DELEGATED REPORT

Application Reference:	PL/2023/06868
Application Type:	Full Planning Permission
Site Address:	Land to the east of Holly House, Kingswood, Corsham, SN13 8AX
Proposal:	Construction of a stable/field shelter.
Recommendation:	Planning Permission be GRANTED.

PROPOSAL

The application relates to Holly House, a residential dwelling with an adjoined agricultural land to the north east of the site located in Kingsdown. The dwelling is situated in a relatively rural position to the northern side of the highway Prospect.

This application seeks permission to construct a horse stable/ field shelter building, with concrete apron, stone retaining wall and the planting of native mixed hedgerow to be used for both equestrian and agricultural uses. The design and access statement describes the land as an agricultural small holding, no holding numbers or further information in relation to numbers of livestock have been supplied to support this. The statement describes that the land is currently used for the grazing for two horses and existing sheep.

The building proposed is to facilitate the existing agricultural use of the site and the proposed stable / field shelter would be used on a seasonal basis for a horse and livestock shelter. The use of the land for agricultural grazing purposes would remain and the requirement of an outbuilding for livestock purposes is considered reasonable in order to support this use.

The proposal seeks full planning permission for the erection of an outdoor stable / field shelter for mixed equestrian and agricultural use, for private use only.

DESCRIPTION/CONTEXT

Holly House is located in the hamlet of Kingsdown, in the parish of Box, Wiltshire. It is located within the North Wiltshire Green Belt and Cotswold AONB, with views to the north-east across the valley. The area is typified by sizable properties arranged along the country lane.

The building has an ‘L’ shaped footprint and has over the years seen a number of alterations, leading to some of the features being somewhat disparate. Alongside the road it appears as a stone built low single storey building, partly due to the difference in level, with a stone gable at one end and a hipped roof at the other.

The part of the building running along the south-west to north-east axis is traditional in form and materials, with tiled pitched roofs with some rooflights and stone walls. The building steps down at the north-east end with this volume accommodating an open carport and storage at ground floor

and storage area in the roof, accessed via metal external stairs. The end gable is cladded in timber, giving it a more agricultural appearance.

This application is wholly located within the Green Belt, Cotswold AONB but is not covered by any conservation or ecological designations.

PLANNING HISTORY

PL/2023/00856 - Modifications to house roofs, new rear dormers, new porch and conversion of attached storage area into auxiliary accommodation – Approved with Conditions

N/93/00021/FUL - New Roof and Alterations Alteration to Roof Ridge Line – Approve

N/92/01733/FUL - New Roof and Alterations New Roof & Alterations – Approve

POLICIES

- National Planning Policy Framework (NPPF)
- Wiltshire Core Strategy Policies (WCS): CP51, CP57, CP61

ISSUES

- Principle of Development
- Green Belt
- Design, Scale and Materials
- Residential Amenity
- Landscape
- Access and Parking
- Other Matters

CONSULTATION

Box Parish Council: No objections but would request that light pollution is kept to a minimum.

REPRESENTATIONS

Consultation has been carried out and individual neighbour letters to adjoining properties and two letters of objection have been received.

Summary of main issues raised:

- Noise, smells and light pollution caused by the proximity of the stables will disturb family life.
- Objection is related to the proposed location of the stable block. Would instead request that the owners investigate the development of their existing stable facility located in their lower field.
- Understand that the proposed would need to be more than 25 metres from the road and 400 metres from any other residence.
- The proposed location of the shelter would have a direct impact on the light pollution to properties and also to the wider Kingsdown village.
- Maintenance and management of the horses would require lighting during the hours of darkness at a time of year when the trees and hedging would provide no leafage to prevent light spill.
- It is not clear from the application how the manure and waste produced by the housed livestock will be managed. Request that any approval where granted should be conditional upon an appropriate manure management plan being in place with no manure or waste stored or distributed within a reasonable proximity of any shared perimeter to land and gardens.

ASSESSMENT

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. 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

The principle of a mixed agricultural and equestrian stable / field shelter within this rural context is considered to be acceptable providing those proposals are compliant with the requirements of relevant policies within the development plan.

Under Section 336 of the Town and Country Planning Act 1990 (TCPA 1990), if horses are simply being grazed on land only then they fall with the legal definition of "agriculture". Section 336 of the Town and Country Planning Act 1990 (TCPA 1990) defines agriculture as:

> *"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;*

The site history suggests that no equestrian or mixed use has previously been consented on the land outlined in blue, which is therefore regarded as agricultural land. The change of use to equestrian has been considered on the basis of the submitted application documents, with a de

facto change of use to equestrian only taking place within the land outlined in red. An informative will be applied to the decision notice which reminds the applicant that the permission neither grants nor implies consent for the change of use of the land edged in blue for the 'keeping' of horses. Due to modern care and husbandry practices the day-to-day interaction with 'keeping' the horse, goes above and beyond solely grazing the animal, by the way of giving additional feed, putting on rugs, welfare and exercise routines. The planning statement indicates that that the horses would graze the land alongside livestock, which would be in be line with the definition of agriculture. Any activities above and beyond solely grazing the animals would require a change of use, which would need to be submitted the form of a separate planning permission in that regard.

In this instance, it is also considered reasonable to apply a condition for the removal of the stable / field shelter if the equestrian purposes are ceased on site.

Green Belt

The application site is wholly contained within the Green Belt.

The Government attaches great importance to Green Belts and new development within the Green Belt is highly restricted by national planning policy. Paragraph 149 and 150 of the NPPF requires that any development within the Green Belt is assessed against a number of tests to ascertain whether it is "appropriate". Paragraph 6.87 of the supporting text to CP51 Landscape states that applications for development within the Green Belt will be determined in accordance with national planning policy.

Consideration has been given to paragraph 149 of the NPPF which would give the various forms of development which are appropriate within the Green Belt, in this instance the particular exception: (b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;* is applicable.

The introduction of a stable / field shelter to support the management and purposes of outdoor recreation, in this instance horse riding and is not considered to be inappropriate development within the Green Belt. The stable / field shelter would be positioned within an existing agricultural paddock and grazing for animals would be in easy reach. The stable / field shelter is proposed for the welfare of the animals on site and would be for private use only.

Consideration has also been given to paragraph 150 of the NPPF, in this instance exception (e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).* Paragraph 150 states certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

In considering the exceptions within Paragraph 149 and 150 the introduction of a new building could be considered inappropriate development. The building is not in an isolated rural location and is surrounded by a mixture of development which is predominantly residential and rural in nature. The proposed stable / field shelter would be positioned within an existing agricultural paddock, sited

against an existing stone retaining wall and would be set down below the adjacent highway due to the topography of the land. Furthermore, the site which is not in an isolated rural location and is surrounded by a mixture of development so it is not significantly prominent within the green belt and would present no harm to the openness of the Green Belt.

In this particular instance, the proposal is an appropriate addition and is proportionate and compatible with the support of outdoor recreation only, for the equestrian and agricultural use on site. On balance, the stable / field shelter remains passive, by way of its single storey nature, sufficient screening with existing stone walling and proposed hedge planting and due to the topography of the land being set below the adjacent public highway. Accordingly, the proposals are not inappropriate development and would not harm the character or openness of the Green Belt.

Design, Scale and Materials

Core Policy 57 of the WCS requires new development to respond positively to existing landscapes in terms of building layout, built form, height, mass, scale, building line and materials in order to effectively integrate the building into its setting.

The proposed two bay stable will be situated to the east of Holly House, set into the existing land to the east, set below an existing stone wall. The stable / field shelter would be a single storey building, be of timber construction with a dual pitched roof, partially overhanging the apron the north would provide a sheltered area below. The design benefits from stable windows to allow for ventilation and improved air flow. The stable building would measure approximately 7.3m (w) x 3.6m (d) - 4.9m which includes overhang (d) x 3m (h). This will be sufficient to house two 3.3m x 3.5m stables for livestock. The stables would have easy access to grazing land, within the ownership of Holly House. The design of the stable / field shelter is of standard construction and has a typical appearance for a rural outbuilding and is proportionate to the proposed use and existing built form in terms of scale, bulk, height, layout.

During public consultation, concerns were raised in relation to the proposed location of the stable block. Whilst these concerns are understood due to the size of the paddock and site, the proposed site for the stable / field shelter as it stands slopes away and would be tucked behind an existing retaining wall in close proximity to the accesses of the property. The ground level where the proposed stable would be sited is considerably lower than the adjacent public highway and the access to the north decreases again. Due to the level change the proposed stable block would be set down below the existing highway and screened with new hedging which in turn would sufficiently screen the proposed stable block.

Therefore, it is deemed that overall, the proposed stables would have a satisfactory relationship with the existing dwelling and buildings on site. The design is proportionate to the proposed use and existing built form in terms of scale, bulk, height, layout, design, and materials used and is considered acceptable and compliant with CP51 and CP57 of the Wiltshire Core Strategy.

Residential 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.

Given the nature of the proposal is for personal use only, the proposal is considered acceptable in terms of its scale, design and materials. In this relatively rural locality, the introduction of a traditional timber stable building would not an unusual feature or be atypical within an existing agricultural paddock. Due to the proposed location in close proximity to residential properties, with Oate Barn and Prospect Farm to the south side of Prospect Road it is considered reasonable to impose a planning condition so as to removes the ability to use the stable / field shelter and equestrian use on site as a base for a commercial equine venture and remain solely for private use only. This will prevent any unauthorised intensification of use which may be detrimental to neighbouring amenity and the wider area.

During public consultation concerns were raised in relation to external lighting causing overspill and light pollution. No external lighting is suggested within the submission and any future proposed lighting can be suitably controlled via a condition to ensure no unacceptable impacts to immediate neighbours. Concerns were also raised in relation to the management of manure from the livestock. Whilst the details of the storage and removal of manure have not been submitted at this stage, this can be suitably managed via condition.

With the imposition of suitable conditions and 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.

Landscape

Core Policy 51 and Chapter 11 of the NPPF is applicable as the application site is wholly located within the Cotswold AONB. In regard to impacts on the AONB, Core Policy 51 of the WCS and Policy CE1 the Cotswolds Management Plan and position statement seek to ensure that the landscape character, scenic quality and geological features of the AONB are conserved, and where possible enhanced. The site is located within the Cotswolds Area of Outstanding Natural Beauty where the impact of development on the wider landscape is an important consideration.

Additionally, Core Policy 57 indicates that proposals should relate positively to its landscape setting by ensuring that important views into, within and out of the site are retained and enhanced. Core Policy 51 requires that proposals affecting the AONB shall demonstrate they have taken account of the objectives, policies and actions set out in the Management Plans for these areas.

Due to the modest nature and proportionate scale of this proposal, it is considered that the impact of the proposal would not be detrimental to the landscape or the character and appearance of the wider area. The change of use of the land within the red line for equestrian and agricultural purposes is considered to be acceptable and the introduction of a typical stable building in this relatively rural location would not significantly alter the landscape. An informative will be applied to state that this permission neither grants nor implies consent for the change of use of the land edged in blue for the keeping of horses. If the applicant wishes to change the use of the agricultural paddock for the

keeping of horses, then this would need to be submitted the form of a separate planning permission in that regard.

The proposed stable/field shelter would be akin to many other stable blocks within the wider landscape which is rich in equestrian activities. As such, the building will not sit out of place. Furthermore, a good degree of screening exists in and around the field margins that will help to screen the building from wider views. The proposal seeks to extend the hedging by planting a new mixed native hedgerow which would surround stable/field shelter which would provide a good degree of screening for the side and rear of the building. Although it could be glimpsed from the highway to the south, it is considered there is sufficient degree of screening which ensures that the stable/field shelter would not be so adversely harmful that it would warrant a refusal.

Due to the limited size of the application site (and the remainder of the land under the control of the applicant not being subject to an application for a change of use to equestrian), it is considered pertinent to restrict the placement or erection of equestrian paraphernalia, which would have an impact on the wider landscape. Therefore, a condition in relation to restricting mirrors, fences or jumps being erected on the site will be applied, in order to protect the rural character of the area. A condition will also be applied in relation to external lighting to minimise unnecessary light spillage above and outside the development site.

Due to the appropriate scale of the proposal and the design being read within an existing agricultural paddock, and subject to the imposition of appropriately worded conditions, there is considered to be no harm to the character, appearance or landscape quality of the AONB. It is considered that the proposal complies with CP51 and CP57 to the Wiltshire Core Strategy and Cotswolds AONB Management Plan 2023: Policy CE1 (Landscape).

Access and Parking

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 is limited to private use for the existing horses on site and no new highway accesses are proposed. As such, it is not considered that the proposal would significantly increase vehicular traffic movements. A condition restricting the use to private use only would ensure the proposal would not have a deleterious impact on highway safety.

There are considered to be no implications for parking, highway safety or road network capacity as a result of development taking place and thereby compliant with CP61 of the WCS.

Other Matters

During public consultation a comment was submitted in relation to the positioning of the proposed stable needing to be more than 25 metres from the road and 400 metres from any other residence. This comment appears to be referring to the criteria set out in The Town and Country Planning

(General Permitted Development) (England) Order 2015, Schedule 2, Part 6, Class A – *Agricultural development on units of 5 hectares or more.*

However, this class of the GPDO is not relevant to the consideration of this planning application. The proposed development is not for agricultural purposes and, in any event, the applicant has applied for express planning permission for the proposed development. Should planning permission be granted, a condition can be reasonably imposed so as to ensure the new stable/field shelter would be for any other purpose than that associated with the private agricultural and equestrian use associated with Holly House.

CONCLUSION

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the proposal development is not inappropriate development in the Green Belt. Similarly, and subject to the imposition of planning conditions, the proposal is considered appropriate in both scale and design and would not harm the AONB.

It is therefore in accordance with Core Policies 51, 57 and 61 of the Wiltshire Core Strategy, Cotswolds AONB Management Plan 2023: Policy CE1 (Landscape) and the NPPF. The proposal will not have an unacceptable effect on neighbour amenity, building appearance, highway safety or the wider area including AONB and Green Belt. It is therefore recommended that this proposal is approved with conditions.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Design and Access Statement Dated August 2023 Rev A
Existing Block Plan A17 23 31 P02 Rev A
Location Plan A17 23 31 P01 Rev A
Proposed Block Plan A17 23 31 P03 Rev A
Proposed Elevations A17 23 31 P04 Rev A
Proposed Floor Plans and Roof Plans A17 23 31 P04 Rev A

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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 match in material, colour and texture those detailed on the application form and approved drawings.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 If within a period of 10 years from the date of this permission, the agricultural and equestrian use of the building hereby permitted permanently ceases, the stable/field shelter and resulting demolition materials shall be removed and the site shall, within a period of three months from the date of the substantial demolition of the said stable/field shelter, be restored to its condition before the development took place or to such other condition as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that the agricultural and equestrian stable/field shelter are removed on cessation of their agricultural and equestrian purposes, in the interests of protecting the rural character of the area.

5 Prior to the first use of the development hereby permitted, details of the method of manure storage and disposal shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so agreed.

REASON: In the interests of amenity and the rural landscape.

6 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents.

7 No external lighting shall be installed on-site unless otherwise agreed in writing in the form of a separate planning permission in that regard.

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

8 No mirrors, fences or jumps shall be erected on the site unless otherwise agreed in the form of a separate planning permission in that regard.

REASON: In order to protect the living conditions of nearby residents and the rural character of the area.

INFORMATIVE

The applicant should be aware that there is nothing within this planning permission that grants or implies agreement to the change of use of other land under their control (ie. the land edged in blue within the submission documents) for the keeping of horses. The applicant should satisfy themselves that the use of that land for the keeping of horses would not breach planning control and that a separate planning permission is not required for that activity.