

<b>REPORT OUTLINE FOR AREA PLANNING COMMITTEES</b>		<b>Report No.</b>
<b>Date of Meeting</b>	18 August 2020	
<b>Application Number</b>	21/00658/FUL	
<b>Site Address</b>	Land off Ashton Road, Ashton Road, Minety	
<b>Proposal</b>	Change of use of land from agriculture to equestrian. Erection of agricultural storage barn with incorporated equestrian rehabilitation area. Siting of horse walker and rainwater harvesting tank and creation of hardstanding.	
<b>Applicant</b>	Mrs Samantha Stanfield	
<b>Town/Parish Council</b>	MINETY	
<b>Electoral Division</b>	Minety – Cllr Chuck Berry	
<b>Grid Ref</b>		
<b>Type of application</b>	Full Planning	
<b>Case Officer</b>	Eleanor Slack	

### **Reason for the application being considered by Committee**

The application was called into Committee by Councillor Berry to consider the scale of development, its visual impact upon the surrounding area, its relationship to adjoining properties, its design in terms of bulk, height and general appearance, its environmental/highway impact and car parking.

### **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**

The key issues in considering the application are as follows:

- Principle of Development
- Impact on Heritage Assets
- Impact on Highways
- Impact on the character and appearance of the locality
- Impact on Residential Amenities
- Impact on Ecological Interest

As a result of the consultation exercise, five letters of objection were received. The Parish Council also raised several concerns regarding the application.

### **3. Site Description**

The site is in the open countryside in planning terms by virtue of its position outside of any settlement boundary defined by the development plan. There is a Grade II listed building to the west of the site which is known as Lower Moor Manor. It is understood that this listed building and the application site were historically in the same ownership; however, the two parcels of land have now been subdivided and are in separate ownership. To the north and east the site is bordered by agricultural fields and to the south is a watercourse which is identified as a priority habitat polygon. There are also records of protected species including Great Crested Newts and bats in the wider area. Beyond the watercourse to the south is the Ashton Keynes Road, from which the site is accessed. Parts of the site are at risk of surface water flooding from the 1 in 100 + climate change event and whilst parts of the surrounding area are susceptible to ground water flooding, the site itself is not subject to that constraint.

#### **4. Planning History**

18/10083/FUL - Change of use of the farmland/farm dwelling to equestrian classification and erection of stables, Groom's accommodation with client/staff access and parking (approved)

19/01470/FUL - Change of use of land for proposed non-illuminated menage that is surfaced, drained and fenced (approved)

20/04180/VAR - Variation of Condition 2 of 18/10083/FUL relating to approved plans and removal of Condition 8 relating to Access (approved)

20/04162/FUL - Proposed access track (relocation of track approved under application 18/10083/FUL) (approved)

#### **5. The Proposal**

Planning permission was granted on 20<sup>th</sup> September 2019 for the construction of a 10-horse stable block and associated storage together with a groom's dwelling under application reference 18/10083/FUL. This consent was restricted through a suite of conditions including condition 7, which required that it be used as a full livery only.

This scheme was later revised under application reference 20/04180/VAR which was permitted on the 18<sup>th</sup> September 2020. As part of the revised application the Applicant confirmed their intention to operate a full livery and rehabilitation business from the application site. As such, the revised application granted consent for the construction of an examination room partially adjacent to the approved stable block to be used for the assessment of horses and minor medical procedures. Minor amendments to the consent were also granted including alterations to the approved fenestration. The construction of the approved schemes has commenced, and the supporting statement explains that it is expected to be completed by the end of the summer.

Apart from the approved access, the land to which the current application relates falls outside of the boundaries of the previous consents. Therefore, the land concerned is currently in an agricultural use and permission is sought to use it for equestrian purposes. The previous consents included a small hay store which the Agent claims is not large enough to meet the hay storage needs of the holding. As such the proposal includes the erection of an agricultural storage barn which would be used to store hay and machinery required in association with the management of the land. This building would also include a rehabilitation area which would house specialist equipment comprising of a horse spa and horse treadmill to treat the horses accommodated at

the site under the full livery. This rehabilitation area would be used in association with the examination room which has already been permitted under the previous schemes. A horse walker and rainwater harvesting tank would also be positioned on the land and a new area of hardstanding would be created.

## **6. Local Planning Policy**

National Planning Policy Framework 2021: Paras 2, 11, 12, 38, 47, 80, 85, 110, 111, 130, 180, 197, 199, 202

Wiltshire Core Strategy Jan 2015: CP1, CP2, CP13, CP34, CP48, CP50, CP51, CP57, CP58, CP62

Saved Policies of the North Wiltshire Local Plan 2011: NE14

## **7. Summary of consultation responses**

### Drainage

No objection. Rainwater harvesting is top of the drainage hierarchy and should offer betterment for surface water runoff for the site.

### Public rights of way

No objection provided the land to the east of the footpath remains open.

### Highways

No objection

### Minety Parish Council

Objection raised due to the commercial nature and the increased footprint of the development on a site that is in the isolated countryside. The nature of the road infrastructure is unsuitable for the increase in traffic to the site.

### Public Protection

No objection subject to conditions controlling the type of horse walker proposed and the flooring material for the walker.

### Ecology

No objection subject to conditions.

### Conservation

Objection raised. The proposal would dominate the area, obscure views and result in cumulative harm to the setting of the heritage assets. The proposal would also erode the rural character of

the area through hard surfacing, cumulative built form and associated infrastructure. The harm caused is less than substantial and at the lower end of the scale

### Public Consultation

Six letters of objection were received during the public consultation period. The main points raised were as follows:

- The cumulative impact of the proposal with the approved schemes should be considered. The proposal would not comply with Core Policy 34.
- The site is reliant upon car-borne transport and the introduction of further development cannot be justified on sustainability and accessibility grounds.
- The cumulative scale of development would be excessive and would have an adverse effect on the character and appearance of the area.
- The proposal transforms the site from a simple full livery to a full equine rehabilitation equestrian centre.
- Little justification has been provided to indicate that the proposal would be of benefit to the local economy or community.
- The impact on the amenity in the neighbouring farmhouse, clock house and garden and tennis court should be considered.
- Increased noise, movements and activity in a quiet and tranquil location.
- Harm to neighbour amenity
- Noise disturbance would affect the neighbour's enjoyment of their property.
- Increased traffic noise through visits by vets and physios etc.
- There would be a higher turnover of horses in full livery.
- Concern that the facilities could be used for outside treatments
- Concern that if the site is sold it could be used for DIY livery.
- The proposal is out of proportion to its setting. It would be overly prominent and it would change the character of the field. The development reduces the openness of the field.
- Concern that other open fields in wider area could be similarly developed.
- Harm to the setting of the adjacent listed building.
- The proposal changes the nature of the previous approved development
- The application would not have been permitted if it were all applied for in one go.
- Noise created by the construction of the approved scheme.
- Construction works are affecting the enjoyment of the neighbouring properties. Request that the hours of construction are controlled.

## **8. Publicity**

In accordance with Covid-19 arrangements, the publicity of the application was by way of neighbour notification letters.

## **9. Planning Considerations**

### Principle of proposal

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the

development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLPL) 2011 (adopted June 2006).

Wiltshire Core Strategy Policies CP1 and CP2 alongside community area based policies, CP13 in this instance, define a hierarchy of settlements based on the range of services infrastructure and facilities in those locations and seeks to direct most new development to the most sustainable locations in this hierarchy. In the Malmesbury Community Area the most sustainable location to which most growth is directed is Malmesbury with the large villages of Ashton Keynes, Crudwell, Great Somerford, Oaksey and Sherston being identified as able to accommodate some growth within existing settlement boundaries.

The Wiltshire Core Strategy does however include several policies which form an exception to this approach. In this instance CP34 is of relevance as it deals with additional employment land and commercial development outside of the defined settlements. During the public consultation period, concern was raised that the proposal would not comply with Core Policy 34. Whilst this comment is appreciated, the cumulative impact of the development alongside the approved schemes has been carefully assessed and it is considered that the proposal would help to achieve the objectives of Core Policy 34 ii). This aspect of the policy seeks to:

*'ii) support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification.'*

As with the previous approvals, it is considered that the proposals for commercial equestrian development fall into this category as they require a rural location for the use proposed.

It is considered that the proposal complies with the criteria set out within Core Policy 34. As will be explored in greater detail later in this report, it is considered that the proposals are consistent in scale with their location and do not adversely affect nearby buildings or the surrounding area; nor are they considered to detract from residential amenity. The application has been accompanied by information to explain why the development is needed to support the existing business which will be operating from the site, thereby demonstrating its benefit to local economic and social needs. The proposal would not undermine delivery of strategic employment allocations and it is supported by adequate infrastructure. The proposal therefore satisfies criteria v. to ix. of Core Policy 34. It would also comply with paragraph 85 of the National Planning Policy Framework which seeks to support the sustainable growth and expansion of businesses in rural areas as well as the development and diversification of agricultural and other land-based rural businesses.

Concern was raised during the public consultation period that the proposal would change the nature of the previously approved development, transforming it from a simple full livery to an equine rehabilitation centre. Whilst this concern is appreciated, the principle of a commercial equestrian centre on the wider site was accepted under application reference 18/10083/FUL and the current proposal would expand and compliment that existing use. The rehabilitation use was referenced in the application which varied the original consent (20/04180/VAR), which approved inter alia the introduction of an examination room to be used to assess horses prior to their rehabilitation. The documents accompanying this previous consent outlined the Applicant's

intention to operate a full livery and rehabilitation business from the site and this variation of condition application was restricted through a range of conditions including a condition requiring that the development be used as a full livery only.

The additional statement submitted in support of the current application confirms that the rehabilitation service would only be offered to the horses already kept on site under the approved full livery. Therefore, although the proposal would introduce new facilities for use by the horses as well as additional storage space, the proposal would not increase the number of horses that can be accommodated on the site, nor would the proposed facilities be used by horses that are not resident at the site under the full livery. A suite of conditions is suggested to control the scope of the consent and subject to these constraints the proposal is considered to be acceptable in principle.

### Impact on Heritage Assets

The site is adjacent to a Grade II listed building. In accordance with the provisions of The Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance of the NPPF, Core policies CP57 (i) and CP58 require that all development preserves and where possible enhances the significance and value, including their setting, of designated heritage assets such as listed buildings.

The listing for Lower Moor Farmhouse describes the heritage asset as follows:

*II Probable early C17 core with C18 and C19 additions and alterations. Rubble with some render and flush rusticated dressed stone quoins to core range, squared and coursed dressed stone to C19 addition; stone slate roofs throughout with end and ridge stone stacks.*

*Irregular L-shaped plan with C17 west range and later additions in a long range set at right-angles and facing east. Two storeys to C17 block, single storey and attic to later range. Two- and three-light casement fenestration throughout, but on the west wall of the C17 block is a two-light chamfered mullion with hoodmould lighting the staircase. Doorway in the angle between ranges with flat hood on a single concrete bracket and plank door.*

*Interior. Early C17 dog-legged staircase-with square newels and rustic flat-section balusters; stone flags to lobby and several chamfered beams.*

On this basis it is considered that the heritage values and significance of the building stems from its historic, evidential, illustrative and aesthetic values and importance being characteristic of historic farmsteads in the Wiltshire locality. The setting of the structure is considered to be of high significance in this context with the surrounding farmland and buildings and their arrangement within the holding being a part of the historic and illustrative values.

The Council's Senior Conservation Officer was consulted in respect of the proposals and identified that the proposal would result in harm to the setting of the farmhouse. In particular, they identified that the size and location of the proposed building would interfere with views to and from the listed building complex, harming the setting of the heritage assets due to scale, bulk, massing and light spill. They noted that the horse walker and tank would be additional structures in the

currently open fields obscuring views to and from the heritage assets. The Senior Conservation Officer also considered that the development would erode the rural character of the area which forms part of the significance of the heritage assets and their setting. Officers did confirm that the harm arising would be less than substantial and at the lower end of the scale of harm.

In terms of the level of harm caused, it is noted that there is very little inter-visibility between the application site and the listed building. Any views which do exist are significantly reduced and impeded by the presence of established trees and hedging as well as other boundary treatments. Moreover, the proposed building would have the appearance of a typical agricultural building and it would not therefore appear as a prominent or incongruous feature in this rural location. The erection of external lighting can be controlled by condition and this will ensure that the visual prominence of the site is not increased during hours of darkness. Within this context it is considered that the harm caused would be less than substantial, and that it would be at the lower end of that scale. Whilst the Senior Conservation Officer agreed with this conclusion they did note that details such as lighting have not been provided and have the potential to increase the level of harm caused.

The wording of CP58 and the supporting text to the policy is quite clear that if harm is identified, no matter what the level, it is in conflict with the policy. Therefore, due to the harm identified, the development is in conflict with CP58. This is a matter which weighs against the scheme in the planning balance. However, failure of the proposed development to comply with CP58 is not necessarily fatal to the acceptability of the scheme. 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.

The NPPF is a material planning consideration and paragraphs 197, 199, 202 are relevant to the determination of the application. Paragraph 202 provides: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

In this case, the proposal would provide economic benefits for the business. Horse owners would pay additional fees in order to use the horse walker and aqua treadmill and therefore these facilities would provide complimentary revenue streams for the business. The proposed building would also reduce expenditure for the business by allowing the applicant to store the hay produced from their land, thereby negating the need to purchase it elsewhere. Covered and secure machinery storage would reduce the deterioration of machinery and would prevent expenditure associated with storing it elsewhere. The proposal would also have broader economic benefits both during the construction phase through the provision of employment opportunities for builders, and the operational phase through support for a range of other businesses including veterinarians and farriers.

The proposal also involves several broader public benefits such as reducing the number of vehicle movements to and from the site. The Agent explained that when compared to a typical full livery, the rehabilitation livery would attract fewer visits from the owner of horses who are less likely to visit to ride their horses and are more likely to live further afield. The provision of on-site storage and facilities will also reduce the number of vehicle movements as such equipment and

facilities would not need to be accessed elsewhere. The provision of the building would also prevent machinery and hay from being stored outside, which can cause visual harm.

These are public benefits of the scheme to which significant weight should be afforded and it is considered that these benefits demonstrably outweigh the less than substantial harm that would arise from the development. Given this conclusion, in the context of the paragraph 202 balancing exercise, it is considered that the proposals are not in conflict with the NPPF and this is a material consideration of sufficient weight to indicate that in this instance a decision otherwise than in accord with the development plan is justified and planning permission can be granted.

#### Impact on the character and appearance of the locality

Core Policy 57 of the Wiltshire Core Strategy states that a high standard of design is required in all new developments, and that development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. This is reflected by Core Policy 51 which states that development should protect, conserve and where possible enhance landscape character.

Concern was raised during the public consultation period that the size of the proposal would be excessive, and it was felt that it would have an adverse impact on the character and appearance of the area. Whilst this concern is appreciated, the size of the proposed building is not considered to be excessive given its proposed use and the Agent has provided evidence to explain why a building of this scale is required. They have explained that there is a requirement for 110m<sup>2</sup> of storage space to accommodate two cuts of hay from the land. Moreover, the building is required to store a tractor, telehandler, mower, tedder, rake, hay trailer, rolls, forks, topper, chain harrow, all-terrain vehicle, muck trailer and sand school grader; which combined have a total storage requirement of 86.5m<sup>2</sup>. Therefore, the supporting planning statement confirms that there will be a storage requirement of approximately 239m<sup>2</sup>, and that the storage section of the building would extend to 216m<sup>2</sup>. It is considered that the Agent has provided sufficient evidence to justify the need for a building of the scale proposed.

By virtue of its form and design, the proposed building would have an agricultural appearance. The site is located in a rural area where agricultural and equestrian buildings are a common feature and in this context the proposal would not appear as an incongruous feature. Moreover, the site is to a large degree well screened from the surrounding area and as such the development proposal will not be visually prominent. The principal views of the development will be from the adjacent right of way and whilst the development would be prominent from this location it will be read in the context of the existing equestrian enterprise which is currently under construction.

In summary it is not considered that the proposals would result in harm to the character, appearance and visual amenity of the locality such that consent ought to be refused on this basis. Therefore the proposal is in compliance with the provisions of CP34 (vi), CP51 and CP57 (i) (ii) (iii).

#### Impact on Highways

Concern was raised during the public consultation period that the proposal would result in increased traffic through visits by vets and physiotherapists. It was also felt that it would result in a higher turnover of horses and that as the site is reliant upon car-borne transport the introduction of further development cannot be justified on sustainability and accessibility grounds.

The Agent has confirmed that the proposal would not increase the number horses accommodated at the site. Given that the rehabilitation nature of the business was approved through a previous scheme (20/04180/VAR) there is no evidence to indicate that the proposal would increase the number of vehicle movements associated with trips by veterinarians or physiotherapists. The supporting information explains that the proposal would help to reduce the number of vehicle movements associated with the site by providing facilities such as the horse walker, horse spa and hay storage on-site; thereby negating the need to travel off-site. A condition can be applied to prevent the approved facilities from being used by horses that are not in full livery at the site, which would further control the vehicle movements associated with the proposal. Whilst it is accepted that there would be increased vehicle movements associated with the construction phase of the proposal, the impact of such movements can be controlled and mitigated by attaching a condition to require compliance with the submitted construction method statement.

The Highways Officer reviewed the proposal and noted that there was no evidence contained within the submissions which indicated that the proposal would increase the number of vehicle movements associated with the site. On this basis the Highways Officer raised no objection to the proposal.

The Public Rights of Way Officer noted that a public footpath (MINE34) runs to the east of the site. They highlighted that the Applicant proposes to fence and plant a hedge along the site boundary. The Public Rights of Way Officer raised no objection to this provided the land to the east of the footpath remains open and they advised that the footpath should not be enclosed on both sides without consultation with the Countryside Access Officer. On this basis the proposal is also considered to have an acceptable impact upon public rights of way.

#### Impact on Residential Amenities

Concern was raised during the public consultation period regarding the impact of the proposal upon the amenity enjoyed by the neighbouring properties, with particular concern being raised about the amenity of Lower Moor Manor. It was felt that the proposal would result in increased noise, movement and activity in an otherwise quiet and tranquil location.

Core Policy 57 highlights the importance of protecting neighbour amenity. It states that development should have regard to the compatibility of adjoining buildings and uses, as well as the impact on the amenities of existing occupants.

The Public Protection Officer was consulted on this proposal and initially requested an assessment of the acoustic impact arising from the operation of the horse walker, horse treadmill and spa. Following this request the Agent submitted additional information regarding the equipment proposed including the manufacturer, model and videos of the equipment in use. They confirmed that both a water treadmill and water spa would be sited within the building. Horses using the water spa would stand in the spa for the purposes of hydrotherapy to treat lower leg

injuries. The water treadmill would be used for equine rehabilitation, with the speed of the treadmill being kept low and predominantly used for walking. The Agent also confirmed that the horse walker, which would be located outside of the proposed building, would have rubber matting to increase grip and dampen noise. They advised that the walker would be used for gentle, low impact walking.

Following the receipt of this information, the Public Protection Officer confirmed that an acoustic assessment was no longer required and they considered that there would not be a significant loss of amenity to neighbours as a result of the proposal. The Public Protection Officer requested that the type of horse walker proposed and the flooring material for the walker be controlled via conditions. Subject to these constraints it is not considered that the proposed equipment would be significantly harmful to the amenity enjoyed by neighbouring properties such that the application could reasonably be refused on this basis. It is considered that the building would not cause harm to neighbour amenity in broader terms, for instance through odour or vibration and a condition can also be applied to control the erection of external lighting to mitigate any disturbance caused through light pollution.

The block plan indicates that the eastern elevation of the building would be approximately 51 metres from the boundary with Lower Moor Manor. Given this significant separation distance, it is considered that the proposal would not give rise to any significant loss of light, privacy or overbearing impact. Concern was raised during the public consultation period about the noise associated with the construction of the approved development on site. It is acknowledged that the construction phase of the development has the potential to cause disturbance to the surrounding neighbours through noise and in order to mitigate this harm a construction method statement was submitted. Importantly, the construction method statement controls the hours of construction as well as parking and material storage. A condition is suggested to require that the development is carried out in strict accordance with the construction method statement throughout the construction period.

In summary, whilst the concerns raised are appreciated, in this case it is not considered that the proposal would cause such significant harm to the amenity enjoyed by the neighbouring properties, including Lower Moor Manor that the proposal could reasonably be refused on this basis. Therefore the proposals are considered to accord with the provisions of WCS CP34(vi) & CP57(vii) and paragraph 130 of the NPPF.

#### Impact on Ecological Interest

As noted in the site description, the site is in a locality with records of protected species including bats and Great Crested Newts and there are habitats of ecological potential on or directly adjacent to the site including a watercourse and significant mature boundary vegetation. As such the application has been supported by a Great Crested Newt Survey and an Ecological Construction Method Statement.

The Ecologist reviewed the submission in full and raised no objection. They were satisfied that potential harm to biodiversity would be minimized through the provision of a 3 metre undeveloped buffer between the barn and an ecological enhancement corridor, as well as adherence to the Ecological Construction Method Statement and appointment of Herdwick Ecology as Ecological

Clerk of Works. Subject to such conditions it is considered that the application complies with Core Policy 50 of the Wiltshire Core Strategy.

### Drainage

The supporting planning statement confirms that it is proposed to install a rainwater harvesting tank that will measure approximately 2.3 metres tall with a diameter of 4.5 metres. This will help to minimize peak flows of surface water into the nearby brook. Based upon annual rainfall measured by the Met Office, the proposed tank will have sufficient capacity to store approximately two months of rainwater. An overflow pipe would also be connected to the attenuation pond to the south of the proposed building which discharges into the nearby brook.

The Council's Drainage Engineer raised no objection to the proposal. They noted that rainwater harvesting is at the top of the drainage hierarchy and should offer betterment for surface water runoff for the site. Given the reasonably low risk of flooding on the site, it is not necessary or reasonable to require further details of the proposed surface water disposal arrangement via condition.

### Other matters

Concern was raised during the public consultation period that the proposed facilities could be used to treat horses not under livery at the site. Whilst this concern is appreciated, the use of the facilities can be controlled via a condition attached to the consent.

A letter received during the public consultation period raised concern that if the site is sold it could be used for DIY livery. The previous consents contained conditions to control the use of the site and require that it is used for full livery only, and these conditions would continue to apply even if the site were sold. For the avoidance of doubt, it is recommended that such conditions are also applied to the current application. Any future application to change the nature of the uses occurring on the site would need to be considered on its own merits.

Concern was also raised during the public consultation period that other fields in the wider area could be similarly developed. There is no precedent in planning terms and it does not follow that what is found to be acceptable on one site will also be acceptable on another. Any application for further development on this site or in the wider area would be assessed on its own merits.

## **10. Conclusion (The Planning Balance)**

The proposal is considered to be acceptable in principle and the expansion of the existing equestrian facilities on the site is considered appropriate given its rural location. The proposals are considered to be acceptable in design terms and they would have an acceptable visual impact upon the rural landscape. No significant harm to residential amenity or highway safety is identified as arising from the proposals and they would not significantly increase flood risk on the site or in the wider area. Although the site is located in an ecologically sensitive area, subject to conditions, the proposals are not considered to cause harm to protected species. As such, the proposals comply with the requirements of the plan in these respects.

Harm is identified with respect to the significance of the adjacent listed building and conflict with the development plan arises as a consequence. As assessed above the harm identified is considered to be less than substantial and at the lower end of that scale.

There are significant benefits associated with the proposed development which are considered to clearly and demonstrably outweigh the harm caused and therefore the proposal satisfies paragraph 202 of the NPPF.

Overall the proposals are considered to comply with the development plan and although conflict with Core Policy 58 has been identified, the proposal would comply with the provisions of the framework in this respect. Compliance with relevant development plan policies and provisions of the framework is afforded substantial weight in the planning balance. There are significant economic benefits associated with the proposal both through its operation and the construction phase. The proposal would also reduce the number of vehicle movements associated with the site and would prevent visual harm by negating the need for hay and machinery to be stored outside. Therefore, taken together, it is considered that the benefits associated with the proposal would significantly outweigh the harms. On this basis it is considered that the proposal represents a sustainable form of development, and it is recommended that planning permission be granted.

## **RECOMMENDATION**

**That permission is GRANTED subject to the following conditions:**

### **Conditions: (8)**

- 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:  
KCC2820/07 - Block plan  
KCC2820/06 10/20se - Location plan  
KCC2820/08 10/20se - Proposed storage/rehabilitation building: elevations and floor plan  
KCC2820/09 10/20se - Proposed horse walker  
KCC2820/10 01/21se - Proposed rainwater harvesting tank  
Received 10/02/2021

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

- 3 The development hereby permitted shall only be operated solely on the basis of the approved full livery arrangements and at no time shall the site offer or provide for DIY livery services.

REASON: In the interests of highway safety.

- 4 The facilities hereby approved including the horse walker, horse spa and horse treadmill shall be for the sole use of horses accommodated at the site under full livery. No other horses shall use the approved facilities at any time unless approved in writing by the Local Planning Authority.

REASON: to protect the amenity enjoyed by neighbouring properties and to control the number of vehicle movements associated with the site

- 5 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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.

- 6 The horse walker provided must be the Molenkoning walker, with glide rail system, push gates and rubber matting flooring. No other type of horse walker shall be installed on the site.  
REASON: To protect residential amenity

- 7 The development shall be carried out in strict accordance with Sections 5 and 6 of the Ecological Construction Method Statement (prepared by Wild Service, 08/06/2020) and Appendix 1 of the Great Crested Newt Survey (Prepared by Astute Ecology, June 2019).  
REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- 8 The approved construction method statement, received by the Local Planning Authority on 8th July 2021, shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.  
REASON: To ensure that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

**Informatives: (4)**

- 10 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.

11 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

12 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.

13 **INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.