CASE OFFICER'S REPORT

Application Reference:	PL/2023/05014
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	28 July 2023
Case officer:	Amelia Rose

Site Address:	*Newth's Lane Barn, Newth's Lane, Purton Stoke , Swindon, SN5 4JH
Proposal:	Change of use of land to equestrian use and erection of stables.
Recommendation:	Approve with Conditions

SITE DESCRIPTION

The application site relates to an existing paddock which lies nearby to Purton Stoke on the outskirts of Swindon. The site lies outside of any settlement boundary, isolated in its location, meaning it site lies in open countryside in planning terms. The paddock is empty and has two dwellings adjacent around 150m to the east of the proposed build site, but is otherwise isolated.

PROPOSAL

The proposal is for a change of use of the land from agricultural to equestrian, and erection of a stables block on the land to house two horses and support development of a rural business.

POLICIES

Wiltshire Core Strategy adopted Jan 2015:
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 48: Supporting Rural Life
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and Development
Core Policy 62: Development Impacts on the Transport network

Saved Policies of North Wiltshire Local Plan (2011)
None

National Planning Policy Framework July 2021:
2. Achieving sustainable development
4. Decision-making
11. Making effective use of land
12. Achieving well-designed places

15. Conserving and enhancing the natural environment

RELEVANT PLANNING HISTORY

PL/2023/01171 – lawful development – proposed use: Building a livestock hay and straw storage and shelter for horses / cows in the winter in order to cater for their proper welfare and provide them feed for the winter. Refused 03/05/2023.

CONSULTATIONS

Purton Parish Council: No objection

WC Highways Department: No objection subject to conditions

There would be no principal objection to the change of use proposal should the stables provide private stabling of horses only with no commercial equestrian activity. Should the proposal seek to establish a private equestrian use then daily movements would be expected and an upgrade in the access would be required to provide a suitable access. Therefore, I would recommend the following conditions if no further plans are forthcoming.

'No part of the development hereby permitted shall be first brought into use until means/works have been implemented to maintain visibility splays between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the near-side carriageway edge 43 metres to the right and left of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900 mm above the level of the adjacent carriageway.
REASON: In the interests of highway safety.'

'Any gates shall be set back a minimum of ten metres from the edge of the carriageway, such gates to open inwards only.
REASON: In the interests of highway safety.'

'The development hereby permitted shall within three months of the granting of permission be required to provide a consolidated access such that the first ten 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.'

'(WM7) 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/or to protect the living conditions of nearby residents.'

Informative

'The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. 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.'

A discussion was consequently had with Highways as the proposal is to be for commercial use. Highways stated that due to there only being two stables proposed on the site, this number of horses at once would be an acceptable amount of development on the site and there was no objection on these grounds. Highways confirmed that an access upgrade would still be required to support these vehicle movements.

REPRESENTATIONS

None received.

PLANNING ISSUES

- Principle of development
- Impact on the character and appearance of the area
- Impact on landscape
- Neighbour amenity
- Highway impacts

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:
"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Section 70(2) of the Town and Country Planning Act 1990 provides that:
In dealing with an application for planning permission, the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

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 (NWLP) 2011 (Adopted June 2006).

Principle of development

This application is located in Purton Stoke which does not have an identified boundary and is not set out in Core Policies CP1 and CP2 of the Wiltshire Core Strategy, and as such the application site is considered to be in the open countryside for the purposes of planning policy. There are no policies in the WCS that directly deal with the principle of new equestrian related development in the countryside.

In the interests of promoting sustainable development and the protection of the countryside, development outside the settlement boundary is strictly controlled and most forms of development will not normally be supported other than in accordance with relevant exception policies set out in the local plan. Equestrian development, however, is a decidedly rural form of development and is generally considered appropriate for countryside locations, subject to site specific matters. The principle of development is therefore considered acceptable on this basis.

Impact on the character and appearance of the area

Section iii of Core Policy 57 of the WCS states new development must respond positively to existing townscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines. Moreover, Paragraph 130 of the NPPF states that developments should be visually attractive as a result of good architecture and be sympathetic to local character.

The proposal consists of a single building to be around 4m in height, 14m in length and 5m in depth to be situated within a field that is proposed to be changed from agricultural to equestrian use. The building would be constructed of materials that would not stand out in the locality, to include timber clad walls with timber fenestration and a felt roof. The area is relatively flat, and to the south, the site is bordered by a tall hedgerow running along the northern edge of Newth's Lane, which mostly protects the site from public view from this elevation. The building would be shielded from the dwellings relatively nearby within 150m to the west of the proposal, and the field is also enclosed to the north and east.

Whilst not adopted planning policy, the Pasture Management advice from the British Horse Society outlines that provisions for a stable for an average horse should measure a minimum of 3.65m/12ft (depth) and have a width of 3m-3.65m/10ft-12ft. Extra widths of 1.5m (5ft) should be added for each additional horse thereafter. The buildings should have a standard pitched roof and should demonstrate a minimum clear space to the eaves of 60-90cm/2-3ft. The guidelines go on to state that a significant factor in poor animal management relates to the poor shelter/ stabling standards with deficient ventilation or sizing. The building is therefore acceptable in this regard.

With regards to the change of use of the land, the proposal would result in the land being used for equine purposes, and it is considered that this would not look out of place in the countryside location. Overall the proposal is considered acceptable in terms of its impact on the character and appearance of the area and complies with CP57.

Impact on landscape

Core Policy 51 of the WCS states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, whilst any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Paragraph 174 of the NPPF builds upon the provisions of the WCS, identifying that decisions should contribute to and enhance the natural and local environment.

The site is not within an area of special importance or interest such as an Area of Outstanding Natural Beauty (AONB) or National Park and so the proposed change of use would not result in a loss of 'designated' open countryside. It is however still important to protect valued landscapes and to prevent the erosion of the landscaped setting of existing settlements. Considering this, the proposed building would not appear overly dominant or out of place within this location, and would be well screened along the eastern boundary.

The use itself, in terms of keeping equines on the land, is considered wholly consistent with the rural landscape. Taking all of the above into account, therefore, the proposed development is considered to conserve landscape character in a manner consistent with the objectives of Core Policy 51 of the WCS. The development does not raise an issue in terms of visual impact and is considered to comply with the relevant policies.

Neighbouring amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

Due to its relatively isolated nature, it is considered that the proposal would be unlikely to have any unacceptable impact on the amenities enjoyed by neighbouring dwellings which lie circa 150m to the west. Given the nature of the proposal and small business to which it would relate (which will be ensured via condition), the proposed building is considered acceptable in terms of its scale, design and materials. The small nature of the business would ensure that the proposal will not generate a level of noise and disturbance that would be considered unacceptable to the nearby dwellings, and the acceptable scale and proposed use of the stable block ensures that there will be no significant harmful impacts to neighbouring properties in terms of loss of light or overbearing impacts.

In the context of the nature and layout of the development, there is considered to be no unacceptable impacts upon the amenities and living conditions of neighbouring properties, thereby complying with the relevant provision of CP57 of the WCS.

Highway Impacts

Wiltshire Core Strategy policy CP61 states that new development should be capable of being served by safe access to the highway network. Section 9 of the NPPF expects development to ensure safe and suitable access to the site can be achieved for all users and that development can be refused on highways grounds if there would be an unacceptable impact on highway safety.

With respect to highways, the proposed use of the development would be for commercial use with an associated business that would run form the site. The stables would be accessed through the existing access which lies in the southwestern corner of the field and no new accesses are proposed.

There would only be two stables on the field in one block and it will be conditioned that one horse can live in each stable, and, as per the one-acre rule which states that around one acre of land is

suitable to support one horse, the three acre site can support one additional horse outside of the stables. A condition to enforce a maximum of three horses living on the site at any one time will therefore ensure control over the number of journeys required to the site each day. This will ensure that the business is not a large operation, and that the proposal would not have a deleterious impact on highway safety. The proposal is therefore considered compliant with CP61.

CONCLUSION

The proposed development accords with the provisions of the development plan and with relevant paragraphs of the National Planning Policy Framework 2021.

RECOMMENDATION

That Planning Permission be 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:
Location plan, drawing number LPC 5631 EX 01. Received 22 June 2023.
Proposed elevations and floor plans, drawing number LPC 5631 PR 02. Received 22 June 2023.
Proposed site plan, drawing number LPC 5631 PR 01. Received 22 June 2023.
REASON: For the avoidance of doubt and in the interests of proper planning.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of timber clad walls with timber fenestration and a felt roof.
REASON: In the interests of visual amenity and the character and appearance of the area.

4 The building hereby permitted shall be used for equine purposes occurring on the holding known as Newth's Lane Barn, Newth's Barn, Purton Stoke, Swindon, SN5 4JH as defined in Section 336 of the Town and Country Planning Act 1990.
REASON: To define the permission.

5 No more than three horses at any one time shall live in the stables hereby approved or on the land defined by the equine use.
REASON: In the interests of highway safety to restrict the number of journeys to the site.

6 No part of the development hereby permitted shall be first brought into use until means/works have been implemented to maintain visibility splays between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the near-side carriageway edge 43 metres to the right and left of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900 mm above the level of the adjacent carriageway.
REASON: In the interests of highway safety.

7 Any gates shall be set back a minimum of ten metres from the edge of the carriageway, such gates to open inwards only.
REASON: In the interests of highway safety.

8 The development hereby permitted shall within three months of the granting of permission be required to provide a consolidated access such that the first ten 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.

Informatives: (4)

9 The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. 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.

10 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.

11 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.

12 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.