

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

Date of Meeting	24 January 2018
Application Number	17/11346/FUL
Site Address	Land at Newlands, Littleton Drew, Chippenham, SN14 7NB
Proposal	Change of Use to Equestrian, Erection of Timber Stables, Concrete Base/Turnout Area and a Parking/Turning Area - Part Retrospective
Applicant	Mrs Kathleen Phillips
Town/Parish Council	GRITTLETON
Electoral Division	BY BROOK – Cllr Baroness Jane Scott of Bybrook 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 Cllr Scott in order to consider the scale of development, visual impact on the surrounding area and the objections raised by the Parish Council.

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 issues in the consideration of the application are as follows:

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

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). The site is located in the open countryside and within the Cotswolds Area of Outstanding Natural Beauty (AONB).

4. Planning History

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| 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 – withdrawn |
| 16/08839/FUL | 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) – refused |

5. The Proposal

Planning permission is sought retrospectively in respect of the change of use of the application site from agricultural to equestrian use, erection of stables and creation of a parking/turnout area. Notwithstanding the amended description, and without prejudice to any appeal, it should be noted that the applicant believes the change of use to have already been lawfully established, although this is not agreed at the present time. In physical terms, the initial parking/turning area is comprised of loose material situated immediately north/northwest of the dual timber entrance gates, having maximum dimensions of 15.5 x 15m to enable a vehicle and trailer to turn. The stable building, as presently seen, is positioned immediately adjacent to the historic, low-key field shelter alongside the southern site boundary and is attached to a concrete slab base adjoining the earlier structure to allow for a modest turnout area. The building comprises of two loose boxes and integral store, and is finished externally in untreated timber boarding beneath a shallow-pitched dark Onduline roof.

An earlier application, comprising the same change of use to equestrian, concrete pad, parking/turning areas and stables, together with the earlier storage shed, an additional mobile stable unit and separate horse walker was refused at the Area Planning Committee, against Officer recommendation, for the following reason:

“The proposed development, by reason of the cumulative scale and form of physical development will have an urbanising effect on the site and its setting, resulting in harm to the character, appearance and openness of the landscape and intrinsic quality of the Cotswolds AONB. The proposal therefore conflicts with Core Policy 51(ix) of the adopted Wiltshire Core Strategy and Criteria 1, 2, 3, 5, 7, 10 and 12 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2013 - 2018.”

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 new development)

National Planning Policy Framework

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

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

7. Summary of consultation responses

Grittleton Parish Council – objections, citing 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 a restriction should be imposed to prevent a commercial operation being run from the site.*
- *The access to the site is along a bridle path, 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 site notice and neighbour notification.

10 letters of objection have been received (by household), raising the following concerns:

- Equestrian development inappropriate in principle in this location;
- Proposals adversely affect the character and appearance of the AONB;
- Adverse highway impact of increased traffic movements; and
- Substandard condition of bridleway and potential for further erosion

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.

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, and as previously recommended to the Committee, it is considered that at a fundamental level equestrian use is appropriate in the open countryside, particularly in such cases as its being located amongst a fairly intensive network of bridleways and easily accessed from villages including Littleton Drew. It is understood that the use of the land – and land adjacent – for the grazing of horses is well established however, notwithstanding the applicant's original suggestion that a lawful equestrian use has become established by the passage of time, it is considered that the change of use has only occurred with the relatively recent intensification to provide permanent stabling on site. The description of development has been amended accordingly to include this change of use.

Clearly, equestrian land use is an inherently rural one, 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. In this instance, the site is in close proximity to a village and, although it is understood that the applicant lives elsewhere, has reasonable transport links by private vehicle. It is also a use considered appropriate in areas of particular landscape significance such as AONBs, a point reflected in the advice of the Cotswolds Conservation Board as relevant in this case, although the Board's emphasis on the importance of good design given the heightened sensitivity of such areas is entirely appreciated and will be discussed later.

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

Turning to the physical impacts of the development, therefore, it is clear in the first instance that these have been reduced considerably relative to the previous application. The previously-proposed field shelter, which was of a considerable size, has now been omitted, as has the proposed metal horse walker. Whilst the fencing remains in situ, it is noted that this is of a typical form already established in the area and a feature actually characterising the site and its immediate context. The parking/turning area has clearly

been informed by practical requirements and is not excessive in size considering the type of vehicles making use of it. It is also well related to the site entrance and its materials absolutely typical of an agricultural/equestrian access, such that it does not appear incongruous or overtly 'urban' in practice and is certainly preferable to a sight of permanently churned-up earth.

By a similar token the modest turnout area surrounding the stables building is considered entirely appropriate, as it is reasonable to expect otherwise that the intensive movement of horses and equipment around this area would otherwise severely erode the land. It is not excessive in size and will enable the effective use of the dedicated storage area and thus allow a proportionate amount of feed, bedding and equipment to be safely stored rather than relying on external storage. The design of the building is entirely typical of small-scale private stabling and any number of examples can be found elsewhere, including within the AONB. Due to its proximity to the mature southern site boundary, modest scale and recessive materials, it is not considered that the design of the stables is appropriate to its setting and will not appear as unduly prominent.

Impact on the Cotswolds AONB

By reducing the quantum of development to a bare minimum, and through the use of planning conditions to restrict additional structures, storage and equipment on the site, it is considered that the 'cumulative' harm on the AONB cited in refusing the earlier application has now been adequately addressed. The development would be contained to the backdrop of the southern site boundary and comprises only of a modest level of surfacing together with a single-storey-scale building, such that distance views of the site would not yield anything that would appear out of place in context and certainly no more so than the stables and large manege situated some 250m west.

The Cotswolds Conservation Board notes in 'The Keeping of Horses and Ponies in the Cotswolds AONB' the potential for unsympathetic boundary treatments, lighting and equestrian paraphernalia to create a disproportionate adverse impact on protected landscapes despite their limited physical size. These are capable of being controlled by condition in this case, however, and do not otherwise form any substantive component of the proposals. Taking these on their own merits, it is considered that the very limited amount of development and largely 'natural' materials will ensure they continue to weather down over time, further reducing their already minimal impact on the wider landscape.

Impact on highways/parking

The Council's Highways Officer is satisfied that, in its present condition and, anticipating only the relatively low level of use associated with an individual keeping horses privately on the land, the use of the bridleway for vehicular access represents an acceptable situation. It is acknowledged that – to some extent – 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 on highway grounds now that the track is likely to be available for such use throughout the year, averting undue demand for on-street parking. Although the Officer notes the limited visibility of the highway junction, this

represents an existing situation and thus no significant detriment resulting from the proposed development.

The bridleway surface has been improved considerably at the applicant's expense shortly prior to consideration of the last application, carried out in accordance with a schedule of works agreed by the Council's Senior Rights of Way Warden and including measures to improve drainage without amounting to 'development' requiring planning permission in its own right. This being the case, 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. Whilst this does represent an improved offer to other bridleway users and not just the limited vehicular and equestrian traffic associated with the development, this should rightly be considered as periodic maintenance in the larger sense and thus does not weigh specifically in favour of the proposals. It should be noted that the planning process is altogether separate from any private or public rights of access along the route.

Conclusions

Taking into account all material considerations, including the content of the Cotswolds AONB Management Plan, and notwithstanding the refusal of planning permission for an earlier scheme, the development plan and specifically Core Policies 51, 57 and 61 indicate in this instance that the proposal is acceptable in planning terms.

RECOMMENDATION

That planning permission is GRANTED, subject to the following conditions:

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

TP1 - Location Plan
TP2 - Proposed Block Plan
TP3 - Elevations

Received 17 November 2017

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

- 2 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.

- 3 Within one month of the date of this decision, details of the storage of manure and

soiled bedding (including the location of such storage) and its disposal from site (including frequency) shall be submitted to the Local Planning Authority for approval.

Following the written approval of the said details, the works for such storage and disposal shall be carried out in accordance with the approved details within one month.

The approved storage area and disposal method shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

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

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 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 in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be

maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 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.