

**WESTERN AREA PLANNING COMMITTEE**  
**17<sup>th</sup> MARCH 2021**

**UPDATE REPORT**

**Item No:** (2)      **Application No:** 20/02039/FUL      **Page No.** 47-70

**Site:** Land West Of Pumping Station, Enborne Row, Wash Water

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**Planning Officer Presenting:** Cheyanne Kirby

**Member Presenting:** N/A

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**Written submissions**

**Parish Council:** Additional comments have been received from the Parish Council

**Objector(s):** Mr Richard Coward - Available to answer questions at the meeting

**Supporter(s):** N/A

**Applicant/Agent:** Mr David Wood, The Agent - Available to answer questions at the meeting

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

**1. Additional Consultation Responses**

<b>Public representations:</b>	Additional comments have been received from the Parish Council
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**2. Additional Comments**

The additional comments from Enborne Parish Council (below) take an alternative view to that set out by the case officer in her report. The case officer has considered the additional comments and remarks as follows:

The Committee report sets out that animal welfare is not a material planning consideration due to it being covered by different legislation. The case officer's assessment of this application is made on the basis of the material planning considerations. In this respect, however, to explore the matter of the viability of the land for the use proposed the agent has submitted a justification statement has address the concerns raised in respect of the suitability of the land. Whilst the Animal Welfare Officer has stated his concerns regarding the viability of the land for the proposed use it is for the applicant to ensure they meet animal

welfare regulations, without which the site cannot be used for purposes of keeping of equines. The applicant's address is also not a material planning consideration, nor the practicality of the applicant implementing an approved change of use in light of the distance they currently live from the site. It should be noted that planning permission goes with the land rather than the applicant.

The DEFRA Code of Practice is advice and is read in conjunction with the Animal Welfare Act, therefore is not planning policy and only offers advice/guidance on this separate non-planning legislation. Concerns in respect of provision of a fresh water supply for the equines are not a planning matter and is for the applicant to address those requirements in order to comply with the Animal Welfare Act if planning permission is granted.

The comments relating to the public rights of way are noted however the condition of the public right of way would be of concern to the public rights of way team; the applicant may not choose to use these public rights of way if not suitable for their equines.

The highways engineer was consulted and did not raise any concerns regarding the access as there is an existing access onto the road itself which would be utilised as part of this application; the proposal is also for private use, and therefore the number of vehicle movements would be considered acceptable in this location.

The comments in relation to the potential permission for residential use are also noted. There are no permitted development rights for equestrian use and change of use to residential. If the applicant wished to seek residential use of the site they would have to apply for planning permission. Therefore any residential use of the site would require consideration against national planning policy and the policies of the Local Development Plan.

### **3. Updated Recommendation**

The recommendation remains as set out in the agenda committee report

To: Western Area Planning Committee 17 March 2021

From: Enborne Parish Council

Objection to Planning Application 20/02039/FUL

This application looks superficially attractive in proposing an apparently constructive use for a piece of land which has been derelict for some time. Closer examination however shows it to be impractical for equestrian use to an extent which raises questions as to the real purpose of the application.

As there are ample detailed objections submitted and published this update mainly focusses on the Committee Report from Planning.

Policy ENV.29 discussed in paragraphs 6.8, 6.9 and 6.10: 6.9 concedes the area of land available to the two horses is well below that recommended by DEFRA guidance. The Animal Health Officer was consulted as discussed in 6.25, 6.26 and 6.27. His view was that the area of land available was far short of adequate. Following further 'justification' from Kernon, the applicant's consultant, the officer was unimpressed and confirmed he had serious concerns for welfare of the ponies.

Paragraph 6.26 refers to the applicant living in Abingdon 25 miles away and intending to visit twice a day. The applicant address is in Park Royal, London. Proposing to travel 100 miles a day to this small site is not environmentally sensible or likely.

The DEFRA Code of Practice referred to requires planning authorities give consideration to the availability of adequate natural grazing to exercise and maintain the health of the animals. It also requires planning to ensure a copious supply of fresh water to site daily. There is no existing source of fresh water on the site and this is not addressed in the application.

6.10 refers to public byway ENBO/12A/1 being 'only' 270m away along the 60mph road which leads to a bridleway (ENBO/12/1). That byway is heavily rutted by vehicles and waterlogged during winter making it unsuitable for horse riding especially for children and ponies. The visibility splay is misleadingly illustrated in the Committee Report Site Photos as the 'Google street view of application site (Looking West)' is taken from the wrong side of the road and too close to the entrance. Traffic coming west along that stretch often accelerates hard under the A34 flyover to be travelling close to or exceeding 60mph by the time they pass the site. The photos provided in the resident objection from Richard Coward give a more accurate guidance and show there is no way any horse can access the road safely from the proposed location. The ponies would therefore need to be transported frequently from and to the site for exercise but there is no adequate space available to manoeuvre horse trailers in the proposed plan.

The conditions proposed appear comprehensive and may be adequate to manage likely waste and pollution risk to the River Enborne if fully implemented. The costs of doing so however are likely to prove prohibitive compared with more practical livery closer to the home of the applicant. The real purpose of the application therefore appears to be to achieve equestrian use which can then leverage eventual permission for housing, as suggested in the currently withdrawn land sale advert.

Enborne Parish Council