

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	20/02205/HOUSE Winterbourne	23 rd November 2020	Construction of oak framed tractor and garden machinery building, construction of stable block and construction of all weather riding arena. White Cottage, North Heath Chieveley Mr and Mrs J Green

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02205/HOUSE>

Recommendation Summary: To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions.

Ward Member(s): Councillor Hilary Cole
Councillor Garth Simpson

Reason for Committee Determination: Called-in by Ward Member

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead a collection of photographs is available to view at the above link.

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the construction of oak framed tractor and garden machinery building, construction of stable block and construction of all-weather riding arena on land within the ownership of White Cottage, North Heath, Chieveley.
- 1.2 The application site forms part of the residential curtilage of White Cottage, which is a detached house. White Cottage forms one of a group of dwellings which form part of the hamlet of White Heath. The site is within the open countryside, beyond any defined settlement boundary, and is within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB). The application site consists of an area of land which is enclosed from the surrounding agricultural land by mature trees, and is currently used for domestic purposes with a tennis, court, and existing outbuildings, which are proposed to be demolished and replaced by the tractor and machinery building. The proposed stables, to house 4 loose boxes, tack room, hay store and store, are proposed to be sited within this area. The riding arena is to be sited to the north of the tennis court, and measures approximately 28 metres by 45 metres, and is proposed to be enclosed by a post and rail fence with gate which are 1.5metres high.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
86/27750/ADD	2 Storey extension	Approved 05/12/1986
93/42469/ADD	Bay window to front elevation	Approved 07/04/1993
98/52500/FUL	Single storey enlargement of existing kitchen addition and front porch. Add first floor bay to existing ground floor bay.	Approved 22/05/1998
99/54483/FUL	Single storey bay window on east elevation.	Approved 01/04/1999
06/02013/HOUSE	Conservatory.	Approved 19/10/2006
20/01592/FUL	Change of Use from Agricultural to Equestrian. Construction of oak framed tractor and garden machinery building, construction of stable block and construction of all weather riding arena	Refused 15/09/2020
20/01871/HOUSE	Proposed extensions, alterations and refurbishments	Approved 08/10/2020

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 1st October 2020 at gate entrance to White Cottage; the deadline for representations expired on 22nd October 2020. A public notice was displayed in the Newbury Weekly News on 8th October 2020; the deadline for representations expired on 22nd October 2020
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (formally within A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.4 Initial assessment is that the proposal will not increase the residential floorspace and so is not liable for CIL. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Winterbourne Parish Council:	No comments received
Chieveley Parish Council:	No comment
WBC Highways:	No objections if it is for private use, if there is a commercial element then further details regarding potential vehicle movements are required to include the type of vehicle and frequency of movement.
Environmental Health	No comments to make
Ramblers Association	No comments received
AONB Board	No comments received
Public Rights of Way	No comments received

Public representations

4.2 Representations have been received from one contributor who objected to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Impact of a significant equestrian facility near boundary will have a significant impact on home and garden due to noise, smell and lighting;
- The yard will be used for significant parts of the day and at weekends, shouted instructions and noise from machinery will impact us. Disruption will affect prevent us from opening windows when working and quietly enjoying the garden
- The stable block will face our house, shine lights into bedrooms, and direct noise towards us
- The riding arena is disproportionate, at 50m x 2225m, which is bigger than a domestic arena of 40m x 20 m. It extends beyond the line of the stables, has a greater visual impact and increases the noise travelling towards us.
- There is no lighting shown, and concerned about recent lighting added to the tennis court and this could be extended to the riding arena
- There would be impacts if a sound system or mirrors are installed in the riding arena
- Other areas of the property could have been considered for the development

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS5, CS12, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS5, OVS6, ENV29, and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- West Berkshire Landscape Character Assessment (2019)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Character and appearance
- Neighbouring amenity
- Highways

Principle of development

- 6.2 The application site is situated within the open countryside, as defined by policy ADPP1, where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong local economy. Policy ADPP5 recognises the national landscape designation of the North Wessex Downs AONB (NWD AONB) and says that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Policy CS12 says that proposals for equestrian related development that provides diversification opportunities for farmers, helps to strengthen the rural economy and increases opportunities for people to enjoy the countryside in a sustainable way will be supported. Policy ENV22 also sets out the criteria for proposals for the accommodation of horses. Whilst equestrian uses are compatible with the countryside, the proposal is considered in accordance with the following issues.

Character and appearance

- 6.3 Policy ADPP5 says that development within the NWD AONB will respond positively to the local context, and respect identified landscape features and components of natural beauty. Policy CS14 says that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and goes on to say that good design relates not only to the appearance of the development, but the way in which it functions. The policy states that considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the District. It says that particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. CS19 also says that development proposals should be informed by, and respond to the distinctive character area and key characteristics identified in relevant character assessments. Policy CS12 specifically addresses the design of equestrian development and says that the re-use of existing buildings should be considered before any new build, requires the scale, form, impact, character, siting and level of activity to be in keeping with its location. Policy ENV29 also sets out design criteria for the erection of stabling for horses, and the use of associated land for horse grazing, which includes that it will be unacceptable if it appears to urbanise an attractive area or spoil a key view or vista.
- 6.4 A similar application was refused planning permission in September 2020 (20/01592/FUL), which proposed the stables and machinery stores in the same location, but with the riding arena being sited on agricultural land adjacent to the existing site, and a change of use of the land to equestrian. That application was refused due to the unacceptable visual impact that the riding arena, and associated change of use of the land would have on the landscape. This application proposes the siting of the riding arena within the area of land which is enclosed by mature hedges, and forms part of the residential use of White Cottage. There is a fence line which separates the tennis court from the formal garden area, and within this area are the outbuildings which it is proposed to replace, and the location for the stables. This area of land is used for informal recreation purposes, and is separated from the surrounding open agricultural fields by mature trees. The siting of the stables and machinery store building, together with the riding arena will largely be screened by the established planting, and may be seen in limited glimpses, during winter months and as ancillary residential uses close to the dwellings. The erection of the buildings within this area will be visually appropriate given the replacement of buildings which may have been built over time, with one building of visually appropriate materials, in a similar location, which will result in an improvement in the visual appearance. The proposed L-shaped stable building, is

proposed to be sited close to the machinery store building, and again is considered to be appropriately sited and relates well, to the surrounding buildings, and screening, and are appropriate features within the AONB. A condition can be imposed on the permission to ensure that lighting around the buildings is controlled in the interests of maintaining the dark skies within the AONB.

6.5 This area of land is currently different in character and appearance to the surrounding agricultural land, and its use for the keeping of horses by the occupiers of White Cottage will not be harmful to the character and appearance of the surrounding countryside and the NWD AONB.

6.6 Neighbouring Amenity

6.7 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. There have been concerns raised by nearby residents about the potential for noise and disturbance to the quiet enjoyment of their property, through noise from people shouting instructions in the riding arena, and associated noise from the machinery in the store when it is in use, as well as the potential for disturbance from lighting at the stables and arena, and smells. The Environmental Health Officer has not raised any objections to the proposal.

6.8 The proposed stables are proposed to be sited approximately 35 metres away from the boundary with Bee Cottage to the north-east. The stables face into the land at White Cottage, with the shortest edge of the building facing Bee Cottage. Whilst there will be additional noise as a result of the four horses being accommodated on the site, the separation distance is such that this is likely to be minimal. There have been concerns about the noise from the riding arena, through shouting instructions to riders and similar behaviour, as well as the potential for a sound system and mirrors. The riding arena is approximately 52 metres from the boundary with Bee Cottage. The proposal is for the use of the stables and arena for personal use ancillary to the residential use of the site. As such there would be limited time when lessons are taking place for instructions to be shouted. Given the separation distance and given that the Environmental Health Officer has not raised any objection to the proposal, the proposal is unlikely to result in unacceptable noise levels to the neighbouring residents. Whilst concerns have been raised about the potential for noise disturbance from amplified music through a sound system, this would be difficult to enforce, and if amplified noise is at a sufficient level, then it would be controlled by statutory noise nuisance legislation enforced by environmental health. It is officers' view that it would not be reasonable for a condition to be imposed on a potential sound system for the riding arena.

6.9 There have been concerns raised about the level of lighting to the proposed buildings and the riding arena, and their impact on the amenity of the neighbouring properties, as well as the impact on the wider AONB landscape. A condition requiring a lighting strategy is recommended to address these material planning considerations.

6.10 The proposed machinery store is to be sited in the same location as the group of existing buildings. The objection has been raised to noise from the machinery which is stored in those buildings. However, given the size of the piece of land within the ownership of White Cottage, it is reasonable that some machinery would be necessary for maintenance, and the resultant noise is arising from routine care and maintenance of the land such as mowing and hedge trimming is not considered by officers to be of a nature that would result in unreasonable levels of disruption.

6.11 There has been a concern about the smell from the proposed development and the keeping of the horses on the site. The stables are proposed to be sited at a significant distance from the adjacent dwellings. However, a condition require approval of the

means for the storage and disposal of manure would be appropriate in accordance with policies OVS5 and ENV29.

Highways

- 6.12 Policy CS13 refers to development which has an impact on the highway network, and policy TRANS1 sets out the parking requirements for new development. The Highways Officer has confirmed that as the proposal is for private use, there are no concerns about the additional vehicular movements or impact on the highway network.

7. Planning Balance and Conclusion

- 7.1 The application is proposing the erection of a replacement machinery store building, a stable and all weather riding arena on residential land, within the open countryside and within the NWD AONB. The existing land has a different character and appearance to the surrounding open fields. It is viewed within the landscape as a part of a group of buildings which form the hamlet of White Heath, separated from the agricultural land by mature trees and hedges. The proposed buildings and arena will not have a harmful impact on the character of the surrounding NWD AONB. There have been concerns raised about the impacts on the living conditions of nearby residential dwellings, due to noise, smell, and lighting. There is a significant separation distance between the stable building, the riding arena and the nearest dwelling, and the machinery store is a replacement of existing buildings on the same footprint. The matters with regards to these issues can be resolved through appropriate conditions. In addition a condition limiting the use to private recreational purposes is recommended, as the impacts on the highway network and amenity of neighbouring properties have only been assessed on this basis. With these conditions in place, the proposal is considered to be acceptable and is recommended for approval.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none">i. Location plan received on 23rd September 2020;ii. Proposed Block Plan received on 23rd September 2020;iii. Stable Proposed Floor Plan, Roof Plan and Elevation Drawing no 1 received on 23rd September 2020;iv. Oak framed Tractor Barn, Utility Store and Workshop Proposed Elevations and Floorplans received on 23rd September 2020;v. Arena Fence and Gate received on 23rd September 2020; and

	<p>vi. Planning Statement prepared by Paul Dickinson and Associated dated September 2020, received on 23rd September 2020;</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials as specified</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.</p> <p>Reason: To ensure that the external materials are visually attractive and respond to local character in the North Wessex Downs AONB. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), , Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies ENV29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>All weather arena materials</p> <p>No development shall take place above foundation slab level until a schedule of the materials to be used for the floor of the all weather riding arena has been submitted to and approved by the Local Planning Authority. The riding arena shall be constructed and maintained in accordance with the approved schedule of materials.</p> <p>Reason: In the interest of the amenity in the North Wessex Downs AONB. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006)</p>
5.	<p>External lighting (details required)</p> <p>No development shall take place above foundation slab level, until details of the external lighting to be used in the areas around and on the buildings and the all weather riding arena hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings hereby permitted are occupied No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.</p> <p>Reason: To protect the amenities of adjoining land users and the character of the area in the North Wessex Downs AONB. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
6.	<p>Manure storage and disposal</p> <p>The development shall not be brought into use until full details of the method of storage of manure and its removal has been submitted to and approved in writing by the Local Planning Authority. The methods of storage of manure shall be implemented in accordance with the approved details.</p> <p>Reason: To prevent the proliferation of manure which would detract from the quality of the North Wessex Downs AONB and in the interests of amenity and to avoid any possible water/land contamination. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS14 of the West</p>

	Berkshire Core Strategy (2006-2026), Policies OVS5, OVS6 and ENV29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006)
7.	<p>Private equestrian use only</p> <p>Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an order revoking and re-enacting that Order, with or without modification), the application site area permitted shall only be used for private recreational equestrian purposes ancillary to the enjoyment of the residential dwelling known as White Cottage, and shall not be used for any other purpose including commercial riding, breeding, training or liveries.</p> <p>Reason: In the interests of amenity of nearby residents and of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13, CS14 of the West Berkshire Core Strategy (2006-2026), Policies ENV29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).</p>

Informatives

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>Damage to Footways, Cycleways and Verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
3.	<p>Damage to the Carriageway</p> <p>The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>