

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	20/02039/FUL Enbourne	05/11/2020 <sup>1</sup>		Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.  Land West Of Pumping Station, Enborne Row, Wash Water  Charles Doherty
<sup>1</sup> Extension of time agreed with applicant until 25 <sup>th</sup> March 2021				

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02039/FUL>

**Recommendation Summary:** Approval

**Ward Member(s):** James Cole, Claire Rowles, Dennis Benneyworth

**Reason for Committee Determination:** More than 10 objections received

**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

**Name:** Cheyanne Kirby  
**Job Title:** Planning Officer  
**Tel No:** 01635 519489  
**Email:** Cheyanne.kirby@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.
- 1.2 The application site is an agricultural field located to the northern bank of the River Enborne and the edge of the North Wessex Downs AONB, to the east is a pumping station and the northern boundary faces the main road Enbourne Row, Wash Water. The area is surrounded by scattered dwellings and agricultural fields.
- 1.3 The proposal is for the housing of two children's ponies which includes 2 loose boxes, tack room, feed/bedding store, hardstanding, 2 car parking spaces, manure skip and division of land into 3 paddocks with hedgerow and post and rail fencing.

## 2. Planning History

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

Application	Proposal	Decision / Date
	N/A	

## 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 12<sup>th</sup> October at the application site; the deadline for representations expired on 2<sup>nd</sup> November 2020. Evidence of this was submitted to the council.
- 3.3 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](http://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.

<b>Enbourne Parish Council:</b>	Object – Previously promoted for residential use, approval will mean it will become brownfield land, site notice, address of applicant, welfare concerns, water supply, amount of land available, waste management, road safety.
---------------------------------	--

<b>Basingstoke and Dean Borough Council:</b>	No Objections
<b>WBC Highways:</b>	Conditional Approval
<b>Public Protection:</b>	No Objections
<b>SUDS:</b>	Conditional Approval
<b>Environment Agency:</b>	Conditional Approval
<b>Minerals and Waste:</b>	Comments Made
<b>Trees:</b>	No Response

### ***Public representations***

- 4.2 Representations have been received from 15 contributors, all of which object 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:
- Previously promoted for residential use
  - Approval will mean it will become brownfield land
  - Site notice not displayed
  - Address of applicant not in area
  - Welfare concerns
  - Water supply concerns
  - Amount of land available for ponies
  - Waste management
  - Road safety
  - Security
  - Drainage/surface water run-off
  - Contamination

## **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, ADPP2, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies ENV.29, OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
  - Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

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)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highways
- Waste
- Other matters

### ***Principle of development***

6.2 The application site lies outside a defined settlement boundary, within the context of planning, the site is classified as being located within the countryside.

6.3 Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates the site as being within the open countryside for planning purposes. Policy ADPP1 states that development in West Berkshire will follow the existing settlement pattern, and that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 The proposal is for the housing of two children's ponies which includes 2 loose boxes, tack room, feed/bedding store, hardstanding, 2 car parking spaces, manure skip and division of land into 3 paddocks with hedgerow and post and rail fencing.

6.5 Policy CS12 promotes equestrian related development proposals that strengthen the rural economy and offer increased opportunities for the enjoyment of the countryside in a sustainable manner. The policy goes on to say development associated with equestrian activities is in keeping with the location in terms of the scale, form, impact, character and siting.

### ***Character and appearance***

6.6 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.

6.7 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District by considering the natural, cultural and functional

components of its character as a whole. Particular regard will be given to the sensitivity of the area to change and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

- 6.8 Policy ENV.29 Development Involving Accommodation for Horses of the West Berkshire Saved Policies set out criteria in which applications should be considered when assessing equine applications;

(a) the proposed buildings have been designed to blend in with the rural surroundings; and

(b) the scale and location of such buildings and their use would not cause a material loss of amenity for the occupants of adjoining properties or other users of the countryside; and

(c) there is sufficient space provided for the ancillary storage of food stuffs, bedding, tack and related equipment on a scale appropriate to the number of horses being accommodated; and

(d) there is sufficient land being provided with the field shelter and / or stable to accommodate the number of horses; and

(e) the access to and from the public highway is in a location and form which would prevent any hazard to riders and other users of the highway.

Notwithstanding the above factors such buildings will be unacceptable if they appear to urbanise an attractive rural area or spoil a key view or vista.

- 6.9 The primary concern relates to criteria (d) and (e) of Policy ENV.29. The additional text for this policy states "Furthermore regarding criterion (d) the British Horse Society suggest a minimum of 0.6 hectares (1.5 acres) of pasture per horse is required". The application site is 0.37 hectares in size meaning that the site is below the British Horse Society suggest a minimum. Whilst the land available is below the suggest minimum the agent has provided details stating that the proposed scheme is for two children's ponies which need to have access to limited and carefully managed grazing as well as being supplemented with forage and hard feed in order to prevent life medical problems.

- 6.10 Criteria (e) looks at the impact on the highway, Enbourne Row is a classified C road of national speed limit therefore there is concern in regards to hazard to riders; however the access is located on a straight section of the road and therefore the visibility splays to access are clear, there are other equine developments within the area and a public right of way (ENBO/12A/1) located approximately 270m to the north-west which leads onto a public bridleway.

- 6.11 It has been considered that on balance the proposed scheme is considered acceptable as the equestrian development is small in scale and for private use there will also be additional landscaping which will be an ecological enhancement.

### ***Neighbouring Amenity***

- 6.12 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.

- 6.13 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.

- 6.14 Due to the location of the proposal and the distance from neighbouring dwellings there is not considered to be a signification impact on neighbouring amenity.

### ***Highways Matters***

- 6.15 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.
- 6.16 The details have been assessed by the highways officer and considered acceptable; conditions will be applied to the decision notice to ensure the access and parking is suitable and improve highways safety.
- 6.17 Flooding and Drainage
- 6.18 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 addresses issues regarding flood risk.
- 6.19 The application site falls mainly within Flood Zone 1 with the southern boundary Flood Zones 2 and 3 due to being close proximity to River Enbourne. A flood risk assessment has been submitted and the proposal has been assessed by the Environment Agency and the Council Drainage Engineer and has been considered acceptable and a condition will be applied to the decision notice.

### ***Waste***

- 6.20 The mineral and waste officer assessed the proposal and made the following comments;
- 6.21 According to the Government website: <https://www.gov.uk/farm-and-livery-horses/dealing-with-waste>, 'horse manure is not considered a waste if the following apply:
- it is used as soil fertiliser
  - it is used lawfully for spreading on clearly identified pieces of agricultural land •it is only stored to be used for spreading on agricultural land
- 6.22 If you store or spread horse waste near to water, it can be a health hazard and could harm the environment. You will need to follow rules on Nitrate Vulnerable Zones and follow rules on the pollution of groundwater'.
- 6.23 If the soiled bedding and manure is not used for one of the purposes stated above, then the applicant should ensure a requisite waste transfer permit is obtained from the Environment Agency before this activity commences.

### ***Animal Welfare***

- 6.25 Concerns have been raised in regards to the applicants address, the suitability of the land and the impact this may have on animal welfare; therefore the Environmental Health Animal Welfare Officer was consulted. Whilst there is concern in regards to animal welfare which has led to further consultation on this it is noted that animal welfare laws are not a consideration of the planning process. The Animal Welfare Officer raised concerns firstly in regards to the applicant address and the impact this will have on daily checks.

- 6.26 Secondly, the amount of land available for 2 equines and thirdly the suitability of the land due to proximity to the River Enbourne. The agent submitted a further justification statement on the 11<sup>th</sup> February 2021 by Kernon Countryside Consultants Limited to address the concerns raised by the Animal Welfare Officer. Firstly the concerns in regards to daily checks, the applicant lives 25miles away in Abingdon and intendeds to visit twice a day; the applicant is also seeking to move to a more local property. Secondly, concerns in regards to amount of land available the DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids states “As a general rule, each horse requires approximately 0.5 – 1.0 hectares of grazing of a suitable quality if no supplementary feeding is being provided. A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout.” Less land will be provided however the equines will have access to stables and additional feed such as hay and hard feed to supplement the lack of grazing. The equines will also be stabled/have access to stables and would therefore not be grazed on the land full time. The consultant has highlighted that some equines require limited grazing due to health conditions such as laminitis which can be life threatening to some equines.
- 6.27 Thirdly the suitability of the grazing land due to its proximity to the River Enbourne; the land lies within flood zone 1 with some land within higher flood zones which would impact the grazing quality. The proposal includes a hardstanding area in which the equines can use when the conditions are not suitable for grazing. The consultant has stated that the equines would mainly be grazed when the conditions are suitable as wet and muddy ground conditions can caused mud fever and therefore it would be in the applicants best interests to keep the grazing well managed as well as for the equines wellbeing.
- 6.28 Given the justification submitted addressing the animal welfare concerns it would appear that through careful management that the land is suitable for small scale equine use therefore on balance the proposal is considered acceptable.

### ***Other Matters***

- 6.29 Comments have been raised in regards to submission of the site previously for residential use and that change of use of this land would lead to further development; the application has to assess on what has been submitted and relevant policies it would be unreasonable for the council to refuse the application on the potential future development. Any further development or change of use would have to comply with relevant planning policies at that time; equestrian development does not benefit from the permitted development rights as other uses.

## **7. Planning Balance and Conclusion**

- 7.1 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 7.2 Whilst perhaps the proposal makes no significant contribution to wider social and economic roles of planning given the scale and nature of the development it is not considered to be harmful.
- 7.3 With regard to the environmental role contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and

it is considered that the proposal on balance would respect the prevailing pattern of development.

- 7.4 For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.
- 7.5 For the reasons given above it is considered that the proposal on balance accords with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP2, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS), and Policies ENV.29, OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## 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><b>Commencement of development</b></p> <p>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><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Design and Access Statement dated August 2020 received 2<sup>nd</sup> September 2020;  Block Plan 2515/3 received on 2<sup>nd</sup> September 2020;  Proposed Elevations and Floor Plan 2515/2 received 2<sup>nd</sup> September 2020;  Fencing Details 2515/4 received 10<sup>th</sup> September 2020;  Location Plan 2515/1A received 10<sup>th</sup> September 2020;  Section/Level 2515/5 received 10<sup>th</sup> September 2020;  Grazing Land Justification pp20/280 received 30<sup>th</sup> November 2020;  SUDS Construction Details 7751/07 received 14<sup>th</sup> December 2020;  SUDS Drainage Strategy 7751/501A received 14<sup>th</sup> December 2020;  Flood Risk Assessment and Drainage Strategy Issue 2 7751 received 14<sup>th</sup> December 2020.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Materials as Specified</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the application form.</p> <p>Reason: To ensure that the external materials are visually attractive and respond to local character. 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 the Supplementary Planning Document Quality Design (June 2006).</p>
4	<p><b>Parking/turning in accord with plans</b></p>



	<p>The use shall not commence until the vehicle parking have been surfaced, and provided in accordance with the approved plan(s). The parking shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>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, 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).</p>
5	<p><b>Surfacing of access</b></p> <p>No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
6	<p><b>Environment Agency</b></p> <p>No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.</p>
7	<p><b><u>SUDS</u></b></p> <p>The development hereby permitted shall not be brought into use until the drainage measures identified in the submitted Report No. 7751 Issue No 2 and Drawing No. 7751/501A and 7751/07 have been implemented in accordance with the approved details. The drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CC1, CC2 and NRM4 of the South East Plan (May 2009), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
8	<p><b><u>Landscaping</u></b></p> <p>The approved landscaping detailed on the Block Plan 2515/3 received on 2<sup>nd</sup> September 2020, shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that</p>

	<p>die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
9	<p><b>Private equestrian use only</b></p> <p>Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 2015 (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 and shall not be used for any other purpose including commercial riding, breeding, training or liveries.</p> <p>Reason: In the interests of amenity. 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), Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Supplementary Planning Document Quality Design (June 2006).</p>
10	<p><b>Number of horses</b></p> <p>No more than 2 horses shall be stabled on the site at any one time and additional horses shall not be bought onto the site at any one time.</p> <p>Reason: To limit the level of activity on the site as a means to protect the rural character of the area due to the limit amount of land available. 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 Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
11	<p><b>Use of stables</b></p> <p>No trade, business or commercial use of any kind shall be carried out from the stables and parking area permitted in this scheme.</p> <p>Reason: In the interests of amenity. 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 Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

### ***Heads of Terms for Section 106 Agreement***

1.	<p><b>Affordable housing</b></p> <p>Detail</p>
2.	<p><b>Public open space</b></p> <p>Detail</p>

### ***Informatives***

1.	DEC3 - 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.
----	---