

<b>Application No:</b> 12/00237/F	<b>Ward:</b> The Astons And Heyfords	<b>Date Valid:</b> 16/03/2012
<b>Applicant:</b>	Claire Minett	
<b>Site Address:</b>	OS Parcel 0092 South of Gibbs Field House, Foxhill Lane, Souldern	

**Proposal:** Erection of 3 no. stables

**Date site visited:** 28 March 2012

## 1. Site Description and Proposal

- 1.1 The application site consists of a parcel of land situated to the south of the village of Souldern. The site is accessed via a public bridleway (BR 351/13) taken from the corner of Foxhill Lane. This public bridleway continues to Nancy Bowles Wood that wraps around the site to the south and west. The site is within an Area of High Landscape Value.
- 1.2 A post and rail fence runs along each boundary of the site, with dense vegetation running alongside the northern and eastern boundaries, and the western and southern boundaries remaining more open. The access to the site is marked by a metal gate and is taken from the north-eastern corner of the field.
- 1.3 The proposed development would involve the erection of a three bay stable block for private use by the applicant. The intention of the applicant is to use two of the stables for the stabling of a pony and foal, with the third being use to store feed and bedding.
- 1.4 The stables would be constructed from timber with felt tile roof. The footprint of the stables would be just under 3.7m x 11m, and it would be 3.1 metres in height from ground level to the highest part of the pitched roof. It would be positioned in the north-eastern corner of the field, adjacent to the existing access. An area of hardstanding with dimensions the same as the footprint of the stables would also be laid for the storage of manure. The applicant has stated that the manure would be removed on a regular basis and disposed of in an appropriate manner.
- 1.5 Whilst not a planning consideration, the Official Register of Title states that the land benefits from a right of way with or without vehicles over and along Fox Lane between Souldern and Somerton Road for the purpose of access to and egress from the land. The applicant intends to exercise this right in order to access the field.
- 1.6 The application is referred to Committee at the request of Councillor Kerford-Byrnes.

## 2. Application Publicity

- 2.1 The application has been advertised by site notice positioned on the sign at the access to the bridleway on Foxhill Lane. The final date for comment was 19 April 2012.
- 2.2 Seven letters were received and one letter signed by 40 residents. Please note

that these have been summarised, full details are available electronically via the Council's website.

The material planning considerations raised as objections are as follows:

- Objection to vehicle movements likely to occur daily to service the intended use.
- Bridleway has been used for decades solely by horseriders and walkers accessing the village roads, with the exception of maintenance access for grass cutting once or twice a year.
- Bridleway is narrow, steep-sided, pot-holed, unsurfaced, it has poor drainage that makes it muddy and soft in places – totally unsuitable for regular vehicle access.
- Charming, un-spoilt example of a country bye-way and should be protected from the ravages of further vehicle use.
- Applicants do not live close to the field – they would need to access via vehicle – limited parking available on Foxhill Lane.
- Similar concerns in 2006 with the re-siting of Souldern Manor Farm to Leycroft Barn – conditions were sought to prevent this section of Foxhill Lane being used by vehicles for access.
- Nancy Bowles Wood is a village amenity and natural habitat enjoyed by many – likely to be affected by over use/activity in this field, especially if it becomes more like a commercial activity.
- Concerned that to service horses in the stables vehicle access would be required 2 or 3 times per day.
- A large number of villagers use the path regularly to visit Nancy Bowles Wood for recreation and exercise – mud path would be difficult for pedestrians or horses to use.
- Steep sides would make it dangerous for vehicles to meet approaching pedestrians or horseriders as there is little or no room to pass.
- It would deter elderly from using wood that they have created and managed for the last 26 years depriving them and their children from a village amenity.
- No main supply of water or electricity at or near the site – no application has been made for a well – this means a regular supply of fresh water will need to be carried up the bridlepath, adding to the inconvenience of pedestrians.
- Inaccurate response to questions from the Rights of Way Officer
- Nancy Bowles Wood is privately owned by Souldern Parish Council and is open to the public.
- The wood is very rarely accessed by vehicle – the former Chairman of the wood may on rare occasions use a car to carry equipment to maintain the wood.
- Former owners of the site used their right of access once a year at most for maintenance.
- The farmer does not access his fields via the bridleway, he uses his own tracks from Fritwell/Somerton road.
- Bats and birds would be disturbed by vehicles accessing land twice a day.
- Excessive vehicle usage would cause problems to the bridleway, overhead canopy, pedestrians and wildlife.
- The bridleway has been designated as “not suitable for vehicle use”.
- The stables would impact upon views from Nancy Bowles Wood.
- The land has not recently been used by animals for grazing.
- The nearest property to the site is not the applicants.
- Horses are not already kept on the land.
- Would attract unwelcome visitors to bridleway – fear of crime – against both own property and horses/tack in the stables, this might lead to further applications for security lighting, fencing etc.

- Insurance implications – health and safety of horses and riders meeting a vehicle on bridleway.
- Already had large vehicles blocking path.
- Stable will attract rats.
- Manure will need to be dealt with – more vehicle movements required.
- Increased human activity and noise will have a detrimental impact upon wildlife in the area.
- For majority of the year surface water from fields runs down the bridleway, and natural springs flow down the lane.
- Narrow roads leading to the bridleway that are well used by children and elderly people – increased traffic would result in an increased risk of an accident.

### 3. Consultations

3.1 Souldern Parish Council **object** to the application on the following grounds:

- Access to the plot via the bridleway and increase in vehicular traffic
- Change in character of the bridleway and area around Nancy Bowles Wood
- Inaccuracies in the information supplied by the applicant

(These comments have been summarised, please refer to file for full comments)

3.2 **OCC Highways** have no objection to the application subject to the stables being for private use only.

3.3 **OCC Drainage** require details of Sustainable Urban Drainage System features that are required to ensure that discharge from the site is equal to or lower than current greenfield run-off rates.

3.4 **OCC Rights of Way** submit a holding **objection** to the application. The Field Officer considers that the bridleway would need to be improved, and the objection is holding pending agreement between the applicant, the Parish Council and Countryside Service, as Highway Authority for the bridleway, as to how such work would be undertaken.

3.5 **Head of Public Protection and Development Management** (Anti-Social Behaviour) has **no objection** to the application.

3.6 **Head of Environmental Services** (Landscape) has concerns regarding the use of the bridleway by vehicles changing the character and tranquillity of the attractive country lane. Additional planting would be required to mitigate the impact of the proposal because there are presently gaps in the hedgerow and prominent views are obtainable from the information area of Nancy Bowles Wood.

3.7 **Head of Community Services** (Rights of Way) – no comments received.

### 4. Policy Considerations

**National Planning Policy Framework** Core planning principles and the delivery of sustainable development with particular regard to the following sections:

4: Promoting sustainable transport

- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change
- 11: Conserving and enhancing the natural environment

**South East Plan 2009**

**Cross Cutting – Policies**

CC1: Sustainable Development

CC6: Sustainable Communities & Character of the Environment

**Countryside and Landscape Management – Policies**

C4: Landscape and Countryside Management

C6: Countryside Access and Rights of Way Management

**Adopted Cherwell  
Local Plan 1996  
Saved Policies**

AG5: Horse related development

C7: Landscape conservation

C8: Sporadic development in the open countryside

C9: Compatibility of development with rural location

C13: Areas of High Landscape Value

C28: Design, layout etc standards

ENV1: Pollution Control

**Non-Statutory  
Cherwell Local Plan  
2011**

**Employment** policy EMP11

**Transport & Development** policy TR36

**Recreation & Community Facilities** policy R4

**Conserving & Enhancing the Environment** policy EN1, EN3, EN30, EN31 & EN34

**Urban Design & The Built Environment** policy D1, D3, D5

**Cherwell Local  
Development  
Framework (LDF)  
Draft Core Strategy  
2010**

The draft document went through the first round of public consultation in the Spring of 2010. The second draft is due out for public consultation. The current plan indicates the strategy that the Council is putting forward and contains a series of key objectives and a number of policies highlighting a focus of growth in and around Bicester with limited growth in the rural areas towards larger and more sustainable villages thereby protecting open countryside areas. Policies seek to mitigate and adapt to climate change and ensure sustainable construction methods including SuDs.

SD11: Local Landscape Protection & Enhancement

SD13: The Built Environment

NOTE

THIS DOCUMENT MAY BE REPLACED WITH CHERWELL LOCAL PLAN 2012 FROM END OF MAY, BUT FOR PURPOSES OF MAY COMMITTEE THIS IS STILL RELEVANT

## 5. Appraisal

- 5.1 The key issues for consideration in this application are:
- Policy Context
  - History
  - Visual amenity and landscape character
  - Right of Way and highway safety
  - Environmental pollution and neighbour amenity
  - Drainage and impact upon flooding

### Policy Context

- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would include promoting sustainable transport, requiring good design, the promotion of healthy communities, meeting the challenge of flooding and the conservation and enhancement of the natural environment.
- 5.3 Para.35 of the NPPF states that developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Para. 64 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Para. 69 states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas. Further, at para. 75, that planning policies should protect and enhance public rights of way and access.
- 5.4 Para. 103 states that in determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Para. 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and preventing new developments from contributing to unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.5 The general thrust of national policy contained within the NPPF is continued in regional policy, with one of the sustainable development priorities being to ensure the physical and natural environment of the South East is conserved and enhanced. Policy CC6 requires decisions associated with the development and use of land to respect, and where appropriate enhance, the character and distinctiveness of landscapes throughout the region. Policy C4 states that outside of nationally designated landscapes, positive and high quality management of the regions open countryside will be encouraged and supported by local authorities. Policy C6 states that local authorities should encourage access to the countryside by maintaining, enhancing and promoting the Public Rights of Way system and permissive and longer distance routes, to facilitate access within, to and from the countryside for

visitors and all members of the local community.

- 5.6 The adopted Cherwell Local Plan contains Policy AG5 that relates specifically to horse development for recreational or commercial purposes. It states that horse related development will normally be permitted provided that the proposal would not have an adverse effect on the character and appearance of the countryside, the proposal would not be detrimental to the amenity of neighbouring properties and the proposal complies with the other policies in the plan.
- 5.7 Other relevant adopted Local Plan policies include Policies C7, C8 and C9 that seek to conserve the character of the landscape, resisting sporadic development in the open countryside and ensuring that development is of a type, size or scale that is compatible with a rural location. In addition, Policy C13 seeks to conserve and enhance the environment within Areas of High Landscape Value and Policy C28 exercises control over all new development to ensure that it is sympathetic to the character of the rural context of that development. Finally, Policy ENV1 seeks to resist development that would result in detrimental levels of noise, vibration, smell smoke, fumes or other type of environmental pollution.

### **History**

- 5.8 The site consists of a parcel of agricultural land that has had no previous planning history.
- 5.9 As a result of public consultation reference has been made to an Application Ref: 08/00444/F that gained planning permission for agricultural buildings at OS Parcel 4900 adjacent to Leycroft Barn, Souldern. This development involved the relocation of an existing farming enterprise. A condition was attached to this permission requiring principal means of vehicular access to be taken from Fritwell Road rather than the public bridleway. The development that was the subject of this previous application is considered to be of a much larger scale than that now proposed and likely to attract more frequent vehicle movements. This condition was also attached to prevent farm vehicles passing through the village on a regular basis causing harm to the amenity of residents.

### **Visual Amenity and Landscape Character**

- 5.10 The proposed stables would be positioned towards the north-eastern corner of the field adjacent to the existing access. Due to their size and positioning, the stables would be clearly visible when looking into the field from the access, although the vegetation alongside the eastern boundary would screen the majority of the development from other viewpoints along this section of the bridleway.
- 5.11 Clear views would be obtainable when stood adjacent to the fencing marking the southern and western boundaries of the field in Nancy Bowles Wood, however, this prominence is less so when stood on the footpath running through the wood itself due to intervening trees and information boards. The stables would be positioned in excess of 70 metres from the southern boundary of the field, and 100 metres from the western boundary.
- 5.12 The siting of the stables adjacent to the eastern boundary of the field is considered acceptable for a number of reasons; it is as far away as possible from the boundaries shared with Nancy Bowles Wood, its siting at the edge of the field would

reduce the impact upon the open character of the existing area and existing mature vegetation would serve to screen the majority of views from the east of the site.

- 5.13 The stables themselves would be constructed from timber weatherboarding with a felt tile roof. They would be of traditional stable appearance and are not considered to be excessive in size for their intended purpose. The provision of an additional stable to the number of horses would enable the internal storage of equipment and feed rather than producing outdoor clutter or requiring additional separate structures for storage. A timber built stable is not considered to be out of character with, or unsympathetic to, this rural location. Horse related development is considered generally compatible with the character of the countryside.
- 5.14 The Councils' Landscape Architect has reservations regarding the impact of the stables upon views from the Nancy Bowles Wood information area where no boundary vegetation exists. It is considered that the submission of a suitable landscaping scheme for the southern and western boundaries, inclusive of scheme for maintenance and the protection of vegetation from grazing horses would be sufficient to overcome those concerns.
- 5.15 The proposal is therefore considered to comply with Government guidance contained within the NPPF – Requiring good design and Conserving and enhancing the natural environment, Policies CC6 and C4 of the South East Plan 2009 and saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan.

#### **Right of Way and Highway Safety**

- 5.16 The proposed stables would be accessed via the existing bridleway that runs alongside the eastern boundary of the site, commencing at the corner of Foxhill Lane in Souldern. Whilst the bridleway is marked as not being suitable for vehicles, the applicant benefits from a right of access to the land via vehicle and this is included on the Land Registry Officer Copy of Register of Title that was submitted with the application.
- 5.17 Oxfordshire County Council Highway Authority considers that, provided the stables are for private use only, significant harm would not be caused to highway safety. It should be noted that this relates to the public highway and not the bridleway itself.
- 5.18 With regard to the bridleway, the Rights of Way Field Officer from the Countryside Service at Oxfordshire County Council has submitted a holding objection to the application pending an agreement between the applicant, the Countryside Service and Parish Council for the sympathetic improvement of the existing bridleway. This would not necessarily include the complete resurfacing of the bridleway, but perhaps levelling of the lane or the installation of drainage features. The Rights of Way Officer also considers that the erection of stables would formalise the site, with it being likely to be used all year round.
- 5.19 As the proposed stables would be for private use only, it is not considered that they would attract an excessive amount of vehicular traffic, particularly over and above that which could be attracted as a result of the authorised use of the land for the grazing of animals. The provision of stables would simply provide shelter for the horses grazing in the field. At present, the field could be used all year round for the grazing of horses. The fact that horses or animals may not have been grazed on the field in recent times does not change the authorised use of the land, nor does it

prevent the future use of the land for this purpose.

- 5.20 Land ownership and rights of access are not material planning considerations and the granting or refusal of planning permission cannot impose or withdraw legal rights across land.
- 5.21 It is not considered either reasonable or feasible to require the applicant to undertake improvement works to the length of the bridleway as a condition of any subsequent planning permission for the proposed stables, particularly considering the number of land owners involved and as the use of the bridleway by vehicles is not expected to increase significantly above that which would be expected as a result of the authorised use of the land for the grazing of animals.
- 5.22 The proposal is therefore considered to comply with Government guidance contained within the NPPF – Promoting sustainable transport and Promoting healthy communities and Policy C6 of the South East Plan 2009.

### **Environmental Pollution and Neighbour Amenity**

- 5.23 The field is situated a sufficient distance from the nearest residential dwellings to avoid any significant harm in terms of odour or nuisance. The current authorised use of the field for the grazing of animals must also be borne in mind, as grazing animals in the field would be expected to produce the same amount of waste as animals that are also using the proposed stables for shelter. The applicant has advised that the manure would be regularly removed from the proposed area of hardstanding and, in light of the proximity to the bridleway and Nancy Bowles Wood, it is considered reasonable to impose a condition requiring the regular removal of manure to avoid nuisance to members of the public using these facilities.
- 5.24 The proposal is therefore considered to comply with Government guidance contained within the NPPF – Conserving and enhancing the natural environment and saved Policy ENV1 of the adopted Cherwell Local Plan.

### **Site drainage**

- 5.25 Oxfordshire County Council Drainage have advised that details of Sustainable Urban Drainage features are required for consideration in order to ensure that discharge from the site is equal to or lower than current greenfield run-off rates. The applicant has advised that rainwater from the roof of the stables would be collected for use as drinking water, the details of which can be obtained via a condition of any subsequent planning permission. No details have been supplied regarding the drainage of the proposed area of hardstanding. The Engineer has suggested that a swale or ditch could be an appropriate solution and it is considered reasonable to also require the submission of such details by way of a condition to any subsequent planning permission. It is considered that these measures would serve to avoid an increased risk of flooding as a result of the development.
- 5.26 The proposal is therefore considered to comply with Government guidance contained within the NPPF – Meeting the challenge of climate change, flooding and coastal change.

## **Other Matters**

- 5.27 As a result of public consultation concerns have been raised regarding the increased risk of crime, fear of crime and the attraction of unwelcome visitors to the area, the lack of electricity or water supply to the field, the attraction of vermin and the disturbance of wildlife within Nancy Bowles Wood and surrounding area.
- 5.28 With regard to crime, fear of crime and unwelcome visitors, it must be borne in mind that the site is adjacent to a publically accessible bridleway to which all members of the public have a right of access. It is not considered that the erection of a stables would result in a significant increase in criminal activity in the area and it would be the responsibility of the applicant to ensure that appropriate security measures are put in place to protect their property. The installation of security lighting or fencing does not form part of the current application.
- 5.29 The applicant would be responsible for the appropriate storage of feed in order to avoid attracting vermin, and would be responsible for operating the stables without an electricity or water supply. The human and animal activity generated by the development is unlikely to cause disturbance to wildlife over and above that already experienced by people using these facilities or the vehicular access that would be expected as a result of the authorised use of the land for grazing animals.

## **Conclusion**

- 5.30 To conclude, it is considered that the stable would represent a sympathetic addition to this rural location that would not result in harm to neighbouring amenity and the landscape character or Area of High Landscape Value, or result in significant additional harm to highway safety, the public bridleway or the risk of flooding. The proposal is therefore considered to comply with saved Policy AG5 of the adopted Cherwell Local Plan.

## **6. Recommendation**

**Approval**, subject to:

1. SC1.4A Full Permission: Duration Limit (3 years) (RC2)
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents listed below:

Application Form, Design and Access Statement, block, floor and elevation plans dated 04.03.2012

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. That no development shall take place until there has been submitted to and approved in writing by the Local Planning authority a scheme for landscaping the southern and western boundaries of the site which shall include:
  - (a) details of the proposed tree and shrub planting including their species, number,

sizes and positions, together will grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) a scheme for the maintenance of the landscaping,

(d) details of measures to protect the landscaping from grazing horses.

Reason – In the interests of the visual amenities of the area and to comply with Policy C4 of the South East Plan 2009 and saved Policies C7, C9, C13 and C28 of the adopted Cherwell Local Plan.

4. That all planting, seeding, turfing and methods of protection comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and that any trees or shrubs which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason – In the interests of the visual amenities of the area and to comply with Policy C4 of the South East Plan 2009 and saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan.

5. SC2.8A : Colouring: external walls

Reason – In the interests of the visual amenities of the area and to comply with Policy C4 of the South East Plan 2009 and saved Policies C7, C9, C13 and C28 of the adopted Cherwell Local Plan.

6. That the stables hereby permitted shall be for private recreational use only and shall not be used for any trade, industry, business or other use whatsoever.

Reason – In order to maintain the character of the area and in the interests of highway safety and the preservation of the public right of way, in accordance with Government guidance contained within the National Planning Policy Framework sections 4 and 11, Policies CC6, C4 and C6 of the South East Plan 2009 and saved Policies C7, C9, C13 and C28 of the adopted Cherwell Local Plan.

7. SC8.7A Stabling/Manure (RC55C)

8. SC4.29AA Source Control Measures

Reason – To prevent the increased risk of flooding and to improve water quality, and in order to comply with Government guidance contained within the National Planning Policy Framework section 10.

**Planning Notes:**

1. T1 – Third Party Interests

## **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as the local planning authority, has determined this application in accordance with the development plan, unless material considerations indicate otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is of a design, size and style that is appropriate and will not unduly impact on the landscape character, Area of High Landscape Value, the visual amenities of the area, the public right of way, highway safety, neighbour amenity or increase the risk of flooding. As such the proposal is in accordance with Government guidance contained within the National Planning Policy Framework – Promoting sustainable transport, Requiring good design, Promoting healthy communities, Meeting the challenge of climate change, flooding and coastal change, Conserving and enhancing the natural environment, Policies CC1, CC6, C4 and C6 of the South East Plan 2009 and saved Policies AG5, C7, C8, C9, C13, C28 and ENV1 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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