

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	16 November 2016
Application Number	16/08839/FUL
Site Address	Land at Newlands, Littleton Drew, Chippenham, Wiltshire, SN14 7NB
Proposal	Change of Use from Agricultural to Equestrian - Concrete Pad and Two 12 x 12 Stables with Attached 12 x 12 Storage Shed. Mobile Stable Unit consisting of Three 12 x 12 Stables and Horse Walker, and Parking/Turning Area (Retrospective) (Resubmission of Planning Application Reference 16/02428/FUL)
Applicant	Mrs Kathleen Phillips
Town/Parish Council	GRITTLETON
Electoral Division	BY BROOK - Cllr Baroness Jane Scott OBE
Grid Ref	383134 180400
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by the local Member in order to consider the scale, design, environmental and highways impact of the development.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved, subject to conditions.

2. Report Summary

The key matters in considering the application are as follows:

- Principle of development
- Impact on the character and appearance of the site
- Impact on the Cotswolds AONB
- Highways/parking

Grittleton Parish Council has objected to the proposals, in respect of which nine objections have also been received from neighbours and local residents. These are detailed later.

3. Site Description

The application site is located to the East of the village of Littleton Drew, itself a short distance to the North of the M4 motorway and identified as a Small Village in the Wiltshire Core Strategy. It comprises a regularly-proportioned agricultural field 2.6ha in area, arranged over reasonably flat terrain and bounded on its southern side by a mature hedgerow/tree boundary. The remaining field boundaries, onto open land with far-reaching views, are demarcated by timber post-and-rail fencing. The site is accessed via the adjacent bridleway, GRIT7, which runs northeast from the centre of the village. This has recently been levelled and resurfaced in scalplings, terminating in a wide entrance way secured by timber agricultural gates. The land is classified as Grade 3 agricultural, which is subdivided into Classes 3a and 3b; the former being at the lowest end of Best and Most Versatile (BMV).

Physical development on the site currently comprises the erection of a permanent stables/store, sited on a new concrete slab directly adjacent to an historic low-key storage building at around the midpoint of the southern side of the site. The new building measures 36' in length and 12' in depth, divided into 2no. 12'x12' stables and attached 12'x12' general store, with an additional projecting canopy provided by the symmetrical pitched roof. It is constructed and finished in untreated timber, with a black Onduline profiled sheet roof covering. Additionally, a galvanised horse walker has been sited on the land immediately West of the new block, and a further range of post-and-rail fencing installed to separate the circulation area adjacent to the stables from the open paddock area further north.

4. Planning History

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|-----------------|--|
| 15/09573/PREAPP | Proposed erection of stables, widen gateway together with driveway to stables. Site caravan for use when mares are foaling or animal sickness. Erect horsewalker. Run a small equestrian based business to facilitate breeding & training show horses. |
| 16/02428/FUL | Retrospective Change of Use from Agricultural to Equestrian - Concrete Pad & Mobile Stable Unit consisting of Two 12 x 12 Stables & Adjoining 12" x 12" Storage Shed |
| 16/00109/ENF | Unauthorised erection of equestrian building and access route. |

5. The Proposal

Retrospective planning permission is sought in respect of the change of use of land from agricultural to equestrian, erection of stables, shelters, storage and horsewalker and creation of a parking/turning area on site. The three indicated shelters are of the mobile type, however, being on 'skis' and capable of being towed into position to avoid disproportionate erosion of the land. Accordingly, planning permission is not required in respect of these items, although they are considered later.

In light of concerns raised at the time of application 16/02428/FUL in respect of the substandard standard of access and potential for the development to further exacerbate

damage to the adjacent bridleway, repairs and improvements have been undertaken in this respect. The route has been in-filled where necessary and its surface topped up with scalplings to form a more regular terrain less susceptible to flooding. The proposed extended parking/turning area projects northward into the site and turns the corner westward from the site entrance in an L-shape, extending 50' in either direction. Again, this is to be surfaced in scalplings over a weed-suppressing membrane.

In order to further reduce the visual prominence of the buildings/structures from the village of Littleton Drew, 100ft of native hedgerow is to be planted from the southwest corner of the site along the western site boundary. Manure storage is to be provided close to the newly-extended parking area, to be removed periodically by a local farmer.

6. Local Planning Policy

Wiltshire Core Strategy:

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 61 (Transport and development)

National Planning Policy Framework paragraphs 14, 17, 64, 75, 109, 112, 115, 125

The Cotswolds AONB Management Plan 2013-2018 is also a relevant consideration.

7. Summary of consultation responses

Grittleton Parish Council – object, for the following reasons:

- *“A large concrete pad installed on the site indicates that pre-application advice received by the applicant from Chris Marsh, on 15th October 2015 (ref. 15/09573/PREAPP) has been blatantly ignored.*
- *The parking and turning area, which forms a part of the application, will have an urbanising effect on the rural context in which the application site is located; and fail to protect the surrounding local countryside which enjoys AONB status. Councillors consider it unlikely that the parking and turning area is intended only for personal use.*
- *Councillors consider that the large horse walker represents over-development of the site and are unsure how this proposed facility will be powered as there is no electricity supply to the site.*
- *Councillors consider that a restriction should be imposed to prevent a commercial operation being run from the site.*

Grittleton Parish Council maintain the objection below, raised in their response to planning application 16/02428/FUL and having relevance in relation to the above comments:-

- *The access to the site is along a bridlepath, which is only adequate for low-level use – and has, due to use by vehicles accessing the site, already been severely damaged.”*

Highways – no objection, subject to conditions

Rights of Way – no objection, subject to conditions

8. Publicity

The application was advertised by neighbour notification letter and site notice.

Nine letters of objection were received, raising the following planning points:

- Equestrian development inappropriate in this location;
- Proposals adversely affect the character and appearance of the AONB;
- Adverse highway impact of increased traffic movements;
- Increased use of bridleway will further erode its condition;

Speculation as to whether planning conditions would be complied with and whether a commercial enterprise would emerge are not material or pertinent to the consideration of the application, nor is that it is made retrospectively.

One further comment was received, welcoming the improvements to the bridleway and confirming that no objection is raised subject to its ongoing maintenance.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of development

As a matter of principle, it is considered that equestrian use such as that proposed is well suited to this environment, being located amongst a fairly intensive network of bridleways and easily accessed from the village of Littleton Drew. It is understood that the use of the land – and land adjacent – for the grazing of horses is well established. Clearly, this is an inherently rural use, the sustainability of whose siting must be balanced against the both the reasonable demands of the animals kept and also the amenities of the area and nearby residential properties.

The Cotswolds AONB Management Plan acknowledges equestrian activity as an appropriate use of land within its designation, and it is noted that the transition between grazing with associated portable field shelters (for which a change of use of the land is not required) and the current, more permanent, proposal is a relatively subtle one. It

should be noted that the application is made on the basis of private equestrian use (i.e. the keeping of horses by an individual) and no on-site commercial use is proposed. Although this can be secured by condition to prevent future diversification, it is imperative that the application is considered on its individual merits and not on the basis of such speculation or historic ad-hoc use as suggested by several representations.

Impact on the character and appearance of the site

It is considered that in visual terms the stables, store and associated elements have been designed and sited in such a way as to minimise their visual prominence so far as reasonably practicable. Clearly all require unencumbered access to ensure the movement of animals, feed, bedding, etc, and so their linear arrangement along the robust southern boundary is appropriate. Their modest scale and materials used are in keeping with their rural setting and the timber finish will weather over time to further reduce prominence. Although occupying a large area, the horse walker is mainly open space and will not be readily visible from a distance. The proposed hedgerow planting is considered neither harmful nor hugely beneficial, given that the buildings/structures are acceptable in their own right.

In some cases, the sensitive design of stables and other equestrian buildings can be compromised by excessive hard standing, although permanently churned-up earth as a result of vehicle movements can be equally unappealing. It is considered that the proposal adopts a suitable balance in this regard, with a bare minimum of loose surfacing introduced at the site entrance and avoiding any undue urbanising effect. This will enable vehicles to use the site year-round whilst minimising damage to the site and bridleway. Unrestricted stationing of trailers – and, due to the relative lack of control over their siting, field shelters – on the land is not considered acceptable, however, as this can independently and cumulatively harm visual amenity. Together with the unwelcome proliferation of other equestrian paraphernalia that risks ‘cluttering’ the site, this can be controlled by condition, requiring approval of individual elements.

Impact on the Cotswolds AONB

Official Guidance has been issued in respect of the keeping of horses within the Cotswolds AONB, as it is acknowledged that the clustering of equestrian development in particular can have an adverse impact on the character and appearance of the landscape. In particular, the document ‘The Keeping of Horses and Ponies in the Cotswolds AONB’ notes in particular that “*The physical structures and equipment associated with horse keeping, if not sited correctly and sympathetically, can have a detrimental effect on the quality of the landscape. There needs to be appropriate siting of stabling, field shelters, manèges, fencing, muck heaps, parking for horse boxes, lighting, schooling rings and jumps.*” Equestrian use is already established to the immediate North and West of the site.

Taking the above into account, mindful that equestrian development inevitably brings some level of built development, it is considered that the buildings in this instance have been considerably positioned and design so as to minimise their prominence in the wider landscape. Their position adjacent to what is in practice a substantial planted

boundary will ensure that they are seen only against this backdrop rather than visually exposed on open land. As discussed, their form is typical of their function and the buildings are of a modest scale and traditional materials that will weather further into the landscape over time. It is not considered that the associated post-and-rail fencing or horse walker has any harmful landscape impact. Given the limited prominence of the physical development on site in the wider landscape – and capacity to control other paraphernalia by condition – therefore, it is considered that the character, appearance and openness of the AONB will be conserved.

Highways/parking

The previous application was received unfavourably by Officers due to the degraded condition of the existing access track, which in turn would put undue pressure on the access and could, in severe weather, lead to vehicles being parked on the highway and/or dragging loose material out onto it as the track would be liable to further damage once destabilised and/or waterlogged. This would clearly represent an unacceptable situation even if the facility was restricted to private use generating minimal vehicle movements. Nonetheless, it has always been accepted by the Council's Highways Officer that, independently and subject to that restriction, the private use of the access junction at the centre of the village is an established one and therefore its continued use does not warrant an objection. Any significant intensification of such use – for instance, as part of a commercial enterprise – would trigger an objection due to the junction's limited visibility, however.

The recent upgrading of the track, which although extensive still represents general repair/maintenance and therefore does not require planning permission, was carried out in accordance with a schedule of works agreed by the Council's Senior Rights of Way Warden. Whilst this does not weigh in favour of the application as a public benefit as such, it clearly represents a rebalancing of the status quo, providing a much-improved surface to the advantage of all bridleway users and not just the limited vehicular and equestrian traffic associated with the development. Accordingly, and notwithstanding any other private rights and responsibilities pertaining to the track, the Council's Rights of Way Officer is now satisfied that the proposals will not compromise the right of way.

Other matters

As the site could comprise land falling within Class 3a of the Agricultural Land Classifications and thus could be considered BMV, weight should be afforded to paragraph 112 of the NPPF. In this instance, however, it is noted that the affected land together with the neighbouring land to the West seems to have been removed from productive agricultural use some time ago and therefore the proposal in itself will have no significant impact in this respect. Relative to the grading of the land, therefore, it is not considered that the development will have any particular impact in relation to the protection of BMV land.

Conclusions

The proposal represents an appropriate form of development in the open countryside and AONB, in respect of the latter adopting much the accepted best practice for the keeping of horses in order to minimise wider visual impact. The access and highways issues have been addressed with the upgrading of the track, which will also provide some wider public benefit. Accordingly, the proposals are considered acceptable in planning terms.

RECOMMENDATION

That the application is approved, subject to the following conditions:

- 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan
Block Plan

Received 9 September 2016

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

- 3 No paint, stain or other colourant shall be applied to external timber (including external walls, doors and window joinery), until details of the paint or stain to be applied have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

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

- 4 No construction / demolition vehicle access may be taken along GRIT7 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.

REASON: To ensure the public right of way remains available and convenient for public use.

- 5 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

- REASON: In the interests of highway safety and to protect the living conditions of nearby residents.
- 6 There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.
- REASON: In order to protect the rural character of the area and openness of the AONB.
- 7 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.
- REASON: In order to protect the rural character of the area and openness of the AONB.
- 8 No fences or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.
- REASON: In order to protect the rural character of the area and openness of the AONB.
- 9 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 10 **INFORMATIVE TO APPLICANT:**
Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer.
- 11 **INFORMATIVE TO APPLICANT:**
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.