

Land South of the Bridleway, Main Street, Duns Tew

1400754/F

Ward: The Astons and Heyfords

District Councillor: Cllr Kerford-Byrnes
Cllr Macnamara

Case Officer: Paul Ihringer

Recommendation: Approval

Applicant: Mrs Burrows

Application Description: change of use of land from agriculture to equestrian, erection of building comprising 3no. stables, a tack/feed room, a covered area and a lean to hay store; the formation of a new access; and a ménage.

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The application site is a 2.41 hectare field just beyond the south western built-up limits of Duns Tew and whilst not abutting is in close proximity to the village's conservation area. The site is located inside an Area of High Landscape Value and has a footpath (195/6) passing through it from the northern corner to the southernmost point in the field. The land is on a noticeable slope with the higher ground being at the northern end of the site. The line of the footpath has changed over time, with the stile serving the northern access some 20m+ from the point shown on the County's own definitive maps.
- 1.2 Planning permission is being sought to change the use of the field so that it can be used for equestrian purposes. In addition the applicant is seeking permission to build a new 'L' shaped stabling facility with a concrete yard and ménage (43m x 30m) at the northern end of the field. The rear and side elevations of the stables, visible from the footpath would be timber clad whilst the yard facing elevations would be rendered (cream). Given that the stables and ménage would be on a slope, the applicant is proposing to level this part of the site (cut and fill – no importing or exporting of material required). The applicant also proposes to create a vehicular access on to the bridleway, over which she has a right of way (the applicant owns a property which backs on to the bridleway). A field shelter, which has been temporarily positioned at the northern end of the field without the benefit of planning permission, will be relocated to abut part of the field's south western boundary. The original scheme showed space being made available for a horse trailer – the applicant has now sold this trailer. Although the applicant may buy a replacement at some point in the future, she has indicated that it could be housed on the proposed hard standing.
- 1.3 A similar proposal (14/00397/F), for a larger stabling facility (5 stables), was withdrawn in order to allow the applicant time to address the concerns then being raised by the Council's Landscape Officer and Anti Social Behaviour Manager. There have been no other planning applications relating to this land.

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 the 12th June 2014.

As at the time of writing, 16 letters/emails of objection have been received with two follow-up emails in response to the amended plans. The following issues were raised

Material planning comments:

- Adverse impact of landscape (Area of High Landscape Value)
- Change of use inappropriate
- Hedge would have adverse impact as it would screen the landscape
- Unsympathetic design
- Highway safety concerns with introduction of more traffic down the
bridleway and proximity of children's play area
- Could be better located and still be visible from applicant's home
- Planting will not help the situation but will further impact on the view
- Incongruous development
- Materials will make the area untidy
- Precedent for further development
- Field entirely inappropriate for stabling
- Cannot be certain that the applicant will deal with manure appropriately
- No history of buildings in countryside
- Duns Tew Conservation Area Appraisal identifies it as a High Quality
Vista
- Early morning activity will disrupt
- No details of lighting
- Field shelter should be moved until planning situation resolved
- Does not comply with Policy AG5 (CLP) or ESD13 (SCLP)
- Impact on footpath

Non material comments:

- Loss of view
- Applicant could put horses in various local liverys
- Stables will be 'quasi residential' in back land position
- Vehicular traffic could have a detrimental impact on listed building

3. Consultations

- 3.1 **Duns Tew Parish Council:** Objects on the following grounds:

"The Council feel that this amended application has done very little to address the concerns and objections raised in respect of application no 14/000397/F and wish to object to the new application on the following grounds:

1. It is visually damaging in the landscape, which is an area of high landscape value and does not comply with policy **C13** relating to Areas of High Landscape Value in the Local Plan. This field is part of an area designated a High Quality Vista in the 2005 Duns Tew Conservation Appraisal. The proposed hedge planting to screen the buildings will not improve the development but only serve to further

impede the view and vista. The proposed planting of further trees within the field will also affect the view and the landscape.

2. The application does not comply with **Policy ESD16** - the development does not respect the traditional pattern of development within the settlement. It will impact on "the historic value of the landscape and harm the setting of settlements, buildings, structures or other landmark features" (Cherwell Local Plan Policy ESD13)
3. The Local Plan 2006-2031 (submitted Jan 2014) states that "Many villages have conservation areas and in considering development proposals within or adjacent to them, special attention will be given to the preservation or enhancement of their character and appearance". This development is in conflict with the character of the neighbouring Conservation Area and will not preserve or enhance it
4. The building materials are incompatible with existing buildings in the area
5. It is still too close to residential buildings, re-siting 3.5 metres further away is insufficient.
6. It could still cause a nuisance to neighbours generating noise, smells, pollution and vermin
7. It will cause a loss of open space.
8. The proposed lighting arrangements will result in light pollution in the night sky which is contra to the District Council's aims to "limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation" (Cherwell Local Plan 2006-2013 submitted Jan 2014).
9. Duns Tew is a category C village which allows for conversions and infilling only. The change of use from agricultural to equestrian allows a new development on open fields which will extend the footprint of the village and set a precedent for similar developments. This is contrary to the current categorisation.
10. The size and height of the buildings in the current location will dominate nearby residences.

"The Council would recommend that the development is re-sited to the southern eastern corner of the field below the sight line. This would mitigate a number of these objections.

"The Council request that conditions are imposed as to the colour of the roof, the colour of the ménage, the lighting arrangements, the height of any screening (9 metres is too high), that the building be timber clad, that the field shelter is re-located out of the line of sight (the current position on the plan is still in the line of sight) and that use is to be restricted to private use only.

"The Council would also like to have clarification on the location of the horse box parking. The previous plans showed parking for a horse box there is now no such provision."

Cherwell District Council Consultees

3.2 Anti-Social Behaviour Manager: Comments as follows:

“The manure trailer is in a suitable position. Provided conditions are imposed requiring it to be removed for disposal elsewhere regularly at a least monthly and the std condition prohibiting the burning of manure and soiled bedding we would not have an objection.”

3.3 Landscape Officer: No objections subject to condition

Oxfordshire County Council Consultees

3.4 Highways Liaison Officer: Comments as follows:

“The proposal seeks the alteration of an existing agricultural field into private equestrian use and it is unlikely to have a significant adverse impact on the highway network.

“The proposal is unlikely to result in any significant intensification of transport activity at the site.

“Given the nature of the existing carriageway vehicular traffic and speeds are likely to be low.

“After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to the above condition(s) being applied to any permission which may be granted on the basis of highway safety.”

3.5 Rights of Way Officer: Comments as follows:

“Duns Tew Public Footpath 6 (195/6) runs through the field and this is described in the Public Rights of Way Statement which has been submitted with the application. The definitive route of the footpath is not currently open, although a stile is situated further along the boundary which enables people to use an alternative route. The footpath should be open on the definitive legal route and the applicants have advised that they will be happy to do this. The provision here should be a gate or kissing gate which will provide better access to walkers especially those that find stiles difficult to use. I would be happy to discuss this further with the applicants so that we can agree on a suitable structure.

“The stables and ménage as shown on the plans will not obstruct the public footpath. If there are proposals to install any additional fencing in the field in the future that may affect the footpath then they must first contact this office for advice and/or relevant permissions.”

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

C13: Area of High Landscape Value

C28: Layout, design and external appearance of new development

C31: Compatibility of proposals in residential areas

ENV1: Development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan.

The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination, and therefore carries more weight than has been previously attributed that can be attached to the Plan will increase. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council (anticipated mid 2014). The following Policies are considered to be relevant:

ESD13: Local Landscape Protection and Enhancement

5. Appraisal

- 5.1 The principle of changing the use of the land so that it can be used for equestrian purposes is supported by Policy AG5 of the adopted Cherwell Local Plan (CLP), indeed the field is surrounded by other paddocks. There are however two specifically identified caveats to this presumption in favour. Firstly, the development should not have an adverse affect on the character and appearance of the countryside, and secondly the development should not be detrimental to the amenities of the neighbouring residents.
- 5.2 In respect of this second criterion the Anti Social Behaviour Manager (ASBM) was concerned that the proposed stables, as previously proposed to be sited,

were slightly too close to the nearest neighbouring property (The Bridleway). He also had reservations about the potential odour that could emanate from the stables as well as a failure to designate an appropriate location for the temporary storage of manure. The revised scheme is for two fewer stables and located slightly further away from this neighbour (25.4m), but more crucially identifies a position for the manure trailer which allays his initial concerns. The ASBM therefore concludes that, providing the development is appropriately conditioned (including a restriction on outside lighting, which the applicant confirmed wasn't an aspiration for the site anyway), the amenities of the neighbouring residents should not be unduly affected. As with all other stabling facilities, the ASBM has legal powers outside planning to deal with people who do not adhere to best practice.

- 5.3 The stables and ménage would have an impact on the landscape (and require levelling) no matter where it would be positioned in the field. Whilst this field may be more exposed and sensitive from a landscape perspective than other sites, the proposed development would not be unique in being located in the open countryside.
- 5.4 Whilst the applicant was open to suggestions about the size and scale of the building following the withdrawal of the previous application she was keen not to alter the position of the facility too much as she wanted to retain a close view of the stables from the rear of her property (although as has been pointed out by the objectors the stables will ultimately be obscured by the proposed hedge required by the Landscape Officer).
- 5.5 The site selected is more prominently located in respect of the adjacent footpath and bridleway than the suggested alternative on the south western boundary of the field (the only realistic alternative in the field given the site's topography and potential access issues). However, unlike the proposed alternative, the development would be seen against the backdrop of the village by walkers heading in a northerly direction into the village and would be less intrusive, in this respect.
- 5.6 During lengthy discussions with the Landscape Officer, aside from reducing the size of the stables, the applicant agreed to soften the impact of the development by planting a hedge along the north eastern and north western boundaries which would obscure the ménage when viewing the site from the bridleway. Trees (Hornbeams and Alders) would also be planted in key positions within the field, identified by the Landscape Officer, so to further mitigate the impact of the stables and ménage. It should be emphasised that although some locals object to the planting of the hedge, the applicant does not require planning permission to carry out such works.
- 5.7 Whilst there has been a strong local reaction against the proposal by a number of villagers, officers concur with the Landscape Officer that the revisions proposed are sufficient to overcome his initial reservations about the acceptability of the scheme from a landscape impact perspective.
- 5.8 Whilst the less publically visible elevations of the stables would have a rendered finish, the sides facing the footpath would be timber clad in an attempt to give them a more rustic appearance. Officers conclude that the proposed

stables are of an acceptable design and appearance that will not unduly affect the setting of the Duns Tew Conservation Area.

- 5.9 The various revisions to the scheme have also taken into account comments made by the Footpath Officer who sought to ensure that the line of footpath 195/6 was not compromised. Neither the definitive footpath line nor the line actually used by walkers would now be affected by the development. It would also appear that the applicant has come to an agreement with the Footpaths Officer about reinstating the original access into the field.
- 5.10 Notwithstanding local unease, the Highways Officer was satisfied that given the limited number of movements to and from the site, highway safety would not be compromised as a result of the development.
- 5.11 One concern voiced by a number of objectors was that the development would somehow open the way for residential development. As the site lies beyond the built-up limits of the settlement it is improbable that the land would be developed for such purposes irrespective of whether this application is approved or not. Duns Tew is identified as a Category 2 settlement in the CLP which, unless there are significant environmental benefits, restricts residential development to infilling and conversions. Moreover, the stables would not be suitable for future residential conversion.
- 5.12 The issues that arose throughout the application process were successfully dealt with as a result of good communications between maintained between officers and the applicant.
- 5.13 On the basis of the above and subject to condition, officers consider that on balance the proposed development is acceptable and that subject to condition the application is therefore recommended for approval.

6. Recommendation

Approval, subject to:

- 1 That 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 approved plans: MUK1007-03 B; MUK1007-05 C; MUK 1007-11F; MUK1007-12 G; and MUK1007-13 E.

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 That samples of the timber boarding to be used to clad the walls of the stables shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 4 Prior to the commencement of the development hereby approved, full specification details of the access track serving the stables including construction, surfacing, layout, drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the stables the development shall be constructed in accordance with the approved details.

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

- 5 The landscaping shall be carried out in accordance with approved plan MUK1007-12 G.

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.

- 6 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and that any trees 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 next planting season with others of 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, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 7 That 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 - In order that proper arrangements are made for the disposal of manure/slurry/waste, as well as 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.

8	<p>No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.</p>
	<p>Reason - To ensure the public right of way remains available and convenient for public use.</p>
9	<p>Details of the drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p>
	<p>Reason - To ensure satisfactory drainage of the site in the interests of public health and to avoid flooding of adjacent land and property.</p>
10	<p>No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.</p>
	<p>Reason - To ensure the public right of way remains available and convenient for public use.</p>
11	<p>No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team.</p>
	<p>Reason - To ensure the public right of way remains available and convenient.</p>
12	<p>That no material be imported in to the site or exported out of the site in respect of the proposed cut and fill without being approved in writing by the Local Planning Authority.</p>
	<p>Reason - In the interests of highway safety and to ensure that that any contaminated soil is properly treated in accordance with Government guidance contained within in the National Planning Policy Framework.</p>
13	<p>No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.</p>
	<p>Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan.</p>
14	<p>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.</p>
	<p>Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the nearby properties and to ensure that</p>

highway safety is not compromised in accordance with Government guidance contained within the National Planning Policy Framework and Policies C28 and C31 of the adopted Cherwell Local Plan.

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 and agent in a positive and proactive way with other Council Officers to resolve the issues that arose during the application process.