

REPORT FOR WESTERN AREA PLANNING COMMITTEE**Report No.**

Date of Meeting	19 August 2020
Application Number	20/01681/FUL
Site Address	Land Adjacent Brickfield Farm House, Stokes Marsh, Coulston, BA13 4NZ
Proposal	Change of use of agricultural land to mixed use equestrian and agricultural use and construction of barn with associated access track, hardstanding, turnout area, manure clamp and creation of a landscaped bund
Applicant	Paul Snodgrass
Town/Parish Council	COULSTON
Electoral Division	Ethandune - Cllr Suzanne Wickham
Grid Ref	395044 155314
Type of application	Full Planning
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: Cllr Wickham requested that this application be called-in for the elected members of the western area planning committee to determine should officers be minded to grant permission and to consider the highway and environmental impacts of the proposal. Cllr Wickham also referenced local resident concerns expressed about a lack of public notification.

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.

2. Report Summary

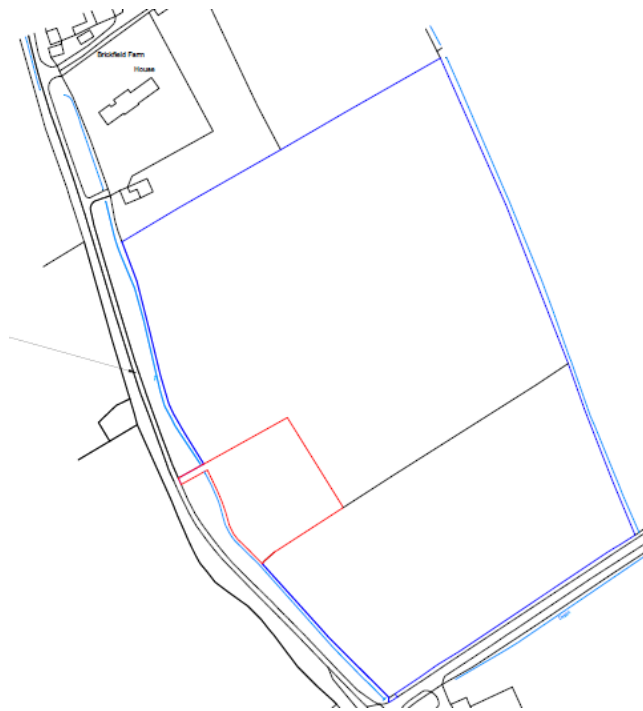
This report appraises the principle of development and partial change of use, and the impact the development would have on the character of the area, as well as the impacts on neighbouring amenity and highway safety.

Coulston Parish Council raise no objections to the application, but thirty-four representations have been received which are summarised within section 8.

3. Site Description

The application site relates to a field enclosed by existing hedgerows, located in the open countryside extending to about 0.94 acres located to the south of Brickfield Farm House and about 1 km to the north of Coulston. There are no public rights of way crossing the application site and the proposed stable building would be accessed via an existing gated vehicular access leading from Stokes Marsh Lane.

The extracts provided below show the location of the proposed application site (in red) as well as other land owned by the applicant (in blue), along with an aerial photograph dating to 2014 which illustrates the extent of the existing hedgerows around the application site.



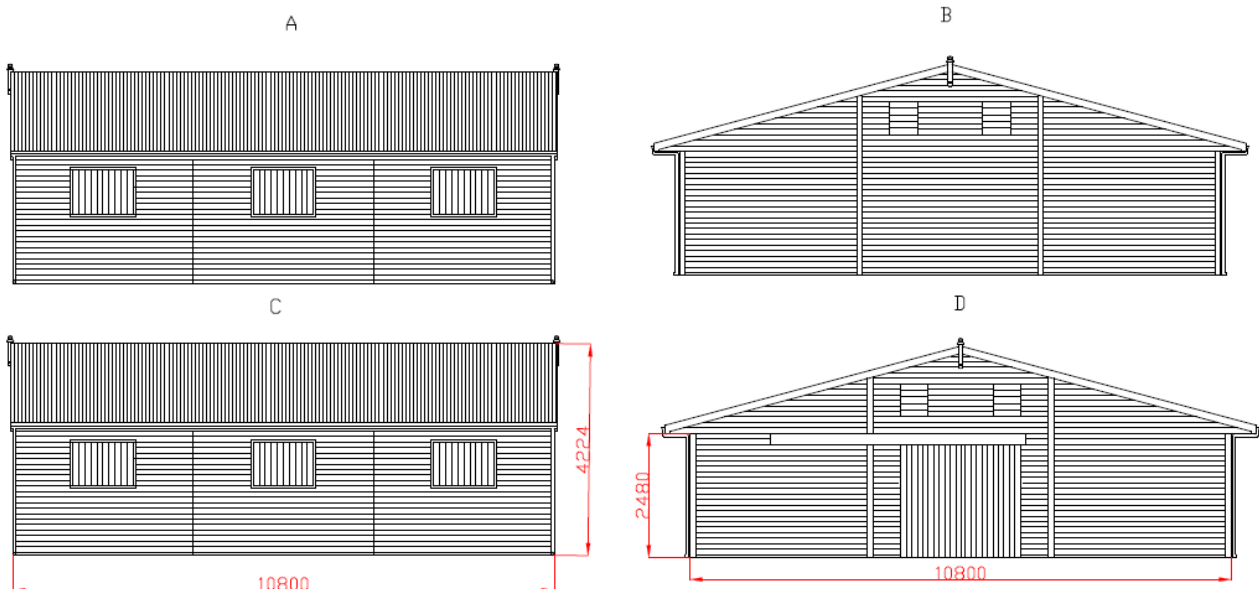
Extract of the submitted location plan



Extract of the 2014 aerial photograph

4. The Proposal

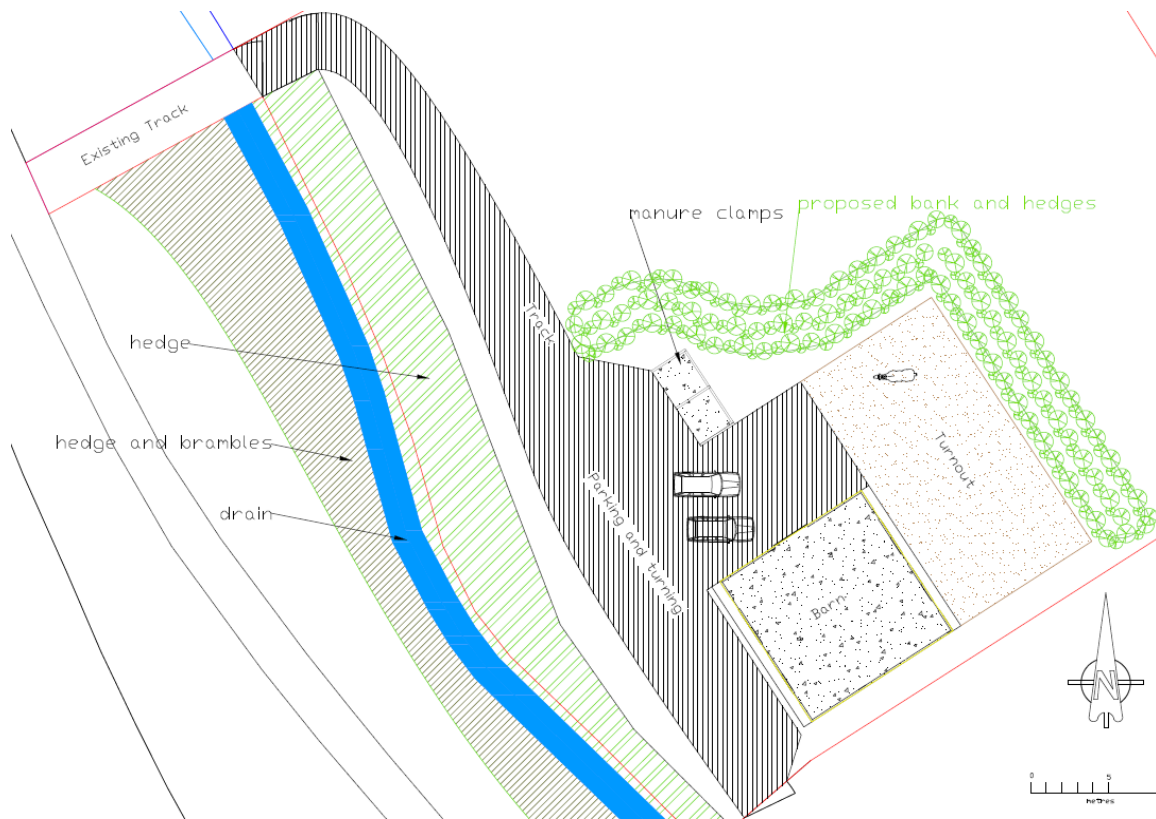
This application seeks planning permission for the change of use of part of an existing agricultural field to mixed use for equestrian and agricultural purposes along with the erection of a timber barn comprising six bays as illustrated above as well as an associated access track, hardstanding, turnout area and manure clamp.



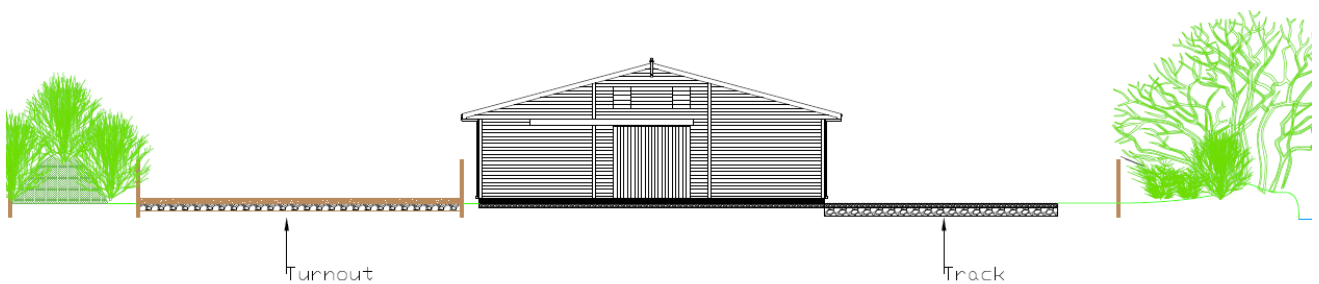
The proposed barn would be constructed from timber shiplap boarding, which would be left to weather silver over time, under a black corrugated Onduline roof.

The barn would be set back about 23m from Stokes Marsh Lane and as illustrated below would be set behind an existing hedgerow and would be accessed off an existing field access. An extended access track would be created along the western edge of the field to serve the proposed barn which

have a square footprint measuring 10.8m x 10.8m (not including the slight roof overhang) and would be approximately 4.23m to the ridge.



The proposal also includes the creation of a c.1.5m high bund to be planted to the north and east of the proposed barn and turnout area, which would be made up of 50% Blackthorn and a mix of field maple, hazel, spindleberry, hawthorn, beech, hornbeam, dog rose and viburnum which would be maintained to a height of c.1.2m. The following extract shows the proposed stable layout, turnout area, the existing hedgerow and proposed landscaped bund.



5. Planning History

None

6. Planning Policy

The adopted Wiltshire Core Strategy (WCS) Core Policies (CP): CP50 - Biodiversity and Geodiversity; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP61 - Transport and New Development; and CP67 - Flood Risk.

Saved West Wiltshire District Plan 1st Alteration 2004 Policy E10 - Horse Related Development from the which forms part of the WCS

The Wiltshire Local Transport Plan (LTP) 2011-2026 Car Parking Strategy.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also of material relevance to this application.

7. Summary of Consultation Responses

Coulston Parish Council: No objection.

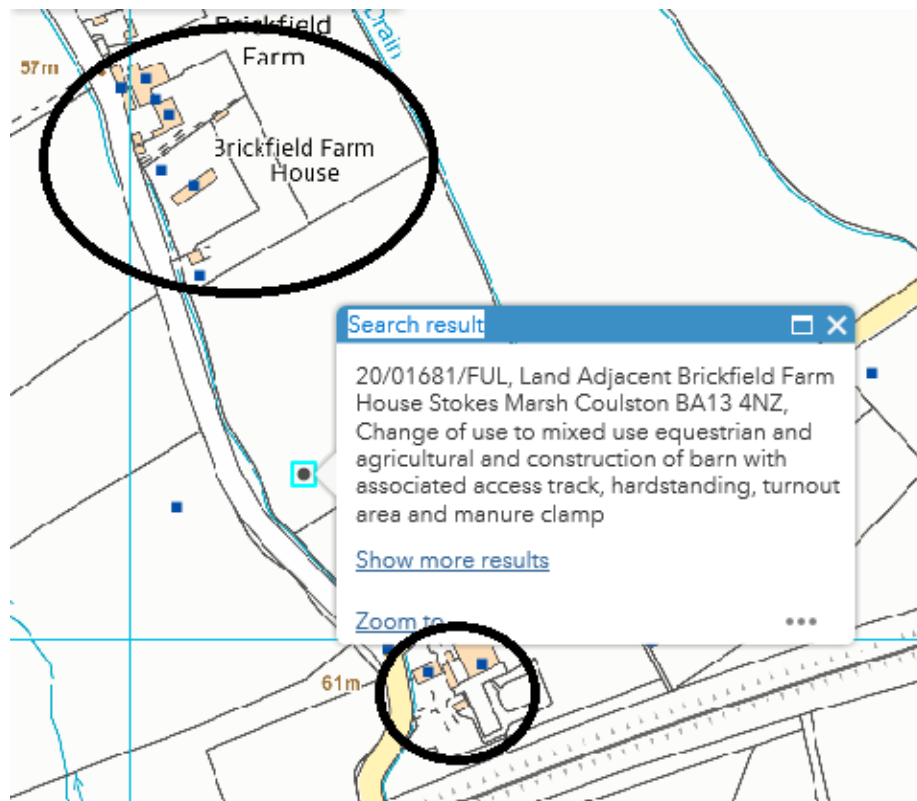
Wiltshire Council Highways: No objection subject to conditions.

Wiltshire Council Landscape & Arboricultural Officer: No objections.

Wiltshire Council Ecology: No comments.

8. Publicity

This application was advertised by five posted neighbour notifications and publication on the Council's website. No site notice was erected during the COVID-19 pandemic and lockdown period, when this application was submitted. The 'neighbouring' properties notified are illustrated below by two circles along with showing their respective proximity to the application site - with the closest property over a 100m distant.



A total of 34 representations were received and published to the Council's planning portal, with some residents submitting more than one representation, raising the following summarised concerns:

- Lack of notification of the application
- Increase in traffic
- Narrowest of the lane and limited passing spaces
- Poor visibility at proposed entrance
- Light pollution
- Noise pollution
- Visual impact
- Impact on wildlife
- Area is classed as a Nitrogen Vulnerable Zone (NVZ)
- Object to the change of use
- Attempting to gain permission for a dwelling
- Precedent that the development would set
- Encroachment in the open countryside
- Fields can become waterlogged/flooded
- Such development should be proven to be financially viable and with agricultural justification
- Inadequate land for horses and cattle

Officer Note: In response to concern raised about the 'lack' of public notification, the previous page sets out the extent to which individual nearby properties were directly notified along with the publication of the application online. However, from the extent of public participation, it is clear that the application has been in the public domain and open for a significant number of third parties to pass comment. In normal circumstances, site notices would have been displayed, but as previously reported, with national movement restrictions imposed due to the COVID pandemic and lockdown, no site notice was erected. Legislatively, no site notice was required in any event. For this type of application, the Council is only required to notify immediate neighbours or display a site notice. The application details have and remain publicly accessible.

From reviewing the submitted representations and Cllr Wickham's call-in request, a significant number of the objectors argued that they should have received a neighbour notification letter or been informed of the application in some way. Officers however consider that sufficient neighbour notification (which exceeded the procedural requirements) was carried out in full compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, which requires local planning authorities to serve notice on "any adjoining owner or occupier" (emphasis added by officers) for this particular type of application for a minimum of 21 days.

An adjoining owner or occupier is defined within Part 3, Article 15, sub section 10 of the abovementioned Order as: "any owner or occupier of any land adjoining the land to which the application relates" (emphasis again added by officers).

The application site does not immediately border any neighbouring properties, as it is surrounded by the applicant's own land. However, the properties to the north and south of the site were individually notified as verified on the previous page.

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.

9.1 Principle of the Development and Partial Change of Use: This application is seeking planning permission for the erection of a barn to be used for the stabling of 2-3 horses and livestock and for the change of use of 0.3 hectares of an agricultural field to mixed use equestrian/agricultural purposes. There is no in principle or policy objection to the proposed development; and as such, in principle terms, it is policy compliant.

9.2 Saved Policy E10 of the WWDP 1st Alteration states that "*proposals for equestrian facilities and changes of use will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications. All such building proposals should have special regard to siting, design materials and construction to ensure they blend in with their surroundings and do not have an adverse impact on the countryside and the natural environment including the water environment*".



As viewed from Stoke Marsh Lane



As viewed from from within the site

9.3 Officers consider that the location of the proposed barn would have a minimal impact being located in a corner of the field bordered by existing well-established hedgerows to the south and west and would be additionally screen by the proposed landscaped bund. The proposed barn would be accessed via an existing access, with a proposed 55m long track (to be finished in stone) to serve the proposed barn, which would run parallel with the existing hedgerow. The barn and the proposed access track would benefit from a natural backdrop with the hedging and landscaping providing natural screening to minimise the visual impact of the proposed barn when viewed from the public domain. The barn would be a timber structure, left to sliver over time, which would assist with assimilating the structure into the landscape and would not appear discordant or harmful.

9.4 The application site is designated as Grade 4 agricultural land, which is relatively poor quality and of limited value for agricultural purposes. However, it must be noted that the applicant proposes to use the 0.3-hectare application site for mixed use purposes to include agriculture as well as retaining the remaining landholding in agricultural use.

9.5 Within a number of the submitted representations, comments have been made about the site being used for alpaca and dog breeding. For the avoidance of any doubt, the submitted Design and Access Statement confirms that the site would be used to keep two or three horses along with potentially five calves (to be reared and sold at market) and possibly ten sheep, with the remaining bays to be used for storing animal feed, bedding and other farming/equestrian parts. The applicant does not propose to establish a commercial equestrian facility, and the site would not be used for equestrian tuition.

9.6 The barn would be used for personal use only which would not generate significant vehicle movements, as set out in the transport statement the applicant has provided. Subject to planning conditions, the proposed development would satisfy saved policy E10 and would be compliant the NPPF.

9.7 Impact on the Character and the Appearance of the Area: CP51 of the adopted WCS requires development to “*protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures*”.

9.8 CP57 requires all new development to be of a high standard of design and to, amongst other criteria, seeks the retention and enhancement of existing important landscaping and natural features, (including hedges) to enhance biodiversity and create wildlife and recreational corridors, and to ‘respond positively’ to existing landscape features to effectively integrate the building into its setting.

9.9 The submitted Design and Access Statement confirms that no boundary hedgerows would be removed as part of this proposal, and the Council’s tree officer raises no objection, subject to a planning condition being imposed to protect the existing hedgerow during site construction. Further stipulations are made about the future maintenance of the existing hedgerow and when to prune (outside of the bird nesting season). Furthermore, the applicant’s submitted statement confirms that no external lighting would be installed which would ensure the proposed development would not harm the landscape character through light pollution. Officers consider it necessary to impose a planning condition which would require the submission and written approval by the Council for any external lighting at the site, in the interests of the character and appearance of the area and ecology.

The proposed additional landscaping would provide some biodiversity betterment and net gain to comply with NPPF paragraph 170.

9.10 The proposed development to be used for non-commercial use is considered compliant with CP51 and CP57 of the adopted WCS and the NPPF.

9.11 Neighbouring Amenity: The proposed development would not cause substantive detriment to the amenity of the nearby occupiers to justify a refusal. The applicant has provided details of how manure would be managed and disposed of and has illustrated the location of the manure clamps adjacent to the proposed barn, which is considered acceptable and CP57 compliant.

9.12 Highway Safety: The proposed barn would be accessed via an existing gated access (as shown below) which benefits from adequate visibility in both directions and the Council's highway officer raises no objection. The applicant does not propose any new vehicular access off New Road or Stokes Marsh Lane. The application therefore satisfies CP57 and CP61 of the adopted WCS.



9.13 It is however important to note that permitted development rights exist for farmers to create new accesses to a highway, provided that the access is required for associated agricultural development as permitted under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

9.14 In response to the local concerns, the applicant provided additional information relating to the vehicle movements associated with the proposed use as mixed agricultural and equestrian, which sets out that there would be minimal traffic generation which would predominately be small or medium vehicles. The applicant anticipates that once constructed, there would be likely be one visit a day during the summer, increasing to two visits a day during the winter. In addition to this, there would be an annual vet visit, a farrier would visit five times a year and a tractor and trailer delivering feed twice a year, none of which represents a significant level of traffic generation. It should also not be overlooked that the existing site could be accessed by any number of farm vehicles at present in any case. Given the rural location of the site, agricultural vehicles accessing and leaving fields and

using the rural lanes are recognised as an established characteristic to which officers raise no concern.

9.15 Wiltshire Council's highways department report that Stokes Marsh Lane is a not through road that serves approximately 4 dwellings and 2 farms further along the lane past the application site. Officers acknowledge that whilst the lane is of single vehicle width, given that the application site has an existing field access with adequate forward visibility, any farm related vehicles meeting each other along the lane would most likely be irregular and of limited duration, which raise no highway concern.

9.16 The Council's highways officer has observed that the site would be able to be safely accessed with all associated vehicles being able to leave the carriageway to park up to open and close the access gate, without interrupting other vehicles using Stokes Marsh Lane. Visibility from this vehicular access is considered adequate at 70m x 136m, with the highway verge being particularly wide enabling vehicles exiting the site to be able to see oncoming vehicles and any other road users.

9.17 Officers therefore conclude that based on the expected/proposed low number of vehicle movements and type of vehicles that would visit the site, the proposal would not result in an unacceptable impact on highway safety or contribute towards a cumulative severe impact on the road network to warrant the refusal of the application as directed by paragraph 109 of the NPPF.

10. Conclusion (The Planning Balance)

The proposed development is considered to comply with the requirements of the adopted Wiltshire Core Strategy in particular CP51, CP57 and CP61, and saved policies E10 of the West Wiltshire District Plan 1st Alteration as well as the NPPF. As such, it is considered that planning permission should be granted subject to conditions.

11. RECOMMENDATION: Approve 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:

Drawings Nos: P1, Location Plan; P2 E, Block Plan E, Rev 1; P3, Elevations and Floor Plan; P4, Layout Plan E, Rev 1; L1, Cross Section E, Rev 1; VSI, Visibility Splay; all received on 27 February 2020

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

3. The development hereby permitted shall only be used for the private stabling of horses and livestock 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/or to protect the living conditions of nearby residents.

4. The hereby approved bund shall be constructed and planted in accordance with the Planting Scheme Statement submitted on 27 February 2020.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. The landscape planting shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. 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 Engineers in their publication "*Guidance Note 1 for the reduction of obtrusive light 2020*" (produced by Institution of Lighting Professionals 2020), 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.

7. No development shall commence on site until a Construction Method Statement, which shall include the following:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction; and
 - hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities and the natural environment.

8. No site clearance or construction works shall commence on site until a plan is submitted showing the exact location and extent of protective Heras (or similar style) fencing to protect the existing hedgerow and roots. Once approved, the protective fencing shall remain in place for the entire construction phase and until all construction equipment, machinery and surplus

materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

REASON: To safeguard the existing hedgerows and in the interests of visual amenity

9. The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

10. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

11. No part of the development shall be first brought into use, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

12. No development above ground floor slab level shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access track), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

INFORMATIVES TO APPLICANT:

1. The applicant is advised that the discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.
2. The application involves the alteration of the existing vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.