

REPORT TO THE AREA HUB PLANNING COMMITTEE

Date of Meeting	21 st February 2013
Application Number	E/2012/1537/FUL
Site Address	New House (Wilds Farm Barns), Hilcott, Pewsey, Wilts SN9 6LE
Proposal	Proposed stabling for 6 no. stalls, tack room and open store within single storey pitched roof structure.
Applicant	Mr & Mrs R Cook
Town/Parish Council	NORTH NEWNTON
Grid Ref	411607 158245
Type of application	Full Planning
Case Officer	Jane Sanger

Reason for the application being considered by Committee

The application has been called to planning committee at the request of the Division Member Councillor Brigadier Robert Hall.

1. Purpose of Report

To consider the recommendation that the application be approved with conditions.

2. Report Summary

The main planning issues to consider are:

- Principle of development in this location.
- Impact on the amenities and scenic qualities of the Area of Outstanding Natural Beauty.
- Impact on the character and appearance of the conservation area.
- Impact on the setting of nearby listed buildings.
- Impact on neighbour amenity.
- Impact on highway safety.

3. Site Description

This application comprises land at Wilds Farm at Hilcott, near Pewsey. The site edged in red on the submitted location plan (below) comprises paddock land covering an area of approximately 390 square metres. The site has a frontage onto Broad Street and is surrounded on all other sides by land within the applicant's ownership – edged blue. To the south and east there is agricultural land and to the west lies a series of traditional open cart-shed style barns and a modern portal framed barn which is currently used as a bus storage shelter (under temporary permission reference K/59525/F).

To the west of the land edged blue there is a strip of woodland which separates the site from Hilcott Farm. Immediately to the east of the land edged blue there is a tennis court, sited on

the opposite side of the road from The Old Rectory.

The site lies within the North Wessex Downs Area of Outstanding Natural Beauty and within the Hilcott conservation area. A number of properties to the north are listed buildings: The Old Rectory, Queen Anne's Cottage and Chestnut Cottage.



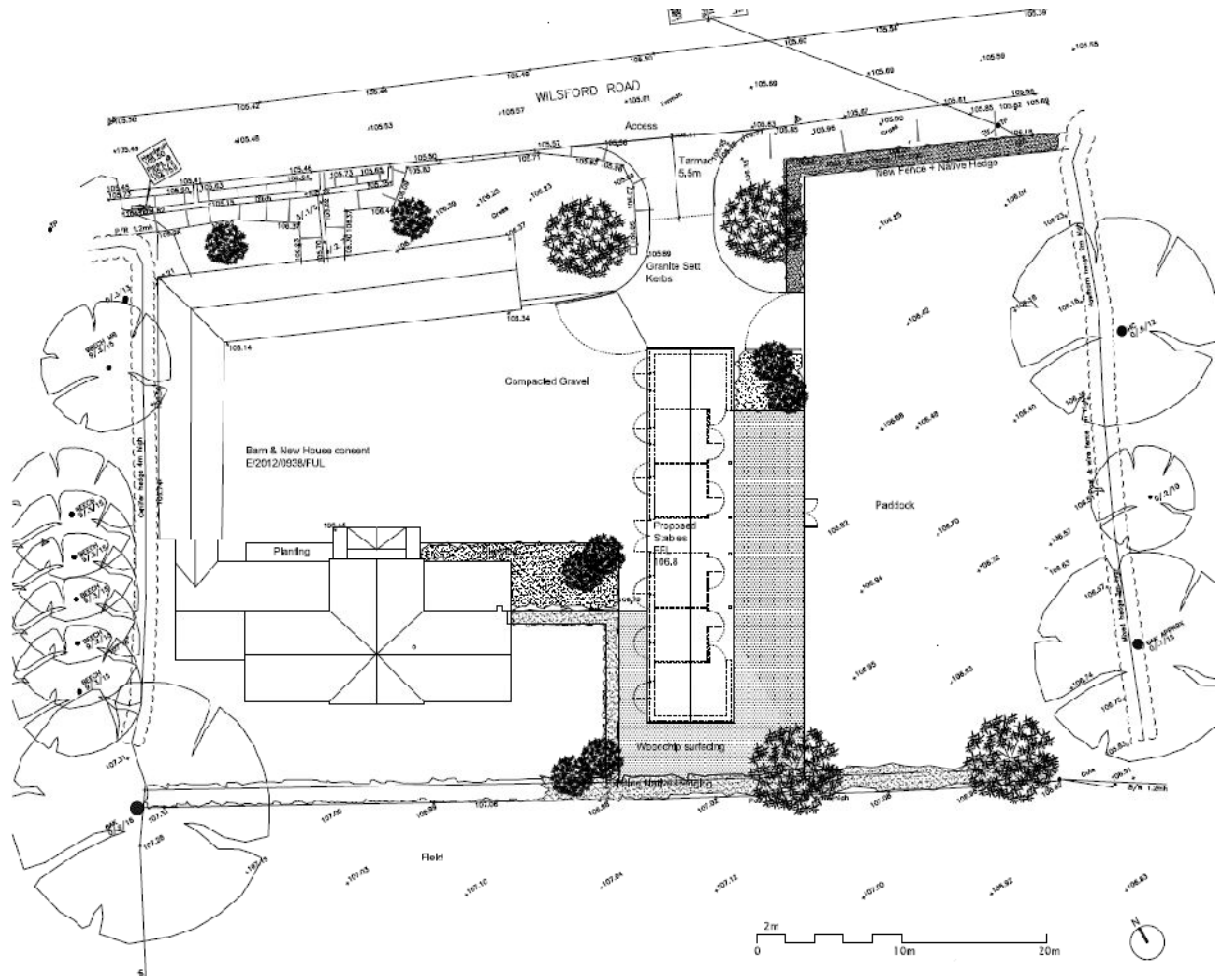
Site Location Plan

4. Planning history

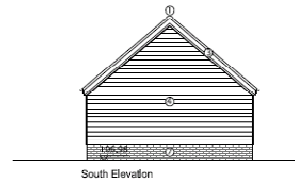
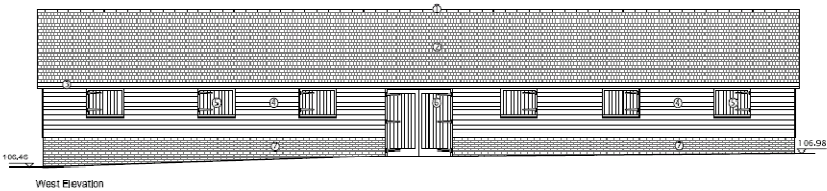
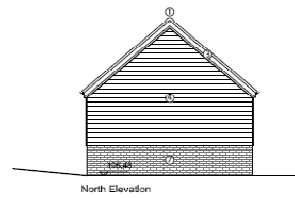
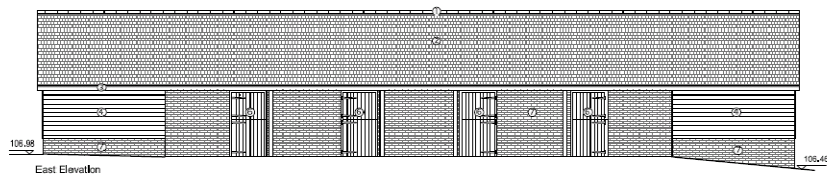
The area edged in red forms part of, and is seen in context of, the wider site identified on the Site Location Plan in blue. The dilapidated portal framed building in the western corner of the site is the subject of a temporary planning permission for use as a bus shelter under planning reference K/59525/F, expiring on 31st December 2013. This area was recently granted planning approval under reference E/2012/0938/FUL for a proposed new two storey house, to include the demolition of the portal framed building and renovation of the existing cart shed barns for garaging/ancillary accommodation. Originally this proposal included the construction of a six box stable block, but that element was omitted after local opposition. Conservation area consent for demolition of the portal framed building was granted under reference E/2012/0939/CAC.

5. The Proposal

This application proposes the construction of stabling for six stalls, tack room and open store within a single storey pitched roof structure. The stables would occupy the exactly the same footprint as those omitted from E/2012/0938/FUL and it would have an identical design.



Proposed Layout



Proposed Elevations



Artist's Impression

6. Planning Policy

In respect of national planning policies, pertinent government policy would include the National Planning Policy Framework (NPPF) 2012. Relevant local plan policies would comprise policy PD1 of the Kennet Local Plan 2011 in relation to general development principles as well as policies NR6 and NR7 which have regard to sustainability and the protection of the countryside and landscape. The Hilcott Conservation Area Statement is also a material consideration.

7. Consultations

Environment Agency - No objection to the proposed development subject to the recommended conditions and informatives being included in any planning permission granted.

North Newton Parish Council – Object. The Parish Council supports the local residents and objects to the application.

Wiltshire Council Arboricultural Officer – No objections subject to tree protection and details of hedge species.

Wiltshire Council Conservation Officer – No objections:

“The proposal for the stable block was considered as part of the original application and, on the basis that the developed area is largely confined to the built footprint of the former historic farmyard, which included an eastern range in roughly this location, there is no objection in principle from a conservation viewpoint.

“In terms of form, scale, proportions and materials etc., the proposed stable building is generally reflective of construction in the area and there is no objection on this basis.

“However, no details of external lighting have been included – buildings such as the proposed stable range will often attract requirements for effective task/security lighting; care should be taken to avoid the overuse of harsh flood-lighting for long hours in this rural location – and these should be secured by condition.”

Wiltshire Council Public Protection (Environmental Health)

Initial comments

“There does not appear to be any information in the application with regards to where horse manure will be stored and how it will be disposed of, except *‘waste material will be stored away from dwellings to minimise any potential nuisance’*. I therefore request that the applicant submit for approval details of how the manure and soiled bedding will be stored and disposed of. These details should include storage location and how the manure will be disposed of, including frequency of removal.

“As Hilcott is in a Groundwater Nitrate Vulnerable Zone, the applicant must comply with the Environment Agency rules that set minimum standards for manure storage. I also recommend that the Environment Agency be consulted regarding the proposed soakaway for effluent run off as it is likely to directly contravene Environment Agency guidelines regarding contamination of the ground water.

“In addition, if approved, in the final consent there should also be a condition stating that there should be no burning of the horse manure and bedding that is produced on the site. I note that the plans do not include any external lighting to the new stables. If this is an oversight, I request that the applicant submit details of the type of light fittings and where they will be situated for consideration.”

Additional comments

“Should you be minded to approve this planning application, I would recommend the following:

Bedding and waste disposal

“It is noted that the applicant plans to store waste material from the stables in a covered trailer, but gives no indication where the trailer will be situated. I recommend that it is positioned at the south end of the stables to avoid potential for odour affecting neighbouring properties.

“I recommend that the following is conditioned in any planning permission granted:

- No burning of the horse manure and bedding that is produced on the site.
- Waste for disposal associated with the stables will be stored and disposed of as per the written plan submitted, with disposal occurring at a minimum frequency of once a month (or more frequently if required).”

Lighting

“The applicant has not provided specific information regarding the lights and how they will be positioned. I would propose that a condition, if appropriate, be considered:

- Any external lighting will meet the standards set by the Institution of Lighting Engineers Guidance (document attached) and controlled by a PIR sensor.”

8. Publicity

This application has been advertised by way of a site notice erected at the entrance to the site and through letters sent to neighbours.

At the time of writing a total of four letters of objection have been received, although two letters are from the same residents. These representations are detailed and can be viewed in full on the Council's website. However, the main concerns can be briefly summarised as follows:

- The new house and conversion of the cart-sheds was justified on the basis that the existing buildings on site were dilapidated, redundant and their replacements occupied the same footprint. The stables would not be on the footprint of any building;
- With all this redundant capacity why is the construction of new stables necessary, particularly where it would be outside the footprint of existing buildings, thereby extending the village, contributing to the consolidation to the 'sporadic loose knit area of development' and adversely affecting the neighbours;
- A large stable block is not in harmony with the village in terms of its scale and character and would impinge on the important open spaces between properties (contrary to Policy HC24);
- We are very concerned about the impact of noise, light pollution, flies and odour that the stables would create, particularly in view of the prevailing south west wind;
- The lighting proposed may be intrusive;
- If the stables were approved, to lessen their impact, we suggest reducing the number of boxes and condition any approval appropriately on commercial/livery use, light pollution, noise and the disposal of bedding/straw and manure;
- Their siting would be more appropriate behind, to the south-west of the recently approved dwelling;
- The Design & Access Statement refers to the nearest point of stabling as between 37 and 46m to the Old Rectory and Chestnut Cottage respectively. These distances are seen to support the positioning of the stables in terms of negating the neighbour nuisance issues. But this conveniently omits Queen Anne's Cottage which is less than 30m away from the proposed site;
- We question the applicant's management of the stables as they have proposed; undertakings were made, which have not been adhered to, over the operation of the bus depot on the same site, within the ownership of the same family;
- The design of the proposed stables is such that their height would be in line with the steeply pitched cart-sheds, which would result in a very prominent building in the conservation area.
- The number of stables suggests that the intention is to use it for a livery business;
- Re-siting the stables to the south of the site would overcome many of our concerns;

- As the Council's objections to the alternative site are being kept a secret it is hard to address them;
- The exit of the stables would be directly onto the road (last week an escaped horse from a field was killed); The speed limit through Hilcott is 40mph, but drivers break the speed limit regularly and the proximity and position of the stables to the road, with the potential for horses to escape could cause a hazard for both people and horses.

9. Planning Considerations

Principle of development in this location

The principle of stabling in this countryside location, whether or not associated with a new dwelling, is acceptable in policy terms subject to consideration of detailed issues such as landscape and visual impact and impact upon residential amenity (these issues are covered by policies PD1 & NR7 of the Kennet Local Plan).

Impact upon the AONB and Conservation Area

The proposed stables would be rectangular in footprint and they would reflect the general scale and form of the converted open cart sheds. The siting of the stables would create enclosure for the new courtyard created by the positioning of the permitted dwelling and converted cart sheds, reflecting what was historically a farmyard. As a result, the stables would be closely related to the other buildings on the site and they would read as part of one development and not as an isolated entity.

The stable block would be acceptable in design terms, with modest span, a roof pitch which supports clay tile and an appropriate use of traditional materials (brick, clay tile and timber cladding). Overall, the building would have an unsurprising appearance in its surroundings; stables and equestrian type uses are common characteristics of such countryside locations.

Local residents have raised concerns that the height of the stables would make them unduly prominent. However, it is not considered that the height of the building would be harmful to the conservation area or landscape/visual amenity. At 5.3m tall the stable block is not excessive in height; indeed it would be only marginally taller than the existing cartshed buildings to the west (but set further back into the site so the additional height is unlikely to be apparent). The stables may be larger than a conventional stable block, but the additional length has the advantage of creating enclosure for the yard and the roof pitch facilitates the use of clay tile. The proposed materials would be in keeping with the area and they would be superior to a timber stable block with felted roof. Overall, officers consider that the proposals would preserve the amenities and scenic qualities of the AONB and the character and appearance of the conservation area.

Concerns have been expressed that development would lie outside of the built-up area of the village and that it would consolidate existing sporadic development in the village. Whilst it is true to say that the character of existing development in the village is loose knit, the stables would be closely related to the new dwelling on the site. It is not considered, therefore, that development would be out of scale or character with the area, or harmful to the conservation area. Redevelopment of the modern portal frame building will improve the appearance of the site and the position of the stables will form an enclosed a yard, thereby re-creating a farmyard character. The site has its own set of circumstances which justify redevelopment in the form being proposed and this proposal does not create a precedent for undesirable development which extends outside of the existing built-up area of the village.

Impact on the setting of nearby listed buildings

A number of listed buildings lie on the opposite side of the road from the site: The Old Rectory, Queen Anne's Cottage and Chestnut Cottage. It is not considered that the proposal would harm the setting of these listed buildings, particularly having regard to the historic use of the site as a farmyard and the benefits to the amenity of the area from redeveloping the modern portal frame building. The Conservation Officer raises no objections to the proposals.

Impact on neighbour amenity

One of the main objections to the proposal is that a stable block of this size and in the position proposed would create odour, noise and light nuisance for residents, particularly those living across the road at Chestnut Cottage, Queen Anne's Cottage and the Old Rectory.

The submitted Design and Access Statement refers to '...the nearest point of stabling to adjoining properties is 46m and 37m to The Old Rectory and Chestnut Cottage respectively'. The applicant argues that these are considerable distances which, when combined with the proper management of the stabling, would negate any potential nuisance. Objectors point out that Queen Anne's Cottage is less than 30m away from the stables, materially closer than the distances quoted in the applicant's submission.

Notwithstanding the factual error in the applicant's submission, it is not considered that development would have an adverse impact upon residential amenity. The Council's Environmental Health Officer does not object to the proposal and is satisfied that appropriately worded conditions can be used to control the use and mitigate any impacts upon local residents.

The applicant has provided additional information relating to bedding and the management of waste disposal, and also external lighting.

It is proposed to use oil seed rape straw called 'Nedz Pro' on rubber matting which will minimise the amount of waste. This waste would be stored on site in a covered small trailer which would probably require disposing of on a monthly basis to an off-site location. This could be conditioned as such. The applicant has confirmed that with this type of bedding a wash down drain would not be required; therefore there would not be any effluent run-off to cause nitrate/pollution of the ground water raised by the Environmental Health Officer in the first set of comments. A planning condition preventing the burning of manure would be acceptable to the applicant.

The applicant has confirmed that external lighting is proposed within the open covered area to the west and a bulk head light to the courtyard/east side which would be controlled by a PIR sensor. It is recommended that the Council controls any external lighting via a suitably worded planning condition requiring the applicant to submit details for approval, to minimise the impact on residential amenity.

Concerns have been raised as to the number of boxes proposed within the stables and that this may indicate that the applicant intends to use these stables for livery purposes. The agent has been clear throughout of the applicant's intention to use these stables for personal use only, which by reason of the position of the stables closely related to the house and garaging would read as such. It is recommended that any planning permission includes a condition restricting the development to the landowner's personal use; thereby enabling any commercial use to be separately assessed.

Local residents are concerned that the applicant will breach any conditions imposed upon a grant of planning permission; they point out that the same applicant has breached conditions imposed on an earlier temporary planning consent for the bus storage use. The identity of the applicant and the likelihood of breaches occurring is not, in itself, reason to refuse planning permission as the Council has powers to enforce planning conditions. Any conditions will need to be precise and enforceable (as per Circular 11/95 advice), to assist with any future enforcement action.

Residents have raised concerns regarding the possibility of horses escaping onto the road and the consequent danger to highway safety. Whilst there is always a risk of this type of incident occurring, it is no more or less likely than with any other equestrian proposal and it is not considered that a refusal of planning permission could be justified on these grounds.

Impact on highway safety

It is not considered that there will be any harm to highway safety arising from the proposed development. The additional traffic generated by a stable block will be limited and the access has already been accepted for use by the new dwelling. It is also relevant to consider the fallback position which is that the site could continue to be used for bus storage (subject to the temporary permission being renewed at the end of the year).

Alternative proposals

Local residents have expressed a preference for the stabling to be provided in the field to the rear of the new dwelling. This option was explored by the applicants but they have chosen to revert back to the original proposal which is now before the committee. The current application must be considered on its own merits.

10. Conclusion

Stabling and equestrian use is acceptable in principle in this countryside location. The proposed stable building is of a scale and design which would be sympathetic to the site's rural location and it would be well related to, and viewed in the context of the adjacent dwelling and outbuildings. The positioning and orientation of the building would create enclosure for a new yard area which itself would reflect the historic arrangement of buildings on the site. The development as a whole would improve the appearance of the site and remove dilapidated buildings and the current bus storage use which currently detract from the amenities of the area. The character and appearance of the conservation area would be preserved (and arguably enhanced) by the proposals and it is not considered that there would be any harm to the amenities or scenic qualities of the AONB. The impact of the stabling upon the residential amenities of neighbours is capable of being mitigated by suitably worded planning conditions to control issues such as lighting, the burning of animal and stable waste and manure storage.

RECOMMENDATION

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

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would preserve the character and appearance of the Hilcott conservation area and the settings of nearby listed buildings. The amenities and

scenic qualities of the North Wessex Downs Area of Outstanding Natural Beauty would also be preserved by the proposals and any impacts on residential amenity are capable of being controlled by the use of planning conditions. There would be no harm to any other interests of acknowledged importance and the proposals would comply with Government policy contained in the National Planning Policy Framework and policies PD1, NR6 & NR7 of the Kennet Local Plan 2011.

- 1) 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) No development shall commence on site until samples of the bricks and clay tiles to be used for the external walls and roofs, and details of the finish proposed for the timber cladding for the external walls 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:

In the interests of visual amenity and the character and appearance of the area.

- 3) **INFORMATIVE TO APPLICANT:**
Please note that the Planning Office does not have the facility to receive material samples. Please deliver material samples to site, with a notification to the Planning Office where they are to be found.

- 4) There shall be no burning of horse manure, animal bedding or other stable waste within the site, or on land edged in blue.

REASON:

In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

- 5) No development shall commence on site until a plan showing the location of the covered trailer to be used for the storage of horse manure, soiled animal bedding and other stable waste has been submitted to and approved in writing by the Local Planning Authority. All horse manure, soiled animal bedding and other stable waste shall be stored in accordance with the approved details and none shall be stored elsewhere on the site, including on the land edged blue. The horse manure, soiled animal bedding and other stable waste shall be taken off site at least once a month for disposal.

REASON:

In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

- 6) **INFORMATIVE TO APPLICANT:**
The applicant is advised to site the covered trailer to the rear of the stables, as far as possible from nearby dwellings.

- 7) The development hereby permitted shall only be used for the private stabling of horses being kept by the occupants of the dwelling permitted under planning approval E/2012/0938/FUL and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for full or DIY livery, or in connection with equestrian tuition or leisure rides.

REASON:

The application has been assessed on the basis that the proposal is for private stabling. Any commercial use may give rise to additional impacts which may require separate assessment.

- 8) No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON:

In the interests of the amenities of the area and to prevent harm to bats.

- 9) No development shall commence on site, and no equipment, machinery or materials shall be brought onto site for the purpose of development, until protective tree fencing has been erected in accordance with the details shown on drawing no. PS/02. Before it is erected the type of fencing shall be agreed in writing with the Local Planning Authority and thereafter it shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected area(s).

REASON:

To protect existing trees and hedging in the interests of landscape and visual amenity.

- 10) INFORMATIVE:

The applicant's attention is drawn to the conditions imposed on planning permission reference E/2012/0938/FUL.

- 11) The development hereby permitted shall be carried out in accordance with the following approved plans: Application Form; Design & Access Statement; AAe Environmental Consultants Bat Survey; Drawing Nos; Loc – Location Plan; PS/01 – Site Plan; PS/02 – Landscaping & Tree Protection Strategy; PS/03 – Proposed Stables, Plan & Elevations; PS/04 – Context Elevation 1; PS/05 – Context Elevations 2 & 3; PS/06 – Aerial Perspective View; PS/07 – Stables Perspective View; PS/08 – Access Road View & A4 Sheet x3 Photographs, all received on 10.12.2012. Nedz Pro Equine Bedding Information Sheet on A4 received via email sent on 10.01.2013 @11:59 from Nigel Keen.

REASON:

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