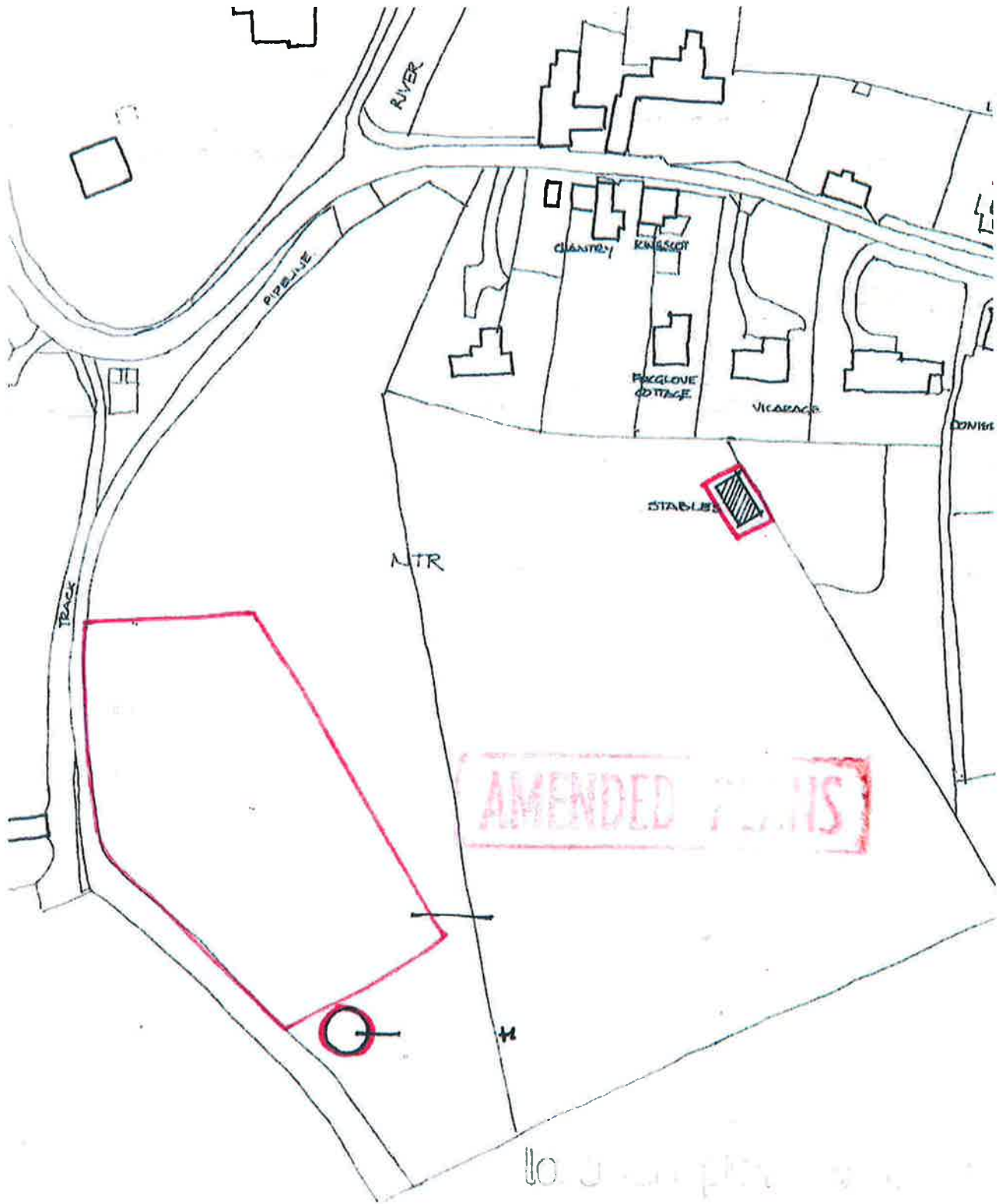
The main issues in this case are considered to be the impact of the proposals upon:

- a) The visual amenities of the area and upon the North Wessex Downs Area of Outstanding Natural Beauty;
- b) Residential amenity; and
- c) Highway safety.

3. Site Description

The application site lies on the edge of the village of Ogbourne St George. It can be accessed by proceeding north from Marlborough along the A346 in the direction of Swindon, travelling for approximately 3 miles, through the village of Ogbourne St Andrew and taking the left hand turning signed Ogbourne St George. At the hotel crossroads (and before proceeding back under the A346), turn left into High Street. Proceed through the village and as the dwellings cease on the left hand side, the site can be seen on the left hand side, before the 90 degree right bend in the road.

The existing field access lies adjacent (east of) the garden boundary of the last property on the southern side, 'Fauns Close'. The site is a large grassed meadow of grazed pastureland which slopes upwards from the 'Bourne' to the west of the site and access towards the east. To the west of the Bourne, a bridleway runs along the track north-south. Public footpaths run alongside the northeast and southeast boundaries. The applicant lives at 'The Vicarage' whose rear garden partially backs onto Chantry Meadow.



Amended Location Plan showing site and amended areas proposed for change of use to equestrian

4. Planning History

There is no planning history relevant to the consideration of this application.

5. The Proposal

The application proposes the retention of the existing stable block of three stables which lie to the south of The Vicarage, and an additional area of field for change of use to equestrian is also proposed in order to regularise its use for exercising horses thereupon. Whilst the stables are remotely located from the field access, the applicant can readily access the stables from his back garden. The applicant has confirmed that the stables and areas proposed for change of use to equestrian are for private use only and are not to be let out or used for any commercial purposes.

The application was initially submitted to propose the whole of the field (circa 8 acres) to be changed to equestrian use. A number of visits to site have shown the vast majority of the land to be in a 'grazing use' which is considered to fall within the definition of 'agriculture' and therefore does not require change of use to equestrian but falls within the current lawful use of the site. The red line areas proposed for equestrian use have therefore been reduced in order to limit the areas in which equestrian uses and associated paraphernalia may take place or be stored, in order to minimise the impact on visual amenity and the North Wessex Downs Area of Outstanding Natural Beauty. This is an approach which this local planning authority has used in order to maintain control over areas which do not benefit from equestrian use.

One objector has questioned this approach, referring to varying definitions and case law relating to agriculture and horsiculture, stating that the applicant's horses are being 'kept' on the paddocks and not simply grazed because they are for recreational use, are rugged and are fed supplementary feed in addition to the grazing. Whether a material change of use has occurred in a matter of fact and degree to be considered in each instance and case law is not clear cut in this area. This local planning authority has taken the view that provided the grazing is adequate to support the numbers of horses so that supplementary feeding is minimal, then the grazing of horses on the land is an agricultural use of the land, and change of use to equestrian is not required for these areas (only). The requirement for change of use permission to be granted for all areas where horses (even those for recreational use) are being grazed would have implications for the local planning authority in terms both receiving significant numbers of applications for changes of use which involve grazing only and secondly, if such applications were approved on a more widespread basis, this would lead to fewer controls over associated equestrian paraphernalia.

However, change of use to equestrian is required where the proposals amount to a material change of use, such as for stabling, the storage of equestrian-related paraphernalia, or riding on the land for more than 28 days in any calendar year.

6. Planning Policy

Policies PD1 and NR7 of the adopted Kennet Local Plan 2011 and national Planning Policy Statement 7: 'Sustainable Development in Rural Areas' are relevant to the consideration of this application.

7. Consultations

Ecologist – No objection.

Environmental Health – No objections subject to no burning of waste and based on amended position for muck heap.

Highways - The application seeks permission for equestrian use on a smaller area of land as outlined red on the amended plan, and permission for the existing stable building. It is relevant that planning permission is not required for the grazing of horses on agricultural land, and that

therefore the use of Chantry Meadow to keep horses could be continued even if the application is refused.

The use by the applicant of horse transporters through the existing field gate access to the site is unhelpful to highway safety given the very restricted visibility in the easterly direction, lack of defined entrance radii, lack of consolidated surfacing, and its location on a section of the C3 class III road where horizontal alignment is poor.

I am also concerned at reports that the applicant regularly loads and unloads horse transporters by parking the vehicles on the public highway near to the site. If such operations are considered to be detrimental to the use of the highway there exists the more appropriate route to address this: Police action on the basis of obstruction of the highway.

The applicant has the facility to load and unload horses on the driveway to The Vicarage. I consider that if possible increased use of the sub-standard field gate access should not occur, and would suggest that you give consideration to conditioning any grant of planning permission that the field gate access to Chantry Meadow located adjacent to Fauns Close shall not be used by horsebox vehicles and horsebox trailers.

Planning Advisor, North Wessex Downs Area of Outstanding Natural Beauty - Although equestrian uses are not an alien part of the AONB landscape, often new equestrian uses in former open agricultural land can result in a negative change of character and visual impact, not because of the horses, but through the sub-division of fields, new or amended access ways, hardstandings, jumps and even vehicles and horse boxes left in fields etc.

We therefore ask that the tests of the CROW Act 2000 are considered when you come to forming a decision on this application, specifically whether the Council can justify that the development "conserves or enhances" the AONB. If the impact on visual amenity and character is negative from this development then permission should be refused.

CPRE - no objection in principle to a change of use from agricultural to equestrian or to the limited use described in the Design and Access Statement.

However, the letters of representation from local residents mention activities outside the scope of those set out in the Design and Access Statement. We feel strongly that use of the field should not be allowed to expand to a commercial scale to the detriment of the visual amenity of the village and this part of the AONB, which should be protected.

We note the concerns of your Highways colleague and also the those of ARK about pollution of the River Og, and would suggest, if this application is permitted, that conditions might be applied

- restricting the scale of use to that set out in the Design and Access Statement;
- requiring that equestrian training equipment be of good design and discreet colours rather than tyres, barrels, drums etc;
- prohibiting overnight parking, say between 8 pm and 8 am of horse-carrying or other motor vehicles in the field;
- requiring professional advice to be obtained concerning the possible pollution of the watercourse.

Action for the River Kennet - note the plan to have a muck heap right alongside the River Og. This seems to have been added as an after-thought. The river is a hugely valuable tributary of the River Kennet and therefore part of one of the finest ecological systems in the UK. It is also a threatened ecology due to low flows and pollution, particularly diffuse pollution from roads and agriculture. The muck heap is in the flood plain and very close to the river which is disingenuously described as a drain in the plans. It represents a significant pollution risk. It needs to be relocated off the flood plain and designed to best practice, which should include measures to minimise and contain runoff. Although the river is sadly dry at the moment due to a combination of extreme dry weather and water abstraction, it should at least regularly flow in winter and the meadow could flood.

A total of 13 other parties have raised objections (including two expressing no objection to the principle but concerns over resulting impact on highway safety etc and a number of representations submitted by two parties) and four letters of support have been received in respect of the application. The comments raised can be briefly summarised as follows, however please refer to the public file/ website for full details.

Objections

1. The proposal will result in an increase in traffic through the village, which is already narrow and easily obstructed by school traffic and buses.
2. The access into the field is substandard, being located on a blind bend and increase in the use of this access would be detrimental to highway safety. The problem is exacerbated by the type of vehicles the applicant has been using to access the field and the regularity with which this has occurred (a large commercial horse transporter and up to four times a day). The requirements for feed and bedding will also increase the need for large vehicles to access the site. The use to date by vehicles is in excess of those associated with the previous agricultural use of the site.
3. The site is visually prominent and is an attractive meadow which affords uninterrupted views. The stables, horse jumps and existing paddock fencing is obtrusive and is harmful to the character and appearance of the Area of Outstanding Natural Beauty landscape and is detrimental to the conservation area.
4. The site cannot be used for both agriculture and equestrian.
5. The stables should be sited further from neighbours so as not to cause nuisance caused by noise and disturbance and odours.
6. Better consideration should be given to the siting of the muck heap to avoid harm to neighbours.
7. The access would need to be altered to accommodate horseboxes and this is not acceptable as it would result in the loss of a tree.
8. The field is accessed regularly by a large commercial horse transport business and this and the numbers of horses kept on site (minimum 5 or 6) is excessive for the private use by one family of one child rider.
9. If The Vicarage access is to be used, the existing field access adjacent Fauns Close should be permanently closed up.
10. The frequent use of the field access by horseboxes, alongside the boundary of Fauns Close causes excessive noise and disturbance.
11. The building is poorly designed and is not of a durable quality and is therefore unsustainable.
12. The development, if permitted, would likely lead to further applications for additional

stabling and storage, all weather surface, hardstanding and lighting.

13. The increase in human activity, subdivision of paddocks, permanent buildings, erosion by vehicles, horse jumps and manege area are unacceptable in the AONB – horsiculture and stabling is not essential to the countryside and is detrimental to the landscape.
14. The position of the muck heap (initial position) would cause harm to neighbour amenity by virtue of the odour and flies emanating and the equestrian use has already led to an increase in vermin.
15. The Meadow is unsuitable for commercial activities including horse transport/ livery/ riding school usage.
16. The equestrian paraphernalia is distracting for highway users.
17. The application forms are inaccurate and are therefore misleading.
18. The use of the land for horses has led to the loading and unloading of the applicant's horses on the road in unsafe locations.
19. An Environmental Impact Assessment should be required (Officer note: It is not considered that the proposed development is likely to lead to any *significant* environmental effects. This is an onerous requirement, stipulated in statute for certain larger types of development and is not considered appropriate for this relatively modest scale of development).

Supporting comments:

1. This is for a private equestrian use only.
2. The location of the muck heap has been amended and agreed.
3. The horseboxes are no more of a problem than agricultural machinery which could legitimately access the site.
4. The land is impeccably managed and maintained by the applicant. The visibility of the access has been improved by the chopping back of vegetation.
5. Such pursuits are compatible with the rural location and would not be harmful to visual amenity or the AONB.

8. Publicity

The application has been publicised by way of a site notice and neighbour letters. Further consultation letters have been sent to respondees, notifying them of amended plans and giving a further opportunity to comment.

9. Planning Considerations

It is understood that the applicant's son is a keen junior showjumper, competing at quite a high level and which necessitates a number of ponies (usually around 5) to be kept for different classes. The land is sufficient in size to support the grazing needs of the applicant's horses. The applicant lives at The Vicarage which backs onto Chantry Meadow where the ponies are grazed and looked after by the applicant and his family.

Amendments to the red line since original submission

The original application proposed to regularise the installation of a timber boarded stable block of three stables and equestrian use over the whole field, as the field is used for riding upon and the training of the applicant's private horses. Equestrian uses of this nature are to be expected in the countryside however the impact of each proposal should be considered on its merits. In this instance, officers were concerned that a widespread equestrian use of the whole of the field area may result in little control over equestrian related chattels, such as temporary jumps and storage, over the whole field. If such items were spread throughout the field, it was considered that the

impact of the proposals upon the character and appearance of the field would be greater. In order to overcome such concerns and to keep the areas in which such items can be maintained, the applicant agreed to reduce the area proposed for the change of use to the area around the stabling only together with a smaller area used as a riding area and muck heap, with the remaining areas to be retained in agricultural use (to include the grazing of horses).

Stable Block & Muck Heap

The stables are designed to be able to be moved, with no hardstanding to the base of the units to enable the stables to be removed at any later date with no permanent effects. The stable building is relatively modest in scale, at 10.8 metres long and 4.8 metres deep (including roof overhang) and measuring only 2.94 metres to the ridge. The building is suitably finished in timber with dark roofslope and is sited so as to be closely related to the existing built up area and the applicant's property. The scale of the building is commensurate with that which may be expected for a personal/ private use. The building would also be seen against the boundary hedging to the rear. Visually, it is considered that the stable block would not compromise the character or appearance of the nearby conservation area nor would it result in significant harm to the visual amenities of the area or the wider AONB landscape.

Stable buildings are often encouraged to be closed related to the accesses to avoid the need / desire for subsequent applications for access tracks. In this instance, although the position of the stabling is remote from the field access, the stabling can be readily accessed from the rear of The Vicarage (the applicant's property) and there is unlikely to be the need to access the stabling from the field access on a regular basis. The applicant has confirmed that whilst the field access will be required to be maintained in order to service the field (emptying the muck heap, maintaining the grazing and for bringing in bedding and feed) it is not considered that these would be so regular as to result in the need for an access track. See also, paragraph on highway impact below.

The position of the dung heap has been agreed between Environmental Health Officers, the applicant and the neighbour at The Old Rectory who initially expressed concerns regarding the positioning of the muck heap adjacent the stable block adjacent the boundary with the garden of The Old Rectory and the impact of flies and odours upon his property. It is now considered that the position of the muck heap is acceptable and the applicant has confirmed it will be emptied on a regular basis.



Stabling plans and elevations (not to scale but dimensions shown)

Impact of Riding Area

The applicant agreed to downscale the area for equestrian use to include a smaller area proposed for riding upon, following officer concerns detailed above. The amended plans detail a precise area which is necessary for clarity, and for the same reason it is considered appropriate to demarcate the area on the ground. Both the applicant and officers are keen to achieve this in the least obtrusive way possible and the applicant has suggest minimal wooden posts together with green electric tape across the top. This is considered appropriate. The grassed surface is to be maintained.

Within this area, equestrian related chattels would be permitted, such as temporary jumps. The applicant has advised that the area needs to be relatively flat and officers have suggested the most appropriate position in order to limit harm to visual amenity, would normally be a site adjacent the field boundary. The applicant has taken account of this in revising his proposals.

Whilst the riding area would be visually prominent from a number of rights of way, it is not considered that the more restricted riding area and associated chattels in this contained area therein (which the applicant has advised would be unlikely to be stored permanently on the site), would result in significant harm to the visual amenities of the area. Similarly, it is not considered that the limited scale of the proposals would compromise the AONB landscape so as to warrant refusal of planning permission on this basis. Additional landscaping (such as hedging to its perimeter) is neither necessary nor suitable in this location, as this would be a more permanent subdivision of the field which would potentially have a greater impact on the character of the

meadow.

Neighbours have raised the issues of noise and disturbance resulting from the exercising of horses and overlooking of the rear gardens. However, given the scale of the proposals and private use only restriction, it is not considered that the activities would be likely to give rise to significant noise and disturbance so as to warrant refusal on the basis of harm to neighbour amenity.

Highways Impact

Highways officers have expressed concern about any increase in the use of the field access as this is substandard. However, the existing permitted agricultural use of the land could reasonably give rise to the field being accessed in order to service animals and maintain the land and regard must be given to this fallback situation. Given that the applicant owns 'The Vicarage' and can access the field through his property, the applicant is willing not to use the access for the transportation of horses. This would prevent horses being loaded in the field and being transported through the access but would not prevent all access for other means, such as to bring haylage onto the land or to empty the dung heap. On balance, highway officers consider this situation will be similar to that under the existing agricultural use of the land and on this basis would not wish to raise an objection on highways grounds.

Should members be minded to grant planning permission, conditions stipulating that the land shall not be used for commercial equestrian purposes but for the benefit of the applicant residing at The Vicarage, restricting the field access not to be used for the transportation of horses and restricting overnight parking of vehicles, horseboxes or trailers on the site are considered appropriate so as to result in no increased use of the unsafe access over and above that which may be associated with the permitted agricultural use of the site.

Other issues

Lighting has also been raised as a concern. The internal illumination of the stables can be reasonably expected and is not considered harmful. External lighting of the stable area may also be considered appropriate subject to this being of an appropriate level and this matter can be covered by condition in the event members are minded to grant approval. Lighting of the riding area is not being proposed and this issue could also be secured by condition.

10. Conclusion

The application is for a relatively modest scale of development, for a private use which is acceptable in principle in the countryside. It is considered that the amendments and recommended conditions, together with the amended position for the muck heap would result in no significant harm to the amenities of neighbouring occupiers or the visual amenities of the area. The proposals would have a broadly neutral impact upon the character and appearance of the nearby conservation area and would not compromise the objectives of the North Wessex Downs Area of Outstanding Natural Beauty. Consequently, approval of planning permission with conditions is recommended.

RECOMMENDATION

That planning permission be granted for the following reason and subject to the conditions set out below:

The decision to grant planning permission has been taken on the grounds that the proposal will not cause any significant harm to interests of acknowledged importance, including the visual amenities of the area, the amenities of the North Wessex Downs Area of Outstanding Natural Beauty, residential amenity or highway safety. Development would accord with policies PD1 & NR7 of the Kennet Local Plan 2011 and government policy contained in Planning Policy Statement 7: 'Sustainable Development in Rural Areas'.

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 This planning permission shall enure solely for the benefit of the applicant and only for so long as the applicant's main place of residence is at the property known as The Vicarage, Ogbourne St George. Should the applicant cease to reside at this property then the equestrian use shall cease and the stable building shall be permanently removed from site and the use of the land shall revert to agricultural use.

REASON:

In order to reserve to the Local Planning Authority long term control over the land and the buildings since this permission is granted solely to meet the needs of the present applicant in view of the alternative access available through their property, 'The Vicarage'.

- 3 The development hereby permitted shall be used solely for the private use and enjoyment of the owners of the land the subject of this application and shall not be used for any commercial purpose, including any livery (or DIY livery) or riding school use.

REASON:

Any commercial use would give rise to fresh planning considerations, including traffic generation and the potential impact on the amenity of nearby properties.

- 4 There shall be no overnight parking of vehicles, including horse boxes or horse trailers, anywhere within the application site, or within the area outlined in blue.

REASON:

In the interests of visual amenity and preserving the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty.

- 5 There shall be no loading or unloading of horseboxes or horse trailers using the existing field access adjacent 'Fauns Close' at the north of the site. All transportation of horses to and from the site shall use the access through the applicant's property (The Vicarage).

REASON:

To prevent an increase in the use of a substandard access by vehicles resulting from the need to transport horses associated with the equestrian use of the land hereby

permitted.

- 6 There shall be no burning of any animal waste or bedding emanating from the development hereby permitted anywhere on the site or on land outlined in blue.

REASON:

To preserve the amenities of neighbouring residential properties.

- 7 No external lighting shall be installed on the site (or within the area outlined in blue) unless otherwise first agreed in writing by the local planning authority.

REASON:

To enable the local planning authority control over proposed lighting in the interests of visual and neighbour amenity.

- 8 Within two months of the date of this permission, the area on the plans labelled for 'Equestrian Use' which is currently in use as a riding area, shall be fenced along its boundary (marked in red on the amended location plan received on the 18th October 2011) with timber posts and dark green tape at a height no greater than 1.4 metres and shall be thereafter maintained as such thereafter unless otherwise first agreed in writing by the local planning authority.

REASON:

To ensure that the area granted change of use to equestrian/ riding is properly demarcated for the purposes of monitoring and enforcement and in the interests of the visual amenities of the area.

- 9 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: Site Plan (3187.1) and Stable Elevations and Plan View (Drwg 01) both received on the 30th June 2011 and amended Location Plan and attached letter received on the 18th October 2011.