

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	12 th July 2012		
Application Number	12/01252/FUL		
Site Address	Fordswood Miniature Horse Stud, Lower Kingsdown Rd, Kingsdown, SN13 8AZ		
Proposal	Change of Use from Agriculture to Mixed equestrian and Agriculture in Association with A Breeding Establishment. Erection of Permanent Rural Workers Dwelling and Associated Works.		
Applicant	Mrs Clark		
Town/Parish Council	Box		
Electoral Division	Box & Colerne	Unitary Member	Cllr Sheila Parker
Grid Ref	381412 168021		
Type of application	Full		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Sheila Parker has called the application to Committee on the grounds of design, bulk, height and general appearance and environmental and highway impact.

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions and a legal agreement to tie the dwelling to the land.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development – functional need and financial assessment.
- Impact upon highway safety
- Impact upon visual amenity and landscape character of AONB and Green Belt.
- Impact upon protected species
- Impact upon neighbour amenity

The application has generated objections from Box Parish Council and 10 letters of objection and 1 letter of support from the public.

3. Site Description

4. Relevant Planning History

Application Number	Proposal	Decision
08/00109/FUL	COU of land and barn from agriculture to keeping of horses.	REFUSED

08/01210/FUL	COU of land and barn to horse breeding establishment	Allowed at appeal - temporary Allowed at appeal - temporary
08/01219/FUL	Temporary siting of mobile home	

5. Proposal

The proposal is for a permanent change of use of the land to a mixture of agriculture and a horse breeding establishment together with a permanent rural workers dwelling. The temporary permission for both the use of the land for keeping of horses in connection with the breeding enterprise and the mobile home expired earlier this year.

The applicant has submitted justification in support of the continued use of the land for the keeping of horses for breeding purposes and also a justification for a permanent dwelling on site.

The dwelling is of modern construction with a grass roof.

6. Planning Policy

North Wiltshire Local Plan: policies C3; NE1; NE4 and H4

The site lies within the Cotswolds AONB and Bath Green Belt.

7. Consultations

Box Parish Council object on the grounds that this is a new building in the Green Belt and AONB without any financial justification for it. The plan for the house is not a simple agricultural workers cottage.

Highways note that the previous objection in 2009 on sustainability grounds was set aside at the appeal and there is no highway objection provided that the dwelling can be justified on economic and agricultural need.

The Council's Agricultural Advisor has been consulted and his full report is available on file. However, his conclusion is that there is an essential requirement for a worker to live at the site in association with the current business practice. The business is profitable and based on the most recent set of accounts the level of profitability demonstrates viability. The proposed dwelling is of an appropriate size for the recognized functional need.

In support of the application the agent has submitted the following documentation, which is available on the planning file:

- Report on the need for a permanent workers dwelling.
- Circumstances requiring rapid human assistance or intervention.
- Design and Access Statement.
- Planning Statement.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

10 letters of objection have been received. 1 letter of support has been received.

Summary of key relevant points raised:

- The addition of agriculture to the application indicates that the equine business is insufficient financially.
- Overstocking of land.
- Lack of market for the bred foals.
- Insufficient evidence of mares visiting the stallions.
- There have been a number of properties for sale in the vicinity
- State of the art CCTV would provide sufficient supervision.
- The owned land is unsuitable for horses in the winter and the applicant kept them on rented land all winter – what would happen if this were removed?.
- The site is in AONB and Green Belt.
- Precedent.
- The property has been on the market since November 2011 showing lack of intent.
- Noise and smoke pollution from vehicles and fires.
- 3 double rooms is too many for one site worker.
- Lack of on site parking.
- Severe poaching of land.
- Local roads are very narrow.

9. Planning Considerations

Planning permission was granted, at appeal, for the temporary change of use of the land and barn for the keeping of horses as a horse breeding establishment together with the erection of a horse riding arena and associated works under reference number 08/01210/S73A. At the same time planning permission was also granted at appeal as a retrospective application for the temporary siting of a mobile home in association with a horse breeding establishment (08/01219/S73A).

In determining the appeals the Inspector stated that although he accepted that the development for the mobile home was 'inappropriate development' in the Green Belt, he considered there were special circumstances which outweighed the harm caused and that the impact upon the Cotswold Area of Outstanding Natural Beauty was acceptable also.

Both permissions expired in May 2012, but the use and the presence of the mobile home remain.

The business is the breeding of miniature horses. The applicant has 37 equines on site (21 mares, 10 weanings, 4 stallions and 2 two year old colts). There are also visiting mares and those that return to the site for foaling. The animals are bred for onward sale as either breeding stock or pets. The applicant states that there are approx 20 foalings per year. The business has been operating on site since 2007 and the current buildings are 8 stables, a tackroom, a storage shed, two mobile field shelters and a small all weather turnout ring.

The agricultural aspect of the business relates to breeding miniature goats, pigs and bantam hens, but these are not assessed by the agricultural advisor and do not form part of the financial/functional analysis.

The Council's agricultural advisor has stated that he considers there to be a functional need for the dwelling and the business satisfies the financial test. So, whilst a new permanent dwelling in the Green Belt is considered to fall within those uses defined as inappropriate, there are 'very special circumstances' which permit departure from this and agricultural (or rural enterprise) need is one such special circumstance. From this point of view the application is considered to comply with policies C3, NE1 and H4 of North Wiltshire Local Plan 2011.

The proposed dwelling would have an approx. floor area of 150 sq m with an external terrace to the west and would be sited to the south of the hardstanding area set into the existing bank. The design has been chosen to minimise the impact on the openness of the greenbelt and AONB. The dwelling would have a flat sedum roof with just a small ashlar stone chimney. It would be approx 1.4m higher than the roof of the adjacent barn. The external wall materials would be of horizontal cedar boarding. The external terrace would be stainless steel post and wire ballustrading.

The design is unusual for an agricultural dwelling, but will help minimise its impact in the landscape. Views from the higher land to the south will be largely of the sedum roof, whilst those from the north would be largely obscured by mature woodland planting. It is considered that the design is appropriate for this location and construction costs will be within the parameters expected for an agricultural dwelling. The dwelling is considered to be acceptable in relation to policies C3 and the advice contained within the National Planning Policy Framework. It is also considered that it would not be unacceptably damaging to the openness of the Cotswold AONB nor the Bath Green Belt and thus complies with policies NE1 and NE4 of the North Wiltshire Local Plan 2011.

With regard to comments by local residents about overstocking this argument was not supported by the Inspector in determining the 2009 appeals and should the rented land to the north become unavailable to use in extreme weather conditions, the applicant does have buildings in which to house the animals.

It has been confirmed by the agent that the agricultural aspect of the business makes up for less than 10% of the income and thus is not directly related to the viability of the unit.

10. Recommendation

Planning Permission be GRANTED subject to appropriate conditions and a S106 agreement tying the land and buildings to the new dwelling and for the following reason:

The proposal is considered to be justified on the grounds of essential need for an equestrian worker and is thus compliant with policies C3 and H4 of the North Wiltshire Local Plan 2011. The need outweighs the presumption against such development in the Green Belt and the dwelling has been designed to best preserve the openness of the Bath Green Belt and Cotswolds Area of Outstanding Natural Beauty so that it complies with policies C3, NE1 and NE4 of the North Wiltshire Local Plan 2011. The proposal is also considered to comply with the Emerging Core Strategy's policies 48 (Supporting Rural Life) and 51 (Landscape).

