

# The Stables, College Farm, Main Street, Wendlebury

14/00426/F

**Ward:** Ambrosden & Chesterton

**District Councillor:** Cllr A Fulljames

**Case Officer:** Laura Bailey

**Recommendation:** Approval

**Applicant:** Mr & Mrs J Lewis

**Application Description:** Demolition of existing barn/stables and silo and erection of stable and storage building

**Committee Referral:** Call in by Ward Member

**Committee Date:** 19<sup>th</sup> June 2014

## 1. Site Description and Proposed Development

- 1.1 The site is located on the edge of Wendlebury, accessed via a private, shared track running from Main Street, past the site and to College Farm beyond. The site sits adjacent to two Grade II listed buildings (The Stables) and College Farm House on the Main Street frontage. The site is within an area of medium archaeological significance and part of the access into the site lies within flood zone 3.
- 1.2 Planning permission is sought to demolish an existing barn/stable building and silo and erect a new stable and storage building in an alternative position to the rear of 'The Old Dairy' and 'The Old Granary'. The building is required to stable the applicant's own horses (three) and to store associated tack, horse box and agricultural equipment.

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 22<sup>nd</sup> May 2014.
- 2.2 At the time of writing 4 letters of objection had been received. The comments made are available in full on the Council's Public Access system via the website, but a summary is provided below:
  - Inappropriate scale and unlikely to be personal use
  - Existing stable already on site
  - Land is elevated which exacerbates impact on neighbours
  - Increased noise
  - Increased lighting
  - Increased pests & odour
  - Noise from kennels
  - Loss of light
  - Loss of view
  - Loss of property value
  - Site notice is misleading
  - Visually intrusive
  - Building should not move
  - No proposals for additional planting/bunding
  - Why is the plant room required?
  - Workshop – will it be a business?

- Water/effluent run off

Amended plans were received on the 24<sup>th</sup> April and a further consultation was undertaken with neighbours and the Parish. One further letter of objection was received, but did not raise any additional matters than those outlined above.

### 3. Consultations

3.1 **Wendlebury Parish Council:** At the time of writing, the Parish Council state that they 'are not happy with the proposed location' and make the following comments:

1. New structure should be located behind applicants own property where existing stables already are as (contrary to the plans) there is no visual barrier between it and neighbouring properties.
2. Whilst it is an improvement on current structure there is no rationale for movement from current location.
3. Much larger and different location also 3 stabled horses can be noisy if below a bedroom.
4. Looks like a commercial venture - 3 stables and kennels - noise a factor.
5. Not like for like replacement.
6. Problem with the location so near to neighbours.

Please also note that we have been approached by neighbouring properties with a number of concerns who will be submitting rejections with regard to the size and the position of the proposed structure.

#### Cherwell District Council Consultees

3.2 **Anti-Social Behaviour Manager:** With respect to this application I can confirm that we have no history of complaints associated with these premises operating as a livery stable. As I understand the application the livery element will cease and the applicants own horses will be stabled at the site. This reduction in the level of activity leads me to have no objections to the application subject to conditions relating to the storage and disposal of manure.

#### Oxfordshire County Council Consultees

3.3 **Highways Liaison Officer:** No objections, subject to condition/s relating to use as specified and access/hardstanding areas kept free from obstruction.

### 4. Relevant National and Local Policy and Guidance

#### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)  
 AG5: Development Involving Horses  
 C7: Landscape Conservation  
 C28: Design Considerations - Layout, design & external appearance  
 ENV1: Pollution control

#### 4.2 Other Material Policy and Guidance

National Planning Policy Framework  
 Planning Practice Guidance

### Cherwell Local Plan – Submission January 2014

The Submission Local Plan has been through public consultation and was submitted to PINs in January 2014 for Examination to take place in June 2014. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

ESD16: Character of the built and historic environment

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle
- Effect on the countryside and visual amenities of the area
- Impact on heritage assets
- Neighbour impact
- Highway Safety
- Other matters

### **Relevant planning history**

5.2 99/02105/F (PER) – Planning permission was granted for a change of use of the existing farm workshop (*building now proposed to be demolished*) & paddock to a DIY livery and grazing area. This consent restricted the number of horses to be kept on site to four.

### **Principle**

5.3 Government guidance contained within the NPPF attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, in indivisible from good planning, and should contribute positively to making places better for people. Further, the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Also, LPA's should be supporting a prosperous rural economy by promoting the development and diversification of agricultural and supporting enterprise in rural areas both through conversion of existing buildings and well-designed new buildings.

5.4 The most relevant adopted local plan policy is AG5 relating to development involving horses. It states:

AG5 PROPOSALS FOR HORSE RELATED DEVELOPMENT WILL NORMALLY BE PERMITTED PROVIDED:

- (i) THE PROPOSAL WOULD NOT HAVE AN ADVERSE EFFECT ON THE CHARACTER AND APPEARANCE OF THE COUNTRYSIDE;
- (ii) THE PROPOSAL WOULD NOT BE DETRIMENTAL TO THE AMENITY OF NEIGHBOURING PROPERTIES;
- (iii) THE PROPOSAL CONPLIES WITH THE OTHER POLICIES IN THE PLAN.

5.5 Based on the government guidance and adopted policy, it is considered that the application is acceptable in principle provided that the aforementioned issues are appropriately addressed, which is discussed in more detail below.

### **Effect on the countryside and visual amenities of the rural area**

5.6 The proposed building is for the applicant's personal use, for the stabling of three horses. The floor plans show; 3 stables, a workshop/store, tack room, wash room, kennels, plant/equipment store, trailer/box garaging and hay/straw barn. The building measures approximately 3.2 metres to the ridge, 20 metres wide and 19 metres in length. The building has been reduced in height by approximately 2.6 metres since the initial submission and has a footprint of 380m<sup>2</sup>, which is 184m<sup>2</sup> larger than the existing stable/barn.

5.7 The land upon which the building is to sit is elevated above the height of the residential properties to the west of the site. However, the site is not prominent or visible in the wider landscape, owing to the intervening buildings between Main Street and the site and the absence of any public footpaths in the immediate vicinity.

5.8 The existing stable building on site is not of any architectural merit and is rather dilapidated. The silo is equally uninspiring, but a typical building within a rural setting. Glimpse views of both existing buildings are possible through the access from Main Street.

5.9 The new barn is to be timber framed and clad with natural timber horizontal boarding, under a natural slate roof. Although the building is of a larger footprint, given the reduction in height, proposed materials and its lack of prominence from public vantage points and wider area, it is considered that the proposed building would not adversely impact upon the character and appearance of the surrounding rural area. The removal of the existing buildings will arguably improve the appearance of the site.

### **Impact on heritage assets**

5.10 The National Planning Policy Framework addresses the Historic Environment at Section 12. This requires (in Para. 126) that local authorities, in developing their plans and strategies should 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'; and should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

5.11 Paragraph 134 states that;

- 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

5.12 Paragraph 137 deals with the impact of development on the setting of heritage assets, stating,

- Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'

5.13 The existing buildings are located directly to the rear of 'The Stables', which is Grade II listed (in association with College Farm House). The removal of the dilapidated stable building and silo will arguably improve the setting of the listed building.

5.14 The proposed stable building, given its height, design, form and siting would not adversely affect the setting of the listed building. Officers consider that the proposal represents an opportunity to enhance and better reveal the significance of the heritage asset, in accordance with paragraph 137 of the NPPF.

### **Neighbour Impact**

5.15 The proposed building is to be relocated from the rear of 'The Stables' in a southerly direction towards the rear boundaries of 'The Old Dairy' and 'The Old Granary'. The boundary at the rear of the aforementioned properties comprises a panel fence (1.8m high) with tree planting below the level of the bund, up to approximately 8-10 metres high.

5.16 The rear gardens of the neighbouring properties are 16 and 25 metres (respectively) in length and are due west of the proposed building. Representations have been received raising concerns about loss of light and over-domination. However, given the height of the proposed building (3.2m to ridge), distance from the neighbouring boundary (6.8 metres at its closest point) and existing screening, it is considered that the proposal would not cause detriment in this way.

5.17 Concerns have also been raised in relation to the level of use of the building and the potential for increased noise, odour and pests. The Anti Social Behaviour Manager (ASBM) raises no objection to the proposal on the basis that the proposed use is less intensive than the existing permitted use.

5.18 The site currently enjoys consent as a DIY livery for up to four horses, which is a more intensive use than proposed. The ASBM has no record of any complaints in relation to noise, disturbance or pests relating to the current use of the site.

5.19 A condition will be imposed to ensure that the use of the site remains personal to the applicant. Any intensification of the use of the site (i.e. livery/business use that was not ancillary) would require planning permission.

5.20 Concerns have also been raised in relation to the 'kennels' annotation on the floor plans submitted. However, this is simply for the applicant's pet dog; again, any intensification over and above an ancillary use would require planning permission.

5.21 The loss of a view and impact on property values are not material planning considerations.

### **Highway Safety**

5.22 The Local Highway Authority raises no objection to the proposal, subject to the conditions outlined in section 3.3 above. Given that the proposed use is a less intensive use than the current lawful use of the site (as a DIY livery), Officers consider that the proposal would not cause detriment to highway safety.

#### **Other matters**

5.23 Some representations have raised concern in relation to the drainage of the site. However, the applicants have stated they would be satisfied with a condition requiring the land within the red line area to be made permeable (which is currently hard surfaced). This requirement can be imposed via a planning condition.

5.24 The applicants have also agreed to additional planting along the western boundary to of the site, the full details of which can be secured by planning condition. Any external lighting/flood lighting required on site will require express planning permission (controlled by planning condition).

5.25 Reference has been made to the existence of an existing stable (other than the building to be demolished) in the field beyond the red line application site (to the east). However, the applicants state that the building is a moveable field shelter (and therefore does not require planning permission). However, this matter has been passed to the Enforcement Team to investigate. If it is considered to be a stable building, then its acceptability will need to be determined through a formal planning submission.

#### **Engagement**

5.26 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through seeking amended plans to reduce the scale and height of the barn and clarification of the proposed use, in accordance with the NPPF's objectives.

#### **Conclusion**

5.27 The thrust of policy at both national and local level is to support rural enterprise provided that there are no harmful effects. Having considered the issues of landscape impact, heritage assets, effect on neighbour amenity and highways, Officers consider that the proposal represents sustainable development and the development can be properly and effectively be controlled by conditions.

## **6. Recommendation**

**Approval**, subject to the following conditions:

1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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:

Dwg nos. 730 01C, 730 02C, 730 03C and 730 04C

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

- 3 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with 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) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 The access and areas of hard standing shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the first use of the development hereby approved, the hard standing areas shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the hard standing area shall be retained in accordance with this condition.

Reason - In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.

- 7 The stables and land hereby permitted shall be used for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 Manure and soiled bedding shall not be allowed to accumulate and shall not be burned on the site but shall be removed at frequent intervals for disposal elsewhere.

Reason – To ensure that proper arrangements are made for the disposal of manure/slurry/waste, to ensure the creation of an environment free from intrusive levels of odour/flies/vermin/smoke/litter and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved, full details of the location, method of storage and disposal of all manure and waste from the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason – To ensure that proper arrangements are made for the disposal of manure/slurry/waste, to ensure the creation of an environment free from intrusive levels of odour/flies/vermin/smoke/litter and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 No external lights/floodlights shall be installed/erected on the land without the prior express consent of the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

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