

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE			Report No. 6 (4)
Date of Meeting	29th April 2009		
Application Number	N/09/00201/S73A		
Site Address	Bridge Paddocks, Braydon Road, Leigh, Wiltshire, SN6 6RQ		
Proposal	Retrospective Application for Construction of Access Track to Existing Equestrian use.		
Applicant	Messers Fry & Orchard Bridge paddocks Braydon Road Leigh Wiltshire SN6 6RQ		
Town/Parish Council	Leigh/Purton		
Electoral Division	Minety & Purton	Unitary Member	Mrs Dixon
Grid Ref	404718 190165		
Type of application	Retrospective Application		
Case Officer	Celine Le Boedec-Hughes	01249 706668	celine.leboedec- hughes@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision at the request of Councillor Dixon to assess the purposes of the track, its width and length and its impact on the rural nature of the area and the residential amenities of neighbours.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

This application is for the retrospective construction of an access track to access a field which has previously been granted change of use for an equestrian use. The works have already been undertaken and the submission of this application follows enforcement investigations.

The key points to consider are as follows:

- Implications on DC Core Policy C3
- Impact of the development on the open countryside (Policy NE15) and the Braydon Forest (Policy NE12).

3. Site Description

The development site is located on the main road (B4696) which joins Wootton Bassett and Ashton Keynes. The site is in open countryside and in an isolated location. The site includes a stable block and tack room, together with a caravan for one gypsy pitch.

4. Relevant Planning History		
Application Number	Proposal	Decision
04/02277/COU	Erection of two stables and tack room, hardcore track and change of use to equestrian	Refused
04/02278/COU	Erection of two stables and tack room, hardcore track and change of use to equestrian	Refused
06/03087/COU	Change of use from agriculture to equestrian, erection of two timber stables and tack room (Revision of 04.02277.COU & 04.02278.COU)	Permitted
07/02522/COU	Erection of stable block including tack room and change of use of land to equestrian and construction of vehicle access	Permitted
08/01347/COU	Change of use to include the stationing of caravans for one gypsy pitch with retention of existing use for stabling of horses	Permitted

5. Proposal

This application is for the retrospective construction of an access track to access a field which has previously been granted change of use for an equestrian use.

6. Consultations

Leigh Parish Council – objects to the application for the following reasons:

- Increased use into second field
- Risk of increased flooding due to level of track
- Impact on countryside
- Increase in movements to stables and site
- Existing track is suitable and should not be constructed any stronger or longer

Purton Parish Council - objects to the application for the following reasons:

- There is no justification for the extension of the track
- Impact on the amenities of neighbouring residents (contrary to Policy H9)
- Impact on Right of Way

Right of Way Officer – no adverse comments although informative should be attached to any permission granted notifying the applicant that footpath 123 crosses both of the paddocks.

Highways Officers – raised no objections to the application subject to conditions being attached to any permission granted.

7. Publicity

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

Four letters of objection have been received.

Summary of key relevant points raised:

- The removal of the hardcore track was a condition of 07/02522/COU.
- Track is excessively wide and long.
- Track is excessive to feed ponies.
- Track opens up access to a new field for non-equestrian pursuits.
- Hardcore material could have detrimental effect on ecology of the field.
- Track is unsightly and has an adverse impact on the countryside.
- Increase risk of flooding.
- Consent for mobile home is temporary.
- Increase in number of movements to and from site.

8. Planning Considerations

Principle of the development

The proposal seeks retrospective permission for the laying of a hardcore track across a field to access a further field where horses are kept.

Details submitted with the application show that the track is to be 225m long and 4.6m wide. The applicant is proposing to lay the track with crushed concrete and then finished in gravel.

The local residents have raised a number of objections some of which are not related to planning and therefore cannot be taken into consideration when determining this application. It should be noted that the removal of the track is not a condition of any previous permission on this site.

Impact of the development on Policy C3:

It is considered that the track in itself will have no adverse impact on the local residents on the grounds that the track will be away from any dwellings and will not be visible to any local residents. The track is to be used to provide access to the field located to the east of the approved stables (under Ref. 07/02522/COU).

With reference to the width and length of the track, the applicant has confirmed that the width of the track could be reduced from 4.6m to 2.5m wide. This could be conditioned should planning permission be granted. The materials to be used for the track (crushed hardcore and gravel) are considered to be acceptable.

The application is considered to be acceptable in terms of highway safety.

Overall, it is considered that the proposed track is in accordance with Policy C3 of the North Wiltshire Local Plan (2011).

Impact of the development on Policy NE15 and NE12:

The development site is located within the open countryside (Policy NE15) and lies within the Braydon Forest (Policy NE12).

The proposed track is to be sited away from any public views and is to serve an existing and approved equestrian use. The proposal is therefore considered to be acceptable and will have no adverse impact on the landscape designations or on the character and appearance of the surrounding open countryside. As such, the proposal is considered to be in accordance with Policy NE12 and NE15 of the North Wiltshire Local Plan (2011).

9. Conclusion

The proposal will not be harmful to the character and appearance of the area and will have no adverse impact on the amenities of adjoining occupiers. On this basis, the proposal is in accordance with Policies C3, NE12 and NE15 of the North Wiltshire Local Plan (2011).

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal will not be harmful to the character and appearance of the area and will have no adverse impact on the amenities of adjoining occupiers. On this basis, the proposal is in accordance with Policies C3, NE12 and NE15 of the North Wiltshire Local Plan (2011).

Subject to the following conditions:

1. Notwithstanding the information submitted and in accordance with the applicant's letter date stamped 31st March 2009, the track shall be reduced in width to 2.5m within three months of the date of this permission.

Reason: In the interests of the character and appearance of the area and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

2. Within three months of the date of this permission, details of the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include:
 - (a) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and proposals for their protection during and following construction works;
 - (b) details of all proposed tree and shrub planting, including species, number, sizes and positions, together with seeded/turfed areas;
 - (c) details of any hard-surfaced areas such as footpaths, pedestrian areas, steps, play-spaces etc.

The approved landscaping scheme shall be implemented within one year of planning permission being granted and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C3 and NE15 of the North Wiltshire Local Plan (2011).

3. Within 28 days of the date of this permission, the driveway between the edge of the carriageway and the gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

4. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

Informatives:

1. 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.

- Site location plan date stamped 3rd February 2009.

2. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, NE12 and NE15

3. The applicant is advised that a public footpath (No. 123) runs through the site and that this footpath should not, at any time, be obstructed.

4. The applicant is advised that planning permission has not been granted for the lampposts. The applicant is advised that these features have an adverse impact on the character and appearance of the countryside and are contrary to Local Plan policies. As such, it is advised that these lampposts should be removed within 3 months of the date of this permission. Not doing so may lead to the Local Planning Authority taking enforcement action.

Appendices:	<ul style="list-style-type: none">• Decision Notices for: 04/02277/COU 04/02278/COU 06/03087/COU 07/02522/COU 08/01347/S73A
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20• 2.02• 4.02• 4.03• 4.04• 4.07• 5.01