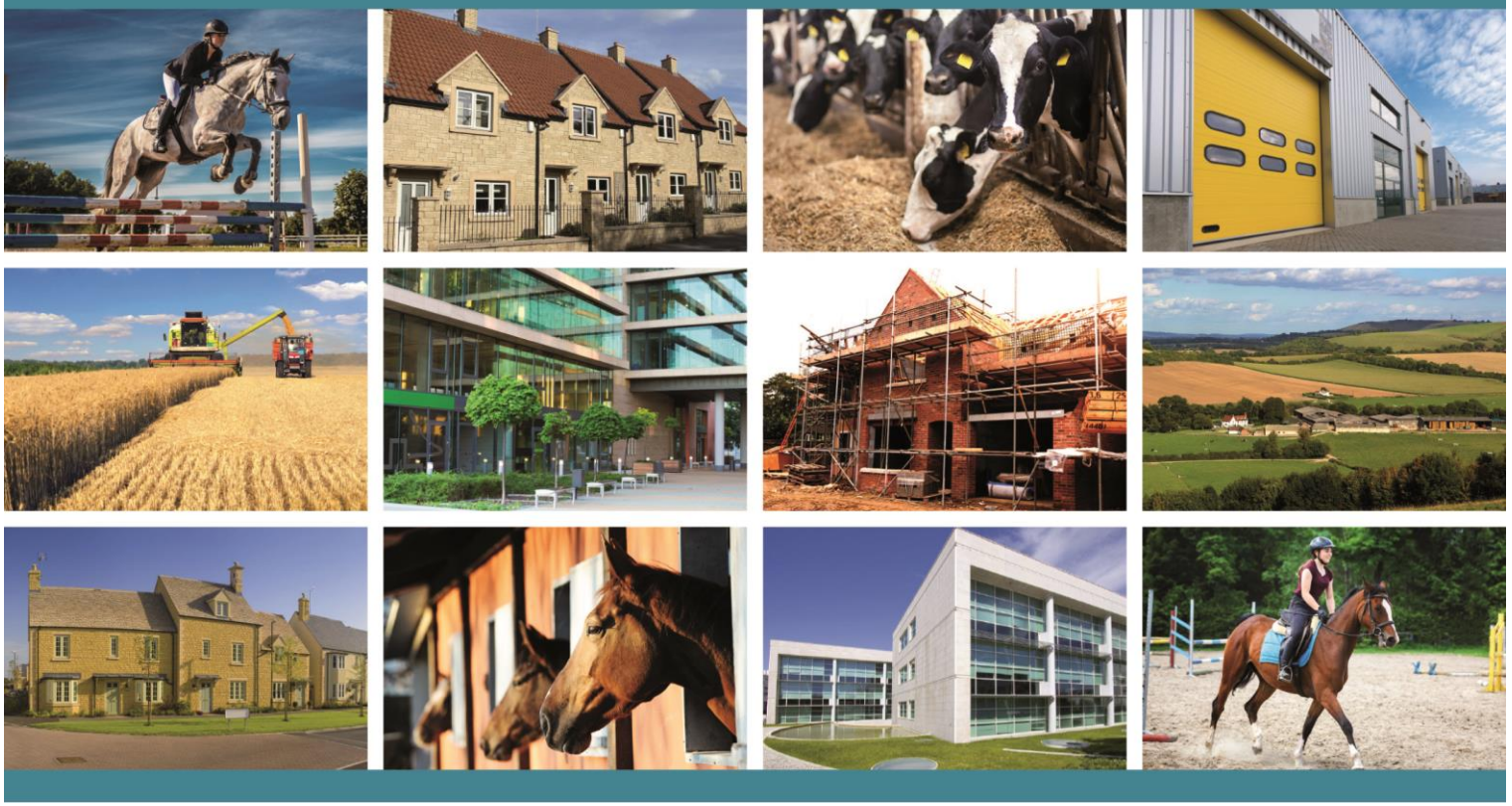
RCC TOWN PLANNING CONSULTANCY



Site: The Cottages, Downs Equestrian Centre, Baydon SN8 2JS

Proposal: Full planning permission to use pair of semi-detached cottages as independent dwellings (unrestricted residential use)

On behalf of: Downs Equestrian Centre

Date of Issue: September 2023

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PLANNING STATEMENT

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1.0 INTRODUCTION

1.1 This statement has been prepared on behalf of the applicants to support their full planning application.

1.2 As the proposal is not a 'major' development, or development within a designated area and consisting of the provision of one or more dwellinghouses or the provision of a building or buildings where the floorspace created by the development is 100 square metres or more, a Design and Access Statement is not required.

1.3 The statement will examine how the proposed development relates to the site and its context. The statement will also provide an explanation and justification for the scheme having regard to the national and local plan policy context.

2.0 BACKGROUND AND PLANNING HISTORY

2.1 This full planning application seeks consent to allow the pair of semi-detached cottages at Downs Equestrian Centre to be used as independent dwellings (unrestricted residential use).

2.2 In looking at the background to this proposal, stables have existed on the site for over half a century with the facilities on site expanding over the years, with significant expansion in recent years. There are 20 stables, 6 quarantine stables, a fenced ménage area, a lunge ring, a covered horse walker, an equestrian pool, a hay barn, plant and vehicle store, parking areas and adjoining gallops.

2.3 The centre is run by Mr Alberto Giugni, who is a director of the business and a four-star event rider who has competed for the Italian National Team and who regularly events in top level competition. Mr Giugni has managed the centre for over 10 years and has an international reputation for his skills and expertise in training both horses and riders.

2.4 Following an earlier refusal of planning permission, an application for the erection of a building to contain two residential units to form part of the accommodation for the Downs Equestrian Centre was approved on 12th April 2011(E/09/0988/FUL). This was subject to a Section 106 Agreement that prevented the severance of the new residential accommodation from the land that forms the Downs Equestrian Centre.

2.5 On 5th February 2013, a further application proposing amendments to the design and siting of the ancillary residential accommodation building was approved (13/00394/FUL). A variation of the S106 was also agreed. A condition on the permission restricts the occupation of the dwellings to persons working in the training/keeping/breeding of horses or in agriculture or forestry and in addition the dwellings can be used as holiday accommodation for persons unconnected with equestrian, agriculture, or forestry use. This was to allow the cottages to be used by visiting clients and students as this was the primary purpose of the accommodation.

2.6 From the outset the cottages were required solely to provide accommodation for visitors to the Equestrian Centre. The cottages were never required for staff working at the yard as there is sufficient general accommodation for the stables to function without these cottages. Mr Giugni lives on site in the main house (a converted barn) and there is also a bungalow on site that provides accommodation for up to six staff members. At present there are only 2 members of staff living in the bungalow.

2.7 Prior to Brexit and Covid the centre would have numerous owners come with their horses to stay and receive tuition. Sadly, the circumstances of the business have changed significantly in that the visiting owners and student's element of the business has dried up completely. This is due primarily to post Brexit restrictions on the movement of horses and the impacts of Covid with travel restrictions. Bringing horses over from the EU to be trained is now prohibitively expensive and time consuming with the extra paperwork required.

2.8 Due to this change in circumstances, the applicant has had to change his business and it is no longer focused on visiting clients. As a result, there is no requirement for this residential accommodation at the Centre.

2.9 At the present time to keep the cottages heated, secure and utilised, one cottage is occupied by a tutor who acts as a consultant at the yard and the other by a person working in the yard. No rent is paid, they are simply occupying the cottages as there is no other use for them and could move to the spare rooms in the Grooms Bungalow.

2.10 The use of the cottages as holiday lets is not something that the applicant has ever wanted or wishes to pursue as this is not his business speciality and he does not want to be involved in managing holiday lets. He is also unable to offer the cottages for sale or rent as this would be contrary to the terms of the S106 agreement.

2.11 The applicant is therefore submitting this full application to allow the cottages to be used as unrestricted dwellings. The applicant is aware that he would need to apply to vary the S106 once this application has been approved.

3.0 CONTEXT

3.1 The village of Baydon is identified as a Large Village under policy CP14 of the Wiltshire Core Strategy. Baydon benefits from a good range of facilities and services. These include a village shop and post office, a local primary school, a mobile library, a village hall and a restaurant/pub. The village also benefits from regular bus services to the larger centres of Marlborough, Swindon and Hungerford, as such it is a sustainable village.

3.2 Downs Equestrian Centre is located towards the northern edge of the village and consists of a range of buildings and equine related facilities. It is located either side of an access lane (which is also a Byway Open to All Traffic). The Applicant's property is located on the southern side of the lane whilst the Grooms Bungalow and the pair of semi-detached cottages to which this application relates are located on the northern side of the lane, with a yard area containing two storage buildings in between, see figure 1 above.

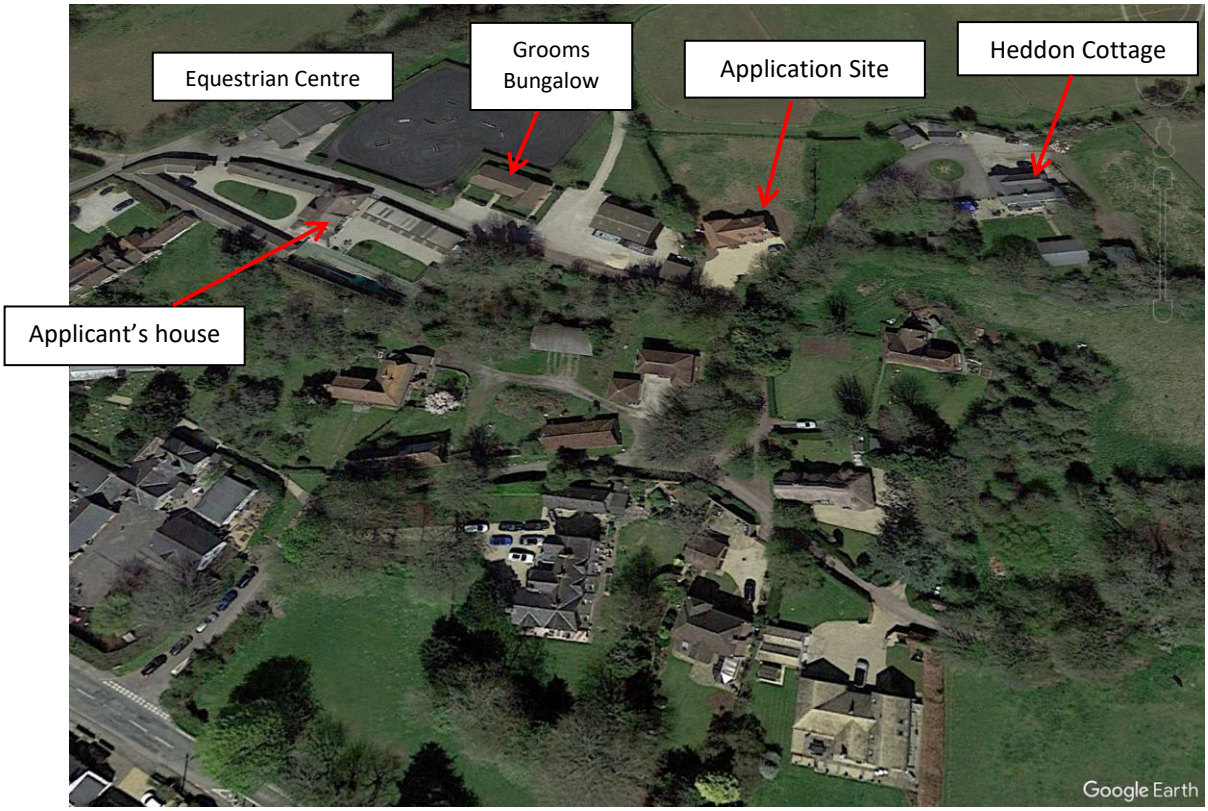


Figure 1 – Site context

3.3 The pair of semi-detached cottages are located immediately adjacent to the Limits of Development (LOD) of Baydon which generally follows the north side of the access road but kinks northwards to include the Grooms bungalow site. The application site also lies adjacent to the boundary of the designated conservation area. The entire area is washed over by the North Wessex Downs AONB. The site lies in FZ1 and is therefore at very low risk of flooding from rivers and is also at very low risk of surface water flooding.

3.4 As shown in figure 1 above, the cottages sit amongst a group of residential properties set out along narrow country lanes, with houses to the south, east and west. Heddon Cottage (which is a substantial property) being set back a distance of some 75m from the lane. The application site is therefore very much within the built-up area of the village.

3.5 The pair of cottages are clad in black horizontal timber cladding with a brick plinth wall below, with plain tiles to the roof, see figure 2 over. There is a good-sized gravel hardstanding/parking and turning area to the front of the cottages and a private garden area to the rear. The side boundaries are hedged, and the rear is marked with a post and rail fence. The properties are accessed from Finches Lane via the private access lane serving the Equestrian Centre.



Figure 2 – Front elevation of the pair of semi-detached cottages

4.0 PLANNING POLICY

4.1 The main planning policy framework relevant to this proposal is the Wiltshire Core Strategy 2015 (WCS) and the Government guidance within the National Planning Policy Framework 2021(NPPF).

4.2 At the local level, the WCS also contains a small number of 'saved policies' from the former Kennet Local Plan (KLP).

4.3 At the national level, the NPPF is the foremost material consideration. This is supplemented with the National Planning Practice Guidance (NPPG).

4.4 The relevant policies and guidance are set out in the tables below:

NATIONAL PLANNING POLICY FRAMEWORK

Chapter	Title
4	Decision-Making
5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities
9	Promoting Sustainable Transport
11	Making effective use of land
12	Achieving well designed places
15	Conserving and enhancing the natural environment

WILTSHIRE CORE STRATEGY

Chapter	Title
CP1	Settlement strategy
CP2	Delivery strategy
CP14	Marlborough Community Area
CP48	Supporting rural life
CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP61	Transport and new development
CP62	Development impacts on the transport network

5.0 PLANNING ASSESSMENT

5.1 The main issue in this case is whether the site is an appropriate location for permanent residential dwellings (unrestricted residential use) having regard to the Development Plan, the NPPF and all other relevant material considerations.

5.2 Consideration must be given to whether the restrictive occupancy condition imposed on application ref 13/00394/FUL is reasonable and necessary with regard to the Government's key objective of significantly boosting the supply of homes, the aims of protecting the character of the countryside, supporting the vitality of settlements and avoiding over-reliance on travel by car. Attention should also be given to the effect of removing the condition on housing land supply.

5.3 With this is mind, the key planning issues for the consideration of this proposal are:

- The principle of development and five-year housing land supply
- Sustainability of location
- Design and wider landscape impact
- Highway safety and parking
- Impact on neighbour amenity, and
- Planning balance

Principle of Development and Five-Year Housing Land Supply

5.4 Policy CP1 outlines the settlement strategy which identifies the 4 tiers of settlements and sets out the broad nature of development which may be permitted in each tier. Policy CP2 of the WCS outlines a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages and advises that development should be restricted to within the LOD other than in exceptional circumstances. These policies seek to direct new development to locations with a variety of services and employment opportunities in order to minimise the need for travel and in order to protect the character and appearance of the countryside and the vitality of settlements.

5.5 Policy CP12 deals with the Marlborough Community Area and identifies Baydon as a Large Village. As such the application site is in located on the edge of one of the more sustainable of the rural settlements benefitting from a good range of services and facilities. The Council has recognised this and accepted that the settlement is sustainable and capable of supporting residential development.

5.6 Paragraph 60, the NPPF emphasises one of the Government's key objectives of significantly boosting the supply of homes. Paragraph 69 recognises the important contribution small and medium sized sites, such this proposal, can make in contributing towards meeting the housing requirement of an area.

Section 11 of the NPPF requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses.

5.7 Also of significance to this proposal is national planning policy contained within the NPPF which requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs, with an appropriate buffer. The 'Housing Land Supply Update' published in May 2023 confirms that the Council can only demonstrate 4.6 years of housing supply (based on April 2022 data).

5.8 With regard to the scale of the current shortfall, in allowing a very recent appeal for housing development just outside the LOD of a site at Land off Melksham Road, Holt (PL/2022/03315), the Inspector described the shortfall as '*significant*' as it constitutes an appreciable deficiency when compared to what the supply should be. He also drew attention to the considerable length of time until it might be resolved and went on to attach significant weight to the content of the Framework in relation to the need for a 5-year supply and the consequences that flow from failing to identify that quantity of land.

5.9 As such, development plan policies concerning housing delivery, such as those within the spatial vision at CP1 and CP2 of the WCS are considered out of date and applications for housing development should instead be considered in line with paragraph 11 of the NPPF.

5.10 Whilst it is noted that the application site lies within the AONB, it is clear that paragraph 11(d) does not automatically stipulate that paragraph 11 is not engaged in such locations. Instead, it states that where relevant policies are considered out of date, permission will be granted unless:

I. "*the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; (our emphasis) or*

II. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.*"

5.11 It is again made clear that these cottages were never justified on the basis of being needed for staff accommodation in order for the yard to operate properly. They were just for visiting clients and pupils. As such this application would have no impact on the long term running or viability of the yard.

5.12 The statement will now move on to discuss the locational context of the site within the framework of 'sustainable development' before moving on to discuss other development management issues and then concluding with a discussion of the 'tilted balance'

Sustainability of Location

5.13 As set out in section 3, the application site is located just outside and immediately adjacent to the LOD for Baydon, as such it is not situated in an isolated location, instead it is an accessible location close to the key village

facilities and very well related to neighbouring dwellings. There are residential properties to the south, east and west and in no way can the site be described as being distant from the village. It is simply a parcel of land abutting the LOD and positioned on the 'wrong side' of the line. We would therefore contend that it seems illogical from a sustainability argument to oppose the net gain of two dwellings utilising an existing building in this location, given the close proximity of services and facilities of Baydon.

5.14 Whilst core policies 60 and 61 discourage development where it would lead to an overreliance on the private car as a mode of travel. In reality, it is no more or less practical to walk to the village centre from the application site in comparison to the nearby residential properties. There is easy access from the cottages to the nearby village shop (5 min walk), primary school (3 min walk), public house (4 min walk) and bus stop (4 min walk). It is therefore closer than many other properties in the village which are within the LOD. Occupiers of the property are therefore likely to rely on a mix of walking, cycling and private car for day-to-day trips.

5.15 Given the short distance to the village centre in most cases it will be more convenient to walk than to drive but if a car is used it will be a relatively short journey and as a result the extent of harm is therefore limited because of the closeness of the site to the village facilities. Furthermore, the use of the cottages for the permitted equestrian/tourist accommodation would also be reliant on travel by car to the same extent.

5.16 The NPPF, at paragraph 105, emphasises that "*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*". This is very much the case here with a site that lies close to the village centre and LOD and, in reality, is no more or less sustainable that the surrounding residential dwellings in terms of transport movements.

5.17 We therefore submit that the site 'by rural standards' is accessible and has good access to local services and as such is a sustainable location for unrestricted housing.

5.18 Indeed, similar conclusions were formed for proposals at Purton and Netherstreet for new build dwellings outside of LODs. In these cases, it was recognised that the proposals would result in a modest increase in traffic movements, but this was not considered sufficiently harmful to override the benefits the additional dwelling would provide towards housing land supply. These examples and a third example in Devizes for the unrestricted residential use of a holiday let are discussed in paragraphs 5.34 and 5.35 below.

5.19 Furthermore, to restore the Council's five-year housing land supply and the minimum housing requirement over the plan period, given the development plan policies will not be able to do so alone, the Council has produced a briefing note (no 22-09). This confirms that it will positively consider applications, such as the current proposal, where there are no major policy obstacles material to the decision other than the site being outside settlement boundaries or unallocated.

5.20 It is therefore considered highly likely that given the current circumstances if the scheme was applied for today the council would grant consent for the cottages without a restrictive occupancy condition.

Parking and highway safety

5.21 Turning to matters of highway safety, policy CP61 of the WCS deals with the traffic impacts of development and parking standards. This policy aims to ensure developments adequately address matters of access arrangements and road safety alongside adequate parking provision.

5.22 In considering the 2013 application for the cottages, the officer's report noted that the proposed parking arrangements were not so convenient as the spaces were to be located in front of the Grooms bungalow rather than on the application site. However, they concluded that as the dwellings were for equestrian workers/holiday accommodation only, the proposed arrangements would not warrant a refusal of planning permission.

5.23 Following the completion of the cottages, a hard surfaced gravel area was laid to the front of the properties to provide more convenient parking and a vehicular access was created from the private lane into the site. These works did not require planning permission as they are permitted development under Part 1, Class F and Part 2, Class B.

5.24 Therefore, in terms of parking provision a hard surfaced area is provided adjacent the cottages, providing ample parking facilities perfectly suited for open market dwellings and in accordance with the Council's minimum parking standards.

5.25 Paragraph 111 of the NPPF states that:

'*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe*'.

5.26 For the reasons set out above, it is submitted that the proposal would include and provide adequate parking and suitable access to the site in accordance with Core Policy 61 and 64 and that refusal on these grounds cannot be warranted. The scheme is therefore considered to accord with the relevant policies in the WCS and the terms of the NPPF.

Design and wider landscape impact including on the AONB

5.27 The site lies within the North Wessex Downs AONB and close to the Baydon Conservation Area. As a result, a consideration will be any impact the development may have on the AONB and the setting of this heritage asset. Policies CP51, CP57 and CP58 of the WCS and Parts 15 and 16 of the NPPF are relevant considerations.

5.28 The development of the cottages approved under planning reference 13/00394/FUL delivered a high-quality design, and the finished build has resulted in an attractive pair of cottages. The officer's report noted that the scale and design of the scheme would fit within other dwellings in the local area.

5.29 It is not proposed to undertake any alterations to the existing cottages, instead this current application simply seeks permission for an unrestricted residential use of the cottages. As a result, granting consent would have no impact whatsoever on the character or appearance of the village or the surrounding landscape including the AONB and the setting of the adjoining conservation area. The proposal therefore meets the requirements of the relevant policies of the WCS and the NPPF.

Residential Amenity

5.30 Policy CP57 (vii) requires development to have regard to the compatibility of adjoining buildings, the impact on amenities of existing occupants and ensuring appropriate levels of amenity are achievable.

5.31 The development of the site for equestrian/agricultural/holiday accommodation was found to be acceptable with no harm identified to neighbouring properties. The proposed use as unrestricted dwellings will not have any negative impacts on the amenities of the residents of adjoining properties due to the proximity and relationship of the site with adjoining residential uses.

5.32 In terms of amenity space, there are reasonable sized private rear gardens commensurate with the scale of the dwellings. These will provide ample space for sitting out, the drying of washing and the storage of domestic waste and recyclables.

5.33 For these reasons, it can be concluded that the proposal will not cause any demonstrable harm in terms of a loss of residential amenity to the neighbouring properties. As a result, the proposal satisfies the terms of criteria (vii) of policy CP57 of the WCS that requires regard to be given to the compatibility of adjoining buildings and uses.

Planning Balance

5.34 Although there is a conflict with the development plan, the 5-year housing land supply is also a material relevant consideration for the council in the determination of this application.

5.35 There are several recent decisions that are relevant to the consideration of this issue. In the examples listed below, all of the sites lie outside of any defined LOD and two involve new builds instead of the conversion proposed in the current scheme, yet greater weight was afforded to the lack of housing land supply and the benefit a single dwelling would contribute towards provision.

72 West Winds, Netherstreet, Bromham, SN15 2DP: Outline planning permission was approved under PL/2021/04596 for the demolition of a bungalow and erection of two dwellings. The relevant committee report notes that "*the development would bring a benefit in terms of a net increase of one dwelling in the local housing stock*" (paragraph 9.3). The site was described as being part of a "*small linear enclave*" of Netherstreet and the development was permitted despite the site being c0.5 miles beyond the closest point of the LOD of Bromham.

18 Locks Lane, The Common, Purton, SN5 4HD: Outline planning permission PL/2021/06368 approved alterations and extensions to the existing dwelling, alongside the erection of a detached four-bedroom dwelling (in place of an existing workshop). Here, the site is positioned alongside only one neighbouring dwelling and 0.12 miles from the LOD boundary of Purton. The delegated report considered the scheme in terms of its 'planning balance' and noted the lack of housing land supply and the position of the site in relation to existing built-form. The report also states that "*due to its relationship to the settlement of Purton, it is considered that the proposed dwelling would be located where it would, to a limited degree, maintain the vitality of a rural community*". In conclusion the limited harm arising from the conflict with policy was weighed up against the benefits the scheme, this was despite the fact that the Council openly acknowledged it was "*considered unrealistic to believe that future residents would walk to Purton*" and "*the proposal would likely lead to a reliance on the private car*".

The Brick Store, Dunkirk Hill, Devizes, Wiltshire SN10 2BD: Appeal decision APP/Y3940/C/20/3261363 relates to the occupation of a holiday let as a permanent dwelling (in breach of an occupancy condition). The Inspector acknowledged the site was outside of the LOD for Devizes (some 0.3miles) and that it is "*not one where unrestricted residential development would normally be permitted*". It was also accepted that it would be likely that there would be heavy reliance on travel by car, but this harm would be limited, because of the closeness of the site to Devizes, so that many car journeys would be short. Having regard to the lack of housing land supply and planning balance the Inspector stated:

Housing land supply

15. The Council accepts that it cannot demonstrate a 5 year housing land supply. Whilst the shortfall is not great, it has worsened in the time that the appeals have been under consideration. Although there is no shortfall in this particular part of the county, this does not prevent paragraph 11(d) of the National Planning Policy Framework from being applied here, and the relevant policies most important for determining the appeal are out-of-date. There are no policies applicable here which protect areas or assets of particular importance, and thus the presumption in favour of sustainable development applies.

16. I have identified small harm arising from the need to travel, along with a conflict with the development plan. Although the addition of the dwelling to the housing stock would make the smallest possible increase, in view of the importance which the Government attaches to increasing the supply of housing, I give this benefit modest weight. Weighing these factors, I find the adverse effects of allowing the appeals would not significantly and demonstrably outweigh the benefits.

5.36 In these cases, the provision of a single dwelling was considered to make a small but important contribution to the current and persistent lack of housing land supply within Wiltshire. In each case, the 'benefits' were not outweighed by the harm associated with the development lying in the open countryside outside the LOD.

5.37 Because the relevant local plan policies are out of date - the 'tilted balance' as set out in Paragraph 11 is engaged – i.e., the application should be approved unless the application of policies within the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or the harms caused by the application significantly and demonstrably outweigh its benefits.

5.38 It is important to emphasise the requirements of paragraph 11 which set a deliberately very high threshold, hence the term '*the tilted balance*'. This term is used to define Paragraph 11 of the NPPF when engaged as the 'planning balance' is tilted from a neutral balancing exercise where if the harms outweigh the benefits planning permission is usually withheld, to a tilted balance where the harms should significantly and demonstrably outweigh the benefits for permission to be withheld.

5.39 In this case, there is an identified small harm arising from the need to travel but as noted in the example above by the Inspector dealing with the appeal at the Brick Store, Devizes, this is only a small harm.

5.40 In terms of benefits, the proposal would contribute towards the persistent lack of housing land supply within Wiltshire. It is acknowledged this is only an increase of two dwellings, but other decisions (cited above) have given this weight, particularly in light of the NPPF's requirement to support the Government's important objective of significantly boosting the supply of homes. There would also be economic benefits from the spending associated with the future occupants of the site and the additional Council Tax payments which would be attracted.

5.41 In respect of Paragraphs 79 and 80 of the NPPF, the proposal would not lead to the construction of an isolated dwelling in the countryside. The development is clearly related to existing built form on the site and abuts the LOD boundary. Moreover, due to their close relationship to the settlement of Baydon, it is considered that the proposed dwellings, would be located where they would help to maintain the vitality of a rural community. As set out in the statement above there would be no harm arising from the impact of the development on the AONB or the setting of the conservation area.

5.42 In summary, the benefits are:

- The contribution the proposal will make towards housing land supply
- The economic benefits arising from the contribution towards Council Tax and the vitality of Baydon itself
- The close proximity of the site to the centre of Baydon

5.43 In line with Paragraph 11 of the NPPF, a conclusion needs to be drawn as to whether the identified harms significantly and demonstrably outweigh the identified benefits as listed above. It is clearly evident that in this case they do not, and the identified harm fall some way short of outweighing the benefits of this proposal.

5.44 Consideration should therefore be given to whether condition 7 of planning approval 13/00394/FUL which restricts the occupancy of the cottages is reasonable and necessary.

5.45 The stated reason for the condition is that:

"*The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry, or holiday accommodation is not normally permitted and this permission is only granted on the basis of an essential need for the new dwelling in this location having been demonstrated*."

5.46 For the reasons set out in this statement with regard to the current 5-year housing land supply position and the location of the site in a sustainable location, it is considered that the condition fails to meet the tests set out in paragraph 55 of the NPPF and the NPPG – Use of Planning Conditions, in that this requirement is not necessary and is not reasonable.

6.0 CONCLUSION

6.1 The site contains two cottages with restricted occupancy conditions which are now surplus to the requirements of the applicants and a viable active use for the building needs to be found. The building were never intended to be used by staff to allow the yard to operate and their loss would have no long term impact on the viability of the yard.

6.2 The Council accepts that it cannot demonstrate a 5-year housing land supply and in such circumstances the NPPF is clear that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits of the development. This advice is a material consideration to be weighed alongside the policies of the WCS.

6.3 The statement has demonstrated that the as a result of the close proximity to the centre of Baydon, the site is in a sustainable location. The site already benefits from an established and suitable access the necessary parking provisions. The statement has also shown that the proposal will not cause demonstrable harm in respect of visual impact on the village or the wider landscape or on neighbour amenity.

6.4 There is little doubt that, were the applicants applying for two open market houses on this site now, the council would be approving such an application with no restrictions on the occupancy of the dwellings.

6.5 The proposal therefore complies with planning policy at all levels and accordingly, the Council is requested to approve this application.