DELEGATED REPORT

Application reference: PL/2023/05527
Application type: full planning permission
Site address: Rosylea, Green Lane, Calstone, Calne, SN11 8QQ
Proposal: Erection of a single wooden field shelter on a concrete base; and retrospective consent for the installation of hard surfacing and design changes to the stables building approved under 13/03635/FUL.
Recommendation: approve with conditions

SITE AND PROPOSAL

The site is part of an existing private equestrian facility in the open countryside, east of Calne. Green Lane is a Public Right of Way ref. CALW47, and the site can also be glimpsed from the layby serving the A4 to the north. The locality is washed over by the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Oldbury Camp hillfort, the bowl barrow and the cross dyke on Cherhill Down to the east are a Scheduled Monument. Expansive views can be afforded from this Scheduled Monument, but the application site does not appear particularly conspicuous and the nature of the proposed development would not reasonably be considered to fall within its setting.

The application seeks consent to erect an equestrian field shelter c.25m to the west of an established stable block and area of hardstanding, as per the proposed block plan excerpt in figure 1 below. It would measure around 3.6 x 3.6m and 2.9m high to the top of its pitched roof.



Figure 1: proposed block plan excerpt

Further to the discovery of historic unlawful development at the site, the description of development was updated to also include hard surfacing and amendments to the stables building. Given the minor nature of these additional aspects and the lack of nearby neighbours, the public was not reconsulted. However, comments were invited from internal consultees.

RELEVANT PLANNING HISTORY

Consent for the equestrian use was granted in 2014 under ref. 13/03635/FUL for the '*change of use from agricultural to equine & erection of stables & menage*'. A review of the committee report shows that the

scheme underwent a significant redesign, including locating development to the southeast of the site '*conserving to a greater extent the open aspect that characterises the land… The scale has been reduced to an absolute minimum*'. Drainage was noted as a specific local constraint, such that a pre-commencement condition was added to require additional details.

An excerpt of the approved block plan is provided in figure 2 below.

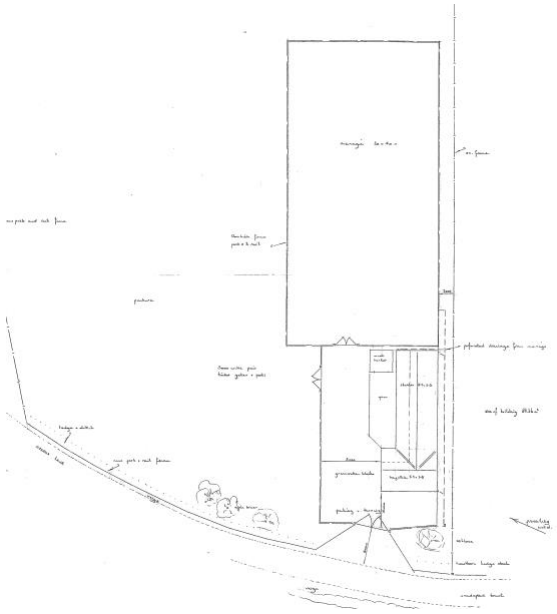


Figure 2: approved site plan excerpt

The consent came with a number of other conditions, including no external lighting; and a restriction on the use to private only. Conditions 8 and 9 are also relevant:

'*8. No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site overnight.*

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

9. No fixed or portable jumps, fences or other structures shall be placed anywhere on site outside of the area hatched on plan ref. 1085 1/2, received 27 February 2014, without the written agreement of the Local Planning Authority.

REASON: In order to protect the rural character of the area'.

An excerpt of the plan referred to in condition 9 is provided in figure 3 below.



Figure 3: hatched area referred to under condition 9, beyond which no fixed or portable jumps, fences or other structures shall be placed

A review of the 13/03635/FUL approved plans shows a number of notable differences between what was consented and what has been installed. There was an enforcement case ref. 16/00570/ENF, which looked at a number of breaches, including with conditions attached to the consent. Several matters were resolved at that time, but a large area of hard surfacing subsequently installed to the west of the building, along with several rooflights in the building, remain unlawful. As set out above, this live application offers the opportunity to regularise the unlawful development.

POLICIES

Development Plan

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, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time, the relevant statutory development plan documents in respect of this application consist of the Wiltshire Core Strategy (WCS) (adopted January 2015); and saved policies of the North Wiltshire Local Plan (adopted 2006).

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 67: Flood risk

Saved policies of the North Wiltshire Local Plan: none.

Material considerations

National Planning Policy Framework (2023):

- Paragraphs 8, 111, 130, 131, 134, 167 and 176.

Guidance for Equestrian Development and Land Management within the North Wessex Downs AONB Position Statement (2017).

ISSUES

The main issues in the consideration of this application are:

- Principle of development;
- Impacts on the character of the locality, including the AONB;
- Impact on the living conditions of adjacent occupiers;
- Highways; and
- Flood risk/drainage.

CONSULTATION

Calne Without Parish Council: support.

Public Protection: no comment.

Rights of Way officer: no response received.

Drainage: initial comment received, requesting a pre-commencement condition to ascertain the location of below-ground piping. However, this was later revised to be covered by an informative note.

REPRESENTATIONS

None received.

ASSESSMENT

Principle of development

Core Policies 1 and 2 of the WCS seek to strictly limit development in the countryside, but a number of exceptions are set out at paragraph 4.25 of the plan. None of the exceptions includes equestrian development.

However, this application relates to an established and lawful private equestrian facility and on land that benefits from this use. Therefore, the proposed development is acceptable in principle, subject to detailed assessment against all other relevant policies within the development plan. That assessment is carried out below.

Impacts on the character of the locality, including the AONB

It is clear from the site's planning history that the existing use and buildings were only approved after much negotiation to reduce the visual impact to an acceptable level. Condition 9 of the permission infers that the most sensitive area of the site is to the north, such that '*fixed or portable jumps, fences or other structures*' are allowed within the area where this field shelter is proposed.

Nevertheless, the submitted block plan shows this shelter sited in a rather exposed position, some 25m from the main stable block and around 5m away from the fencing/hardstanding running to the west of the menage area. It was suggested to the applicant that the impacts could be reduced by relocating the proposal to the east; however, they have said that that area is susceptible to surface water flooding. This is

unfortunate, but on balance, the positioning is acceptable. The design and scale of the proposal are also acceptable for this particular context.

The rooflights in the existing building appear as acceptable additions, and the hardstanding areas do not appear unduly intrusive.

As a result no harm to local character or to the AONB is identified.

Impact on the living conditions of adjacent occupiers

The field shelter would be sited at a considerable distance from neighbours, such that it would not demonstrably impact upon amenity.

Highways

The field shelter would not affect the nature of the extant use, nor intensify it, such that no consultation of the Council's Highway Engineer was considered necessary.

Flood risk/drainage

No objections are raised by the drainage officer. An informative note can draw attention to the potential presence of underground piping.

CONCLUSION

The proposed development would be an appropriate addition to the locality. There would be no detrimental impact on the living conditions of the occupiers of adjacent residential neighbours. Accordingly, the proposal would comply with relevant Development Plan policies and material considerations.

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 and details:

- Location plan ref. P1.
- Block plan ref. P2.
- Proposed elevations and floorplan ref. P3.
- Plan showing rooflights and hardstanding received 11/10/23.
- Manure Management statement received 06/07/23.

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 to those detailed on the application form and approved plans.

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

4. The development hereby permitted shall only be used for the private shelter of horses 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.

INFORMATIVE TO APPLICANT:

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 landowner's 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.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

The Council believes Wessex Water utilities may be within the vicinity of the development, such that the applicant is advised to establish contact with them to ensure that the proposals would be compatible with any below-ground assets.