CASE OFFICER'S REPORT

Application Reference:	PL/2023/09143
Application Type:	Full planning permission
Site Inspection:	9th November 2023
Consultation ends:	30th November 2023
Target Date:	19th January 2024
Case officer:	James Repper

Site Address:	White House Farm, Brinkworth, Chippenham, SN15 5DG
Proposal:	Construct a purpose built area of stables and service buildings, associated hard standings, an all-weather riding arena and a lunge pen. The fields to the south of the site also require a change of use as they will be used for equestrian grazing, exercise and jumping. Partial change of use to equestrian and partially retrospective.
Recommendation:	Approve with Conditions

SITE DESCRIPTION:

The application site is a small holding located between the main built area of the small village of Brinkworth and Brinkworth Golf Club. The site is, therefore, located within the countryside as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 13 (Spatial Strategy for the Malmesbury Community Area). The site measures approximately 14 acres in total and is bordered by B4042 to the South, Woodbridge Brook to the north, Bridleway BRIN53 to the east and Brinkworth Golf Club to the west. The site is not located within the setting of any designated heritage assets, the nearest being Waldrons Farmhouse located over 300m to the southeast. The smallholding was previously agricultural however planning permission was granted in 2012 via application N/12/03455/FUL which included a change of use from agricultural to equestrian. This permission is considered to be extant as works to build the garage were commenced.

PROPOSAL:

This is a full planning application proposing the construction of a purpose-built area of stables and service buildings, associated hard standings, an all-weather riding arena and a lunge pen. The fields to the south of the site also require a change of use as they will be used for equestrian grazing, exercise and jumping and were not included within the 2012 change of use application. The application also includes any and all associated works to facilitate the above.

RELEVANT PLANNING HISTORY:

N/12/03455/FUL - Convert Garage to Annexe, Demolish Barn & Replace With Triple Garage & Stable Block with COU of Agricultural Land to Equestrian Use – Approved subject to conditions December 2012

POLICIES:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019

North Wiltshire Local Plan policies (Saved by Wiltshire Core Strategy):

NE14 (Trees, Site Features and the Control of New Development)
NE18 (Noise and Pollution)

Wiltshire Core Strategy:
CP1 (Settlement Strategy)
CP2 (Delivery Strategy)
CP50 (Biodiversity and Geodiversity)
CP51 (Landscape)
CP52 (Green Infrastructure)
CP57 (Ensuring High Quality Design and Place-Shaping)
CP61 (Transport and New Development)
CP62 (Development Impacts on the Transport Network)
CP67 (Flood Risk)

REPRESENTATIONS:

Drainage – Support subject to conditions

- The drainage team have the following conditions which need to be addressed by the applicant:

o The applicant must provide additional details related to the drainage plan drawing, notably cover levels and inlet levels.

o The applicant must submit clear arrangements for the ownership and ongoing maintenance of the proposed drainage system (including SuDS features).

o The applicant should provide a construction management plan which demonstrates how pollution to groundwater and the adjacent watercourse will be mitigated, and how flood risk to people or property will be mitigated.

- Informatives:
  o Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. Wiltshire Council's land drainage bylaws can be downloaded, and the land drainage consent application form and guidance notes can be found on our website here: https://www.wiltshire.gov.uk/civil-emergencies-land-drainage-ordinary-watercourse

Highways – No Objection

- I refer to the above planning application dated 20/10/2023 seeking permission for the construction of a purpose-built area of stables and service buildings, associated hard standings, an all-weather riding arena and a lunge pen. Change of use of the southern fields for equestrian grazing, exercise and jumping. The equestrian use is proposed to be private and personal use for 4 horses with a facility to suit the applicants' specific needs.

The site is located with existing access onto the B4042, the access is wide and currently serves the farm and associated buildings, it does not appear that the applicant is proposing any alterations of the existing access with the public highway, and this is deemed acceptable for the purpose of the proposals.

The resultant vehicle movements associated with a personal equestrian use on site would not be considered significant or severe. There would be no alterations to the access with the public highway and the existing site has sufficient vehicle parking and hardstanding proposed to cater for parking and turning within the curtilage for larger vehicles.

Therefore, in relation to the proposals, I would not wish to raise a highways objection.

Climate Team – No comment

Ecology – No Objection Subject to Conditions

 We note the proposal to construct stables, riding arena, lunge pen, service buildings and associated works. The ecology report found no evidence of protected species on site and the existing barn was assessed to have negligible potential to support roosting bats. Although no evidence of bats were present on site, records of bat roosts exist within close proximity and may be impacted by the proposals through changes in use and light spill. We therefore advise that any external lighting is submitted to the LPA and agreed in writing. This could be secured through condition.

A pond outside of the red line boundary but within close proximity was assessed to provide poor habitat to support GCN. The pond itself will not be impacted by the proposals and the hedgerow boundary habitats assessed as most suitable to support GCN will also be retained. It is considered there is therefore unlikely to be an impact upon GCN in this instance. However, there is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defenceagainst prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

BNG
Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 174 d). At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain. We welcome the ecological enhancements included within section 4.3 of the ecology report, to include additional bird, bat and dormice boxes on site. The number, type and location of these can be secured through condition.

- The development will be carried out in strict accordance with the following documents:

  - Preliminary Ecological Assessment. September 2023. Ellendale Environmental

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

- Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds shall be submitted to the local authority for approval. The approved details shall be implemented before occupation of the final works. This condition will be discharged once photographic evidence of installed features has been submitted to and approved by the local planning authority.

REASON: To provide mitigation /enhancement for biodiversity.

Brinkworth Parish Council – No Objection Subject to Conditions

- Brinkworth Parish Council (BPC) is concerned that the new facility is too close to the Woodbridge Brook and that foul water run-off must be taken into consideration. The BPC is also concerned that there should be no flood lighting as Brinkworth has a dark village policy. . This facility must be for the sole use of the owners and not run as a commercial enterprise. The BPC has no objection as long as these conditions are built into the planning decision.

Letters – None Received

ISSUES:

The main considerations which are material to the determination of this application are listed below:

- Principle
- Character & Design
- Neighbouring Amenities
- Highways
- Ecology

PLANNING ASSESSMENT:

Principle:

The application site lies in the countryside wherein development of most kinds will not normally be permitted other than in accordance with specified exceptions. Nevertheless, the proposal for equestrian development is a rural form of development common to the countryside. Despite its countryside location, the site is not isolated and a degree of pragmatism is required in considering applications for this form of development even in an unsustainable location. The applicant has clarified that the use is for his own horses and there is no business associated with the development. This is understood to limit the number of vehicle movements needed to look after equine welfare. There are no other policies or physical constraints that would weigh against the principle of development at this location. The site has already been granted permission for equestrian use via the extant 2012 permission. Accordingly, within reasonable limitations, and subject to site-specific impacts, from a spatial standpoint the principle of equestrian-based development is accepted in this location.

Character & Design:

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

Given the rural location of the site and the proximity to the small village of Brinkworth, it is considered that equestrian usage and associated buildings are in keeping with the local context and the built structures are to be well concealed within the site with only glimpses visible from the public realm. These glimpses are not considered incongruous to the area and as such cause no harm to the landscape or character of the area. The proposals are also considered to offer a slight improvement to visual amenities by replacing an unsightly corrugated barn that is in a dilapidated condition with the timber-clad equestrian barn detailed in the submitted plans. Overall, it is considered that the proposed works would be of an acceptable scale,

mass and design to maintain the character of an equestrian-based smallholding, would not harm the street scene and would preserve the character of the wider area.

Neighbouring Amenities:
WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

Due to the location of the application site in relation to neighbouring sites, it is considered that there are no tangible effects on the enjoyment of amenity space available to the occupiers of neighbouring dwellings.

Highways
Safe access and egress is available to the site. Whilst the site is in a relatively unsustainable location, being distant from services and facilities, the use of the site for non-commercial equestrian purposes is not considered to give rise to significant highway impact. There is accordingly no objection to this proposal from a highways standpoint.

A condition is recommended, ensuring that the site is not used for commercial purposes, including for livery. This is reasonable and necessary, given the site circumstances in an unsustainable location, and meets the relevant tests for planning conditions.

Ecology:
Due to the rural nature of the site ecological surveys were conducted so as to ensure no protected species would be adversely affected by the proposals and concluded that " Overall, the site is assessed as providing moderate suitability to support protected species although no evidence of protected species was detected during the survey. It is understood that the boundaries of the site and pond will not be impacted by the development and, therefore, will continue to provide habitat for protected species into the future." As such it is considered that the proposals accord with CP50 and the requirement of "no net loss". Given the position it is considered unnecessary to impose suggested condition 3 from the ecology department as there is no policy requirement to show betterment at this point, however, the applicant is encouraged to add bat boxes and nesting opportunities for the good of the planet.

CONCLUSION:
Equestrian development for the personal enjoyment of the applicant is an acceptable form of development in the countryside subject to the impacts of the development. No commercial use is proposed, and a condition is proposed to ensure this. The expansion of equestrian use over the land only affects grass pastures becoming paddocks. The proposal would be of an acceptable overall scale, mass and design and would result in limited implications for the character of the application site or street scene. Similarly, due to its scale and limited height, it is considered that the proposal would be unlikely to have a significant impact on the amenities enjoyed by occupiers of adjacent dwellings.

The proposal would therefore accord with the aims and objectives of the Wiltshire Core Strategy and other Government guidance and is recommended that planning permission be granted for the proposal.

RECOMMENDATION:
Approve 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:

Application Form & Certificate Received 20th October 2023 Plans Ref:
Location Plan DWG: P1 Rev2 Received 20th October 2023
Proposed Site Layout Plan DWG: P4 rev 2 Received 20th October 2023
Proposed Barn Elevations DWG: P3 Rev 4 Received 20th October 2023
Proposed Arena Elevations DWG: P3a Rev 2 Received 20th October 2023
Proposed Block Plan DWG: P2 Rev 3 Received 20th October 2023
Proposed Lunge Pen Plans & Elevations DWG: P3L Rev 3 Received 20th October 2023
Proposed Machine Store Plans & Elevations DWG: P3G Rev 1 Received 20th October 2023
Proposed Manure Clamp Plans & Elevations DWG: P3M Received 20th October 2023
Proposed Tractor Shed Plans & Elevations DWG: P3T Rev 1 Received 20th October 2023
Proposed Arena 2 Light Spec Sheet DWG: SMAL002 Received 20th October 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 match in material, colour and texture those detailed on the submitted plans and application form.

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the buildings, hereby permitted shall not be converted to habitable accommodation.

REASON: The site is located in a non-sustainable location outside of designated settlement boundaries and further habitable accommodation would be in direct contravention of the policies contained within the local plan.

5 No development shall commence on site until a drainage strategy has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include, as a minimum, the following information:

o The applicant must provide additional details related to the drainage plan drawing, notably cover levels and inlet levels.

o The applicant must submit clear arrangements for the ownership and ongoing maintenance of the proposed drainage system (including SuDS features).

o The applicant should provide a construction management plan which demonstrates how pollution to groundwater and the adjacent watercourse will be mitigated, and how flood risk to people or property will be mitigated.
REASON: There's a statutory duty to ensure that surface water quality and quantity is managed throughout construction and as not to increase flood risk, or pollution of watercourses.

6 No further external lighting, other than those contained within the approved plans, shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light 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, 2021)”, 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. (https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021)

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

7 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, to manage the number of movements in an unsustainable location and to protect the living conditions of nearby residents.

8 The development will be carried out in strict accordance with the following documents:
o Preliminary Ecological Assessment. September 2023. Ellendale Environmental
o Manure Management Plan October 2023. Equestrian Blueprint

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity and of the natural environment.

Informatives: (4)

9 **Protected Species**
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the

Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting.
Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

10 **Bats**

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

11 **Birds**

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

12 **Reptiles**

There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in (Preliminary Ecological Assessment. September 2023. Ellendale Environmental). If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)