# CASE OFFICER'S REPORT

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| **Application Reference:** | PL/2023/09419 |
| **Application Type:** | Full planning permission |
| **Site Inspection:** | 03 July 2024 |
| **Consultation ends:** | 14 August 2024 |
| **Case officer:** | Joe Leesam |

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| **Site Address:** | The Dean, Ogbourne Road, Aldbourne, Marlborough, SN8 2LD |
| **Proposal:** | Erection of a stable |
| **Recommendation:** | Approve with Conditions |

**PROPOSAL**

The application seeks consent for the erection of a stable.

**SITE DESCRIPTION/CONTEXT**

The application relates to a parcel of land adjacent to The Dean, Ogbourne Road in Aldbourne, Marlborough, a two-storey, detached house situated in a relatively secluded rural location. The site is washed over by the North Wessex Downs National Landscape.

**PLANNING HISTORY**

PL/2024/01391 – Erection of domestic outbuilding (resubmission of PL/2023/09435). Approved with Conditions 14th May 2024.

PL/2023/09435 – Erection of domestic outbuilding. Withdrawn by Applicant 7th February 2024.

E/11/0752/FUL – Two storey and single storey extension; addition of 2 no dormer windows and alterations to existing dormer window and 2 no rooflights to South elevation; erection of garden shed (amendments to E/10/1703/FUL). Approved with Conditions 18th July 2011.

K/45669/O - The demolition of existing semi derelict, unoccupied property and replacement with one new dwelling. Approved with Conditions 25th July 2003.

E/10/1703/FUL - Two storey extension, erection of garden shed, erection of 1.75m high wall. Approved with Conditions 3rd February 2011.

E/2013/0198/FUL - 2 no. single storey extensions and minor alterations to existing. Approved with Conditions 5th April 2013.

18/04885/FUL - Construction of traditional barn-style outbuilding for use with the existing dwelling and smallholding, including as garaging. Approved with Conditions 11th July 2018.

K/47047 - The erection of a replacement dwelling. Approved with Conditions 26th March 2004.

18/04765/FUL – Extensions and alterations. Approved with Conditions 10th July 2021.

**POLICIES**

Wiltshire Core Strategy (adopted January 2015):
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality Design & Place Shaping

The National Planning Policy Framework (NPPF) 2023

Planning Practice Guidance (PPG)

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024

Aldbourne Neighbourhood Development Plan 2021-2036

**ISSUES**

- Relevant planning history.
- Impact upon neighbour amenity.
- Impact upon visual amenity.
- Impact upon highway safety.
- Impact upon the open countryside.
- Impact upon the North Wessex Downs National Landscape.

**CONSULTATION**

Aldbourne Parish Council – No Objections.

**REPRESENTATIONS**

No representations received at the time of writing.

**ASSESSMENT**

Impact upon the amenity of occupiers of neighbouring properties:
Due to the application being for the erection of a single storey stable on a relatively secluded plot, there are no concerns raised regarding impact on residential amenity. There is no risk of any overlooking, light blocking, or the creation of an oppressive environment occurring as a result of the proposal.

In regard to the potential for unwanted odours which may arise from the development, this would also not be any cause for concern due to the secluded nature of the stable. The closest property is that occupied by the applicant, which is set a comfortable distance from the stable (around 50 metres) and the next closest property is set circa 150 metres away from the proposed stable. It is also worth noting that the field is already used for equestrian purposes. The proposal is therefore not considered to impose any risk of creating any unwanted odours for any nearby residents.

In regard to the above, the proposal is considered acceptable on residential amenity grounds.

Scale, design, materials, and impact upon the North Wessex Downs National Landscape:
The stable will be located outside the residential curtilage of the property in the open countryside, within the North Wessex downs National Landscape. While the stable is located outside the residential curtilage, it is proposed adjacent to the residential curtilage of the site, in the corner of the field, backing onto a mature hedgerow bordering a public highway. The hedgerow is particularly dense and tall so even in the winter months the stable would be adequately screened from view of the road. Even if there are glimpses possible, it is a fast-moving road so the visual impact would be minimal, especially as there is an established precedent for sporadic development in the vicinity.

The proposed site of the stable is located on high ground, with a valley lying to the north of the stable. On the other side of the valley are two a byways (ALDB32 & ALDB30) from which there may be long-distance views to the site possible. The visual impact of the stable from these vantage points would be very limited due to the separation distance and the stable being viewed against a hedgerow which would be taller than the ridge height of the proposed built form. As previously mentioned, the stable would also be located within a cluster of sporadic development so a small amount of additional built form would not be entirely out of character in its positioning within the locality, especially that of a rural appearance such as a stable.

The stable would have a relatively shallow-pitched, a-symmetrical, hip-to-gable style roof consisting of juniper green box profile steel roof sheets. The external walling of the stable will consist of horizontal treated shiplap cladding and the doors will also be treated timber. Overall, the proposed design and material pallet is rural in appearance and reflects the proposed equestrian use of the building. The materials proposed are natural and will help the proposed development blend in with the hedgerow behind when viewed from any public vantage points.

Overall, the proposed siting of the stable is sensible and proposed in a location which will introduce the least possible visual intrusion upon the local landscape. The design is typical for a stable and will incorporate natural materials throughout, offering a soft, rural appearance which is indicative of its use and suitable for development in the open countryside/national landscape. The proposal is therefore considered acceptable on visual amenity grounds and is not considered to result in any material harm to the National Landscape.

Highways:
The proposed access from the public highway to the stable is already in situ so there will be no new access required for the proposed development. Due to the proposal's nature as a stable, there will be no changes to the parking requirements on site, although it is noted that there is ample parking on site to accommodate more than that required by the main dwellinghouse.

The proposal is therefore considered acceptable on highways grounds.

Ecology:
Due to the proposal being a full application impacting potential habitat space with no exemptions, the application is subject to the biodiversity net gain condition, as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. This means that development may not begin unless:
a) a Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.

A small sites metric has been submitted with the application displaying a 26.15% total net percentage increase in biodiversity upon the site as a result of the proposal. The application has therefore displayed that the condition can be met, although a Biodiversity Gain Plan will still be required before the condition is met.

A standard informative outlining the biodiversity requirement has been included as part of the approval to alert the applicant to their duties related to biodiversity net gain. With the informative included, the application is considered acceptable on ecological grounds.

**CONCLUSION**

There will be no negative impact on neighbour or visual amenity, nor the National Landscape, as a result of the proposed development. The proposal is therefore considered acceptable in the context of its surroundings and is in accordance with the general criteria set out in the aforementioned policies of the local development plan and that of the NPPF (2023).

**RECOMMENDATION:**

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

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**Conditions:** (3)

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 documents:

- Proposed Side elevations and Materials Palette *R23-022*

- Proposed Front and Rear Elevations and Floor Plan *R23-001*
- Block Plan
- Location Plan
- Application Form

REASON: For the avoidance of doubt and in the interests of proper planning.

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

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

**Informatives:** (1)

4 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

**Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.**

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town

and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
(i)the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
(ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
(i) the application for planning permission was made before 2 April 2024;
(ii) planning permission is granted which has effect before 2 April 2024; or
(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2. Development below the de minimis threshold, meaning development which:
(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:
(i)consists of no more than 9 dwellings;

(ii) is carried out on a site which has an area no larger than 0.5 hectares; and
(iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

**Irreplaceable habitat**

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

***The effect of section 73D of the Town and Country Planning Act 1990***

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:
i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.