

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	18/03195/FULMAJ  Purley on Thames Parish Council	1 <sup>ST</sup> March 2019	Land at Springs Farm, Westbury Lane, Purley on Thames.  Change of use of land from agricultural to equestrian use. Associated paddocks and bridge. Retrospective application for stable block, manege, track, and 4 staff flats in stables.  Mr Otaibi.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03195/FULMAJ>

**Ward Member(s):** Tim Metcalfe, Rick Jones.

**Reason for Committee determination:** The Council has received well in excess of 10 letters of objection.

**Committee Site Visit:** 20<sup>th</sup> February 2019.

**Recommendation.** **The Head of Development and Planning be authorised to GRANT conditional planning permission.**

**Contact Officer Details**

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## 1. Site History

18/00846/ful. Construction of lunge ring and associated fencing and hard landscaping. Approved October 2018.

18/00847/ful. Demolition of storage building. Erection of new. Approved November 2018.

18/00854/lbc2. Springs Farm house—many internal works –retrospective. Approved July 2018.

## 2. Publicity of Application

Site notice displayed 17<sup>th</sup> December 2018. Expiry 7<sup>th</sup> January 2019.

Amended plans site notice—Displayed 23<sup>rd</sup> January 2019. Expiry 6<sup>th</sup> February 2019.

## 3. Consultations and Representations

<b>Purley Parish Council</b>	No objection if for personal use. Objection if for commercial use as the forecast traffic has been completed on the basis of non-commercial use. Addendum - if the application involves any disruption/diversion of the existing footpath crossing the site then the PC would object as this process must necessarily be outside the planning application process, considered under separate legislation.
<b>Pangbourne Parish Council</b>	No objection if the application scheme is for private use alone. Objection if the use is for commercial purposes. The recent upheld appeal into claimed public footpaths should also be taken into account in the consideration of the application.
<b>Highways</b>	Conditional permission. Parking and access is acceptable. Traffic generation on Westbury Lane is acceptable. Conditions correspond to construction method statement, visibility splays and parking/turning on site.
<b>Natural England</b>	No objection. Application will not be harmful on protected species and no SSSIs in the vicinity. However, the AONB unit should be consulted on the application.
<b>AONB UNIT</b>	Do not object to the principle of the change of use, but remain concerned about the suburbanisation of the site by the fencing, the lighting around the manege, and the inappropriate planting on site. Also with the prevalence of the horse shelters in the paddocks.
<b>Historic England</b>	No comments to make. Seek views of Council's own specialist advisors.
<b>Council conservation officer</b>	No objections to the proposal.
<b>Office for Nuclear Regulation</b>	No safeguarding issues arise.
<b>Public rights of way</b>	No objection to the amended plans. Irrespective of the planning application the rights of ways issues will be determined in a distinct and separate jurisdiction, probably by the Planning Inspectorate.

<b>Environmental Health.</b>	No views to make.
<b>CLH Pipeline System</b>	No objections per se but the applicant needs to be aware of the apparatus running to the west of the application site plan submitted.
<b>Archaeology.</b>	Some concerns about impact of the application on the setting of the listed building and possible impact on local deposits. But no objection as such. A preliminary report on the archaeological assets of the site should be prepared prior to any approval, if granted. Report submitted. Satisfied with report. No further concerns or conditions recommended.
<b>Council joint emergency planning officer.</b>	No views to make on the application.
<b>Pang Valley Ramblers Association</b>	Oppose the application. The development is a major one in the AONB and has had an impact. Closure of any public footpath should not be required by this application. Concerns that horses would be a danger to footpath users is unfounded. Objection.
<b>Environment Agency.</b>	Current objection [see update sheet]. Site lies within a flood risk vulnerability category that is not appropriate to this Thames Functional Flood plain. In addition the submitted FRA is considered to be inadequate for the application. Officer note - the applicant is seeking to overcome this objection. FRA technical note submitted.
<b>Public comment.</b>	<p>49 objections received to the application. The vast majority of these relate to concerns about the current and future potential impacts upon the local footpath network which is both well used and highly valued by the local population. Other worries relate to the retrospective nature of the development, landscape impact, precedent, should be non- commercial use. No objection to the change of use per se, simply the proposed paddocks lying across the definitive right of way.</p> <p>One letter in addition which is neither objection nor support.</p> <p>Amended plans. Two additional letters of objection received. The amended plans do not provide sufficient protection and respect to the existing path network and if the application is approved it will prejudice future consideration of the footpath network.</p>

#### **4. Policy Considerations**

National Planning Policy Framework 2018  
National Planning Practice Guidance 2014.  
West Berkshire Core Strategy 2006 to 2026.  
Policies ADPP5, CS12, CS16, CS18, CS19.  
W-B-HSADPD of 2017—Policy C1. C5.

#### **5. Description of development**

- 5.1 The application site consists of Springs Farm [formerly Scraces Farm], and the Westbury Farm estate in land to the south of the River Thames, lying between Purley and Pangbourne. The application site is some 27ha and lies in the North Wessex Downs AONB. It also lies in a flood plain and is wholly situated outside any defined settlement boundary in the Local Plan. The area of the whole estate is just over 123 ha.

- 5.2 Access to the site is via Westbury Lane running to the south, and a listed building grade 2 with associated outbuildings lies adjacent to, but outside the red line application site. Accordingly the development, if permitted by the Council, will involve no changes to any recognised designated heritage assets. It is proposed as part of the application to regularise the following: a change of use of previously agricultural land into private equestrian use, the continued retention of 4 staff flats in the existing stable block [bringing the total to 5 as one is already permitted] the construction of a manege for personal equestrian use, with associated floodlighting, and associated horse shelters in the paddocks. The Committee need to be aware that the erection of the post and rail fencing for the enclosure of the paddocks does not require express planning permission since this falls as being permitted development in the GPDO of 2015 as amended.
- 5.3 It is envisaged that should the application be approved, an additional 12 horses will be accommodated within the 19 paddocks created on site [covering 15 ha in total]. This will involve the employment of one further member of staff, who will reside on site. Again it is expressly stated by the applicant and his agent that the use will be for private recreational use only and the officers have no reason to believe this will be otherwise. One condition recommended is the use to remain private only.
- 5.4 A whole array of footpaths cross the application site. PURL /1/1 is the definitive right of way which is the only definitive path to cross through the red line application site. To the south adjacent the rail line lies the permissive path which is the proposed diversionary route for PURL/1/1 should that occur in the future. In addition some claimed paths flow through the red line site. To the west of the application site lie a number of other claimed paths which are the subject of litigation, plus PURL7 the other local definitive right of way. It is important for the Committee to note that this rights of way information is for background only: the application itself does NOT propose any changes to the rights of way network as such and indeed under planning legislation, this is not possible in any event.
- 5.5 On the 18<sup>th</sup> December last year, the Council formally informed the applicant that the application did not comprise development which would require the submission of an Environmental Statement under the 2017 Environmental Impact Assessment Regulations. A screening opinion was required as the application site is 27ha and lies in the AONB.

## **6. Consideration of the application**

The application will be considered under the following headings.

- a. Visual impact
- b. Policy
- c. Footpath issues
- d. Other issues

### **a. Visual Impact.**

- i. The NPPF is the overarching framework for local planning authorities to address when making determinations of any planning application. The Framework makes it clear that major development in the AONB can be permitted in appropriate circumstances, taking into account the nature, scale and setting of the scheme in question, and whether it would have a significant adverse impact on the designation in question. In this particular context, the application site lies between 2 settlements, North West of the urban area of Reading, so its location is certainly not isolated. However, it remains unquestionably rural in nature. Paragraph 172 of the NPPF refers.

- ii The reason why the application is major is because the application site area is greater than 1ha. However, the development may be construed as being “minor” in the sense that the paddocks, the horse shelters, and the staff flats and manege are not substantial buildings/structures. This is the context in which the officers have addressed the application. The site in question is undeniably attractive and forms a very pleasant visual setting to the Thames to the north and the escarpment beyond. As such, the application site forms an important visual buffer to the surrounding built up areas. It is considered that the enclosure of the land by the fencing has had a harmful impact upon this wider landscape. However, as noted above this cannot be controlled by planning legislation, unless permitted development rights for such enclosures are removed, either by condition or an article 4 direction. It is the officer recommendation that this should be controlled by condition in the future should the application be approved. The next factor to consider in terms of visual impact are the horse shelters. These are modest structures and moveable and will be dotted around the site as required. Officers consider these will not be harmful when viewed in the wider landscape context. Next, the manege will be located within the curtilage of the main dwelling, where to the west planning permission exists for the erection of dog kennels and a storage building, albeit not yet implemented. The floodlighting is modest and can be controlled by condition in terms of when lit. Finally the retention of the 4 staff flats in the existing refurbished stable block will have no wider visual impact.
- iii It is on this basis that the application in visual terms is not objected to, albeit harm has arisen via the fencing, outwith planning control. Members will recall from their site visit that the impact of the raised national rail line to the south of the application site, with the overhead gantries for the electrification, have already had a serious visual impact on the locality. Whilst “two wrongs do not make a right”, this is the context in which the application should be viewed. Officers have also had careful regard to the views of the AONB unit, which are identified earlier in the report. They do not object in principle to the change of use, but to the various structures existing and proposed.
- iv. The Committee in reaching this conclusion [should they agree with officers], should have regard in addition to policy ADPP5 in the WBCS of 2012, in particular bullet point 1 of the Environment section. In addition they should also take into full account the advice in policy CS19 in the same document, which relates to [inter alia] landscape character, where the visual setting of built up areas, and the tranquillity of a locality are all factors to be taken into account, in determining the proposal. On balance the application is considered to meet this criterion and advice.

## **b. Policy**

- i. Policy ADPP5 in the Core Strategy identifies, amongst other points, that the local equestrian and racehorse economy in the AONB will be supported by the Council, although this is principally directed towards the racehorse industry as opposed to private leisure use. However, in seeking to continue to support the rural economy as encouraged in policy CS10 and indeed in paragraphs 83 and 84 in the NPPF of 2018, there is no doubt that the equestrian economy in the District whether it be private or commercial makes a significant contribution to the wellbeing of the rural areas. This is further recognised in policy CS12 [the equestrian/racehorse industry policy] where it is noted “development associated with equestrian activities will be encouraged... where the scale, form, impact and character, siting and level of activity is in keeping with its location”. Further, proposals for additional new residential accommodation associated with the equestrian use must be based upon a genuine need, and which cannot be located elsewhere. These various policies are thus the basis upon which the Council should make its decision on the application, in terms of the principle of the change of use, and the retention of the staff accommodation.
- ii. In terms of principle, it is considered that there is little objection to the change of use of the land, given the fact that this large area of land will not be sterilised in the future for

agricultural purposes, and although a private use, it is clear from the application supporting material that existing and additional staff will be employed in conjunction with looking after the some 20 horses on site. In addition, should the use cease at any time [the permission if granted will not be a personal one], the paddock fencing can very easily be dismantled from the site quickly, to facilitate a return to agriculture, should that occur

- iii. The question then remains as to the retention of the 4 staff flats in the present stables building. At present there are 5 flats in the stables, all in use by employees on the estate. One flat is authorised by dint of the original permission for the building under 130870, permitted in July 1988. In looking through the planning history on the site, it is apparent that over time, an additional 4 flats have been incorporated in the stables, but without express planning permission being granted. This application now seeks to regularise this. The Committee will need to take into account policy C5 in the HSADPD, which relates to housing for rural workers. There are a number of criteria corresponding to this policy. One criterion questions if the need has been justified for the staff on site. Given this is not a commercial operation, the staff cannot be supported—for example one is simply a dog walker, another is a “handyman /security” and so forth. ie they do not need to be actually on site. However, from evidence submitted, it is clear that these employees are being subsidised by cheap accommodation on site, so that they can continue working on the estate, for presumably relatively low wages, in relation to renting/purchasing housing in the Purley area. Taking a pragmatic view, it would be perverse of the Planning Authority to reject the flat retention which could mean a] people losing a job and b] accommodation being lost in an area of high demand for housing. In addition the applicant has submitted evidence to support a possible continued use of some of the flats for a period in excess of 10 years, which would make them immune from enforcement action anyway, if a Certificate of Lawful Existing Development were to be submitted, and approved. Given the fact that the retention of the flats will not have any material visual impact upon the area as the stables will be retained anyway as they are authorised, it is considered, on balance, that notwithstanding the technical non-compliance with policy C5 in the HSADPD, little if any harm will flow from the retention of the additional 4 flats, and indeed a benefit to the local economy will arise. Accordingly it is concluded at officer level that this element of the application is acceptable: a condition will be applied ensuring the accommodation is tied to the estate of Springs Farm only in perpetuity. The applicant has accepted this in writing. A further point to consider is that if the applicant were to demonstrate that this farm was redundant for agricultural purposes, an application could be made for its conversion to residential use under Policy C4 of the HSADPP.

#### c. Footpath issues

- i. The Committee will be aware that the largest area of public concern regarding this particular application corresponds to the ongoing public rights of way issues relating to the site as a whole. What is clear is that the officers, in recommending the application for approval, consider that this in no way prejudices the Council’s future determination of the potential diversionary route of PURL1/1 adjacent the rail line, should that occur. This is because whilst the **original plans** included proposed horse paddocks interfering with the definitive line [which was considered not to be acceptable] **amended plans** submitted at the request of the officer, have clearly reconfigured the pattern of paddocks, namely 17-19 inclusive, such that the route is not now compromised. The amended plans have been duly consulted upon. It is acknowledged on this basis that the Council public rights of way officer has now no objections to the amended plans. The application red line does however, include 2 claimed public rights of way. It is noted that the location of the paddocks with fencing do not compromise these claimed rights of way, should they be confirmed in the future. In addition, if at a later date these claimed paths are ratified by either the Council and/or the Planning Inspectorate, and they become part of the definitive network,

any future revisions to the paddock alignment [if required] would be dealt with via a non-material amendment.

- ii. In arriving at a favourable recommendation, officers have had close regard to the advice in policy CS18 in the Core Strategy which relates to the protection and conservation of green infrastructure. Green corridors are part of this, and in bullet point 4 in para 5.124 of the WBCS, rights of way are included. That is, since the existing and proposed rights of way network is not prejudiced or compromised by this application being approved, notwithstanding the clear level of local objection to this element of the application, it does comply with policy CS18 and so is taken to be satisfactory. It is hoped however, that the Council public rights of way officer will be in attendance at the Committee to respond to any technical questions on this issue.
- iii. One further point: the applicant has already provided a permissive path immediately to the north of the rail line which is well used. It is intended that if PURL/1/1 is closed at a future date [in part] this will be offered up as the diversionary route by the landowner. The approval or otherwise of this application will NOT prejudice this process

**d. Other issues.**

- i. The application site lies partly within the functional flood plain of the River Thames. It accordingly lies partly within flood zones 2 and 3. The uses proposed however, are “less vulnerable” according to the Environment Agency criteria. Whilst the applicant has submitted a site specific Flood Risk Assessment which concludes, in their opinion, that the scheme if permitted will not increase flood risk elsewhere, nor future users of the site be put in any increased danger from flooding, the EA has however submitted a holding objection on technical grounds. It is understood that this can be overcome. In layman’s terms it is not considered that any of the horse shelters, or the fencing will impede flood flows, nor the insertion of a small bridge over a water course.
- ii. One other planning matter the Committee need to be aware of is heritage. The owner of the site [albeit outside the red line] occupies three listed buildings, namely Scrace’s Farm House, Westbury Farmhouse, and some barns and stables - all listed grade 2. The NPPF and policy CS19 both seek to ensure that the integrity and setting of designated heritage assets such as listed buildings are properly protected from harmful forms of development, wherever possible. The change of use of the land will obviously not have any effect, but, the fencing for the paddocks may. Having noted that, in looking at the submitted plans, the paddocks are a considerable distance from the listed buildings, to the east of the application site, separated by not only other non-listed buildings [such as the stables] but also a lake and intervening agricultural land. Officers have concluded that no harm will arise and so policy CS19 is met.
- iii. The Council’s archaeologist has raised some concerns over the application, given the potential for finds across the site. She has accordingly requested a heritage note/desk based assessment of the site prior to determination of the application. This is presently being produced. It is likely a condition relating to this may be attached to any permission

**7. Conclusion**

- 1. The Committee will know that local planning authorities are required to determine planning applications in accordance with the guidance in the NPPF, principally based upon the 3 golden threads of sustainability.
- 2. Firstly, in social terms. The retention of the staff flats will be positive in the sense that jobs will be retained as will presumably the required accommodation. This may “only” affect 4

employees but it is still a material consideration. Secondly, the present public rights of way network will not be compromised by the application so the continued public enjoyment of the network will remain in place. This is in accord with policy CS18 in the NPPF.

3. In environmental terms, there has been some impact visually across open land of the paddocks which is “unfortunate”. However, the fencing, being below 2m in height, is permitted development whether the change of use of the land is granted or not. The other structures on the site have little impact in the view of the officer. Additional planting/landscaping across the Estate which is ongoing does not of course require planning permission, but over time will help to ameliorate any future/current impact on local footpath users.
4. Finally in economic terms, if the application were for a commercial use, rather ironically this could be more effectively prayed in aid in support of the application, in terms of support for the rural economy. However, this is explicitly not the case as it is neither the wish of the applicant nor indeed the LPA. Accordingly the wider economic impact will be marginal.
5. To conclude, the Committee will appreciate that if permission is granted, it will not be a personal permission, but will run with the land. Accordingly some of the objectors’ worries over the present actions of the applicant should have no bearing on the planning merits of the case. In addition, guidance under planning legislation makes it very clear that the submission of retrospective applications is not a problem in itself, however the applicant obviously runs a risk should any subsequent application be refused.

## **8. Recommendation**

**The Head of Development and Planning be authorized to GRANT Conditional Planning Permission**

### **CONDITIONS**

1. Within 3 months of the date of this permission, visibility splays of 2.4 metres by 90 metres should be provided at the access. The visibility splays shall thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

2. Within 3 months of the date of this permission, the proposed vehicle parking and/or turning space must be surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

3. Notwithstanding the provisions of the General Permitted Development Order 2015 as amended, or any subsequent revisions or alterations, within the red line application site, no further enclosures up to 2m in height of any kind shall be erected without the express permission from the local planning authority in respect of a planning application.



Reason: To ensure future enclosures are controlled, in the interests of visual impact, in accord with policy ADPP5 in the WBCS of 2006 to 2026, and the advice in the NPPF on the protection of the AONB landscape.

4. All of the 5 staff flats hereby permitted by this approval in the existing stables, shall only be occupied by employees of the Springs Farm Estate, and their dependents, and by no other occupant.

Reason: The Council is not satisfied that the approval of non-restricted C3 accommodation in this location is justified, having regard to the advice in policy C5 in the Housing Site Allocations Development Plan Document of 2017. Accordingly the accommodation must be restricted in the manner noted.

5. The development must be carried out in strict accord with the following amended plans dated 22nd January 2019 on the file -:all by Morse Webb - job number 568. 020-PLO4, 050-PLO4, 004-PLO2, 021-PLO3. Plus 002-PL00. In addition plan numbers [all job 568] 003-PL100, 004-PL100, 010-PLO3, 011-PLO2, 030 to 44 inclusive all PLO2, and 060 and 061 plus 070-PL02 are the approved as existing and proposed plans, hereby permitted.

Reason: To provide clarity in the permission in accord with the advice in the DMPO of 2015.

6. At no time shall any of the equestrian uses, operations, stable buildings hereby be permitted to be used for any commercial purposes whatsoever, but must remain in private equestrian recreational use attached to the Springs Farm estate.

Reason: To control future intensity of activity on the site having regard to the rural setting of the site and its sensitive nature in accord with policy ADPP5 in the WBCS of 2006 to 2026.

7. Within one month of the date of this decision the applicant will remove, in its entirety, the metal heras fencing adjacent the definitive line of PURL1/1 in the red line application site.

Reason: The heras fencing has a harmful visual impact on the locality and is not conducive to public enjoyment of the public footpath. Accordingly, it is contrary to the advice in policies ADPP5 and CS18 and CS19. In the WBCS of 2006 to 2026.

8. The lighting hereby permitted at the manege shall be turned off at 8pm every night at the latest and not turned on until 7am at the earliest the following day, if required, over the winter months.

Reason: The manege lies in the rural area in the AONB and it is necessary to control future light pollution, in accord with the advice in the NPPF.