

**Site Address: Swalcliffe Park Equestrian,  
Grange Lane, Swalcliffe**

**14/00801/F**

**Ward:** Sibford

**District Councillor:** Cllr. George Reynolds

**Case Officer:** Bob Neville

**Recommendation:** Approval

**Applicant:** Swalcliffe Park Equestrian - Mr Richard Taylor

**Application Description:** Use of land for mixed use comprising equestrian training (use class D2) and agriculture, together with extension of existing vehicle parking area

**Committee Referral:** Major application

**Committee Date:** 04/09/2014

## **1. Site Description and Proposed Development**

- 1.1 The site forms part of Swalcliffe Grange Farm and is located just south-west of the village of Swalcliffe, east of Sibford Ferris and some 6 miles from Banbury. It is an area of undulating landscape in predominantly agricultural use and is accessed by narrow rural lanes (in some places only single-track). The site is largely bounded by existing mature agricultural hedgerows, although stock-proof fencing and a relatively new hedgerow has been planted along Grange Lane to the west. The site has an existing area of hardstanding for parking, although this does not appear to benefit from planning permission, and due to the passage of time it may be that it is now immune from enforcement action. Both permanent and moveable jumps/structures are present on site and include a water complex and jumps created within the landscape and hedgerows/fences. Some of these jumps are considered to be operational development and have also been constructed without the necessary consent.
- 1.2 The site is not within a conservation area and there are no listed buildings within close proximity; the site is however within an area designated as being of high landscape value (AHLV) and there are Public Rights of Way located to the south and east of the site.
- 1.3 The applicants have stated that they have used the site for equestrian activities since 1997, although no planning consent has been applied for or granted for this use. They also state that the business has continued to be successful and expand; its core operations now include equestrian training, competitions and horse trials. This application seeks permission for a permanent change of use of the site for a mixed use of equestrian training (regularisation of current equestrian training activities) and agricultural (should the land not be required in conjunction with the equestrian use), and an extension to an area currently used for vehicle parking in association with the business. The applicants have suggested a cap of up to fifty horses undertaking equestrian training activities at the site per day.
- 1.4 Swalcliffe Park Equestrian (SPE) also host equestrian competitions/events that attract a large number of competitors; such as the British Eventing Horse Trials which have seen some 500 riders taking part in the event over two days. The applicant's have made it clear that it is not their intention to seek permission for competitions and events through the current application and only seeks to regularise the use of the site for day-to-day. The applicant's contend that the larger events are being, and will be, carried out under permitted development rights, afforded to them for temporary uses on the site; under Schedule 2 Part 4 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO), which allows for temporary buildings/moveable structures and the use of land for any purpose for not more than 28 days in any one calendar year.

- 1.5 A continuous dialogue has been maintained with the applicant's agent throughout the course of the application and has resulted in further information being submitted to provide further clarity to the application and amendments to the scheme. Further information has included a detailed description of the day-to-day running of the site (applicant's letter dated 7<sup>th</sup> July 2014) and details of fixed jumps that have been constructed on site (agent's email dated 14<sup>th</sup> August 2014).
- 1.6 Again during the course of the application the description of development has been amended, omitting the word 'competitions' from the description, at the applicant's request. The size and positioning of the additional parking has also been amended by the applicant's agent in response to comments made by the Council's Landscape Officer concerned about the impact on the landscape of the proposals.
- 1.7 This application has been made following the withdrawal of application 13/01295/F for "Part retrospective change of use of land at Grange Farm for equestrian training and competition purposes and construction of two all-weather sand arenas, together with associated access improvements, vehicle parking and site landscaping", and discussions with the Council's Planning Enforcement Team; who requested an application in order to address various planning issues that have been raised in association with the equestrian use at the site.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The final date for comment on this application was 03.07.2014, although comments have been received beyond this date and have been taken into consideration within this report. Sixty one items of correspondence have been received as a result of the process; both supporting and objecting to the application.
- 2.2 Thirty six letters of support were received from local residents/businesses and also users of the site, on the following grounds:
- Activities at Swalcliffe Park Equestrian support local rural businesses.
  - Valuable community facility.
  - The business supports equestrian training and development at all levels.
  - The site is well run and maintained.
- 2.3 Letters/emails of objection have been received from eleven individual households and local residents, citing some or all of the following reasons:
- Landscape impact
  - Noise impact
  - Unacceptable levels of traffic generation causing damage to highways
  - General highway safety
  - Detrimental impact on neighbour amenity
  - Impact on the environment and biodiversity
  - Unacceptable intensification of activities on site
  - The footpaths and bridleways will be compromised
  - Impact on Health and Safety
  - Cumulative impact on the environment of this application and previously approved anaerobic digester development.
- 2.4 Detailed objections have also been received from planning consultants Judith Norris Ltd on behalf of three neighbouring properties; these included reports on transport, landscape impact and noise impact.

2.5 Further objections on behalf of the same three neighbours have been received from Shoosmiths LLP citing issues with the validity of the application and the need for an Environmental Impact Assessment to be undertaken. These issues will be discussed further later in this report.

2.6 A petition has been also submitted with 28 signatures objecting to the application; although two letters have subsequently been received withdrawing their signatures from the petition, as they had not been fully aware of what the petition actually related to and did not wish to object to the proposals. The full contents of all the representations received are viewable on the Council's web-site

### 3. Consultations

3.1 **Swalcliffe Parish Council** - Swalcliffe Parish Council does not object in principle to change of use to include equestrian training, constrained to a small number of people per day.

However, there are a number of details that should be taken into consideration by CDC when reviewing this application:

1. An increase to 50 riders per day represents considerable growth of the business against the stated 10-20 current average quoted in the planning application. The wider traffic and other implications need to be considered.
2. The extended parking area, at a 3 times increase in size, will be visually intrusive especially as it is on an upward slope. We would like to see proposals to minimise the impact such as:-
  - it should not be hard standing but another material which visually blends with the grass to prevent the area from detracting from its natural beauty on non-event days
  - it should be screened/landscaped to minimise the visual impact from roads and footpaths.
3. Every effort to be made to discourage large equestrian and support traffic from using Park Lane to or from the village.
4. Clear and more effective signage to be agreed and put in place to that effect as the road is too narrow.
5. All roads which provide access to SPE are minor roads in a poor and degenerating state and this, along with the prospect of more congestion, is causing considerable concern to local users. We would welcome Highways and CDC views on the optimal solution, given the anticipated increase in heavy traffic.
6. The equestrian equipment and jumps etc. that are left in place presumably need individual planning permission to remain in place.
7. Sensitivity to close neighbours would be appreciated in terms of proximity of entrances / exits and positioning of equestrian furniture, temporary buildings and vehicles on all days of the year.
8. Swalcliffe village should be informed in advance by an appropriate method when events greater than the 50 riders stated as the usual situation (or the final capped daily figure) are being held.
9. It is not clear as to how the change to mixed use may interact with the use of the '28 day rule', and whether more large scale events are planned/will be allowed that would not be subject to a 50 riders per day constraint.

3.2 **Sibford Ferris Parish Council** - No objection in principle to the shared use element of the application, but does object on the grounds of an intensification of use of the site will increase in traffic generation, detrimentally impacting on the local road network.

## **Cherwell District Council Internal Consultees:**

- 3.3 **Anti-social Behaviour Manager** - On the basis that the application seeks to regularise the use of the site for equestrian use; including day-to-day training and practice sessions and events up to 50 riders. I would have no comments and observations to make in respect of this application.
- Further comments made in relation to Walker Beak Mason's technical note regarding noise levels observed during visits on 22 September 2013 and 01 August 2014, submitted by Judith Norris Ltd in objection to the application:
- The measurements appear to have been made at one of the larger events that take place on the site. It was my understanding that planning permission was being sought for the smaller end of the activity scale and the larger events would still happen under permitted development?
- If this is the case is it appropriate to consider the report as evidence of the impact of the smaller events?
- Looking at Matthew Sweets survey it clearly identifies those activities that are audible off site. In no particular order these would be noise from public address systems, noise from start beepers, whistles used by cross country stewards, human and animal vocalisations and road traffic noise. Noise from PA and other electro mechanical sources could be controlled by condition, human and animal vocalisation can only be controlled by the sources not being present; road traffic noise could be restricted by the imposition of start and finish times and limits on the scale of the events.
- 3.4 **Arboricultural Officer** - No objections. No trees will be affected by the proposals.
- 3.5 **Ecologist** - I agree with the findings of the ecological impact assessment report that the continuing use of the site for equestrian training/competitions and the construction of a new car parking area will have a negligible ecological impact on the site, therefore I have no further comments to make on this application.
- 3.6 **Landscape Officer** - Initially raised an objection on the grounds that the proposal would have an adverse effect on the character and appearance of the countryside.
- "As the site is visually sensitive in an area of unspoilt undulating landscape the development of a new car park will have a considerable impact. The site is visually exposed, particularly to the SW.*
- The tarmac car park is a large and alien introduction into the landscape. It only provides 20 parking spaces. This may be enough for the smaller events but insufficient for larger ones. The proposed parking is over 3 times larger than the existing parking area and extends up sloping ground increasing its impact. It will be very difficult to screen from the SW in its current configuration. There are no landscape proposals. Developments need to be designed with the landscape in mind at the beginning. If they can't be integrated into the landscape they shouldn't be permitted".*
- But following the submission of revised plans, in which the area of parking was reduced, made the following comment:
- "I don't think that I can object to the addition of 6 more parking spaces on the grounds of landscape impact in principle. However the detail provided is not adequate. It would be preferable to cut the parking into the hillside to reduce impact. Also a detailed planting plan needs to be submitted".*
- 3.7 **Recreation and Health Officer** - Anyone who is providing horses for the purpose of tuition in exchange for a fee is required to obtain a riding school

licence under the Riding Establishments Act 1964 and 1970. This licence is issued by the Local Authority and is a function the public and environmental team conduct. I have had a quick look through the information provided and it clearly states in the letter dated the 7th July from Swalcliffe Park Equestrian Ltd that the business provides the facilities only and not the horses themselves. Therefore they will not require a licence.

3.7 **Oxfordshire County Council Consultees:**

3.8 **Highways Officer** - Initially raised an objection relating to the following key issues:

- The submitted Transport Statement lacks detail to make an informed judgement.
- The application fails to demonstrate appropriate provision for parking.
- The application fails to provide a reasonable assessment of traffic impact.

However following the submission of further information by the applicant's, OCC has withdrawn it's objection subject to conditions being applied to any permission to secure details of the parking area and surface water drainage; and making the following comments:

Thank you for the additional information that has been submitted. This has helped to provide a better understanding of the proposal and its impact upon the local highway network. Following consideration of the addendum and the applicants undertaking, 'restriction to the planning consent that the 50 riders per day maximum relates only to schooling and training/clinics, with no competitive events permissible under this permission' , I confirm I do not wish to object to the application for planning permission subject to the following conditions being imposed:

D29 – Parking & Manoeuvring Areas as Plan

E2 – Surface Water Drainage

3.9 **Rights of Way Officer** - I do not consider that the proposals will have a direct impact on the surrounding rights of way network apart from visually. The traffic generated affects pedestrians and equestrians on the roads but I would consider that this is something that would be picked up by colleagues in transport and I note that Geoff Arnold has advised that the Transport Statement lacks detail and further information is required in this respect. I do not therefore have any comments where the rights of way are concerned.

3.10 **Ecology Officer** - The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

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

4.1 **Development Plan Policy**

Adopted Cherwell Local Plan 1996 (Saved Policies)

TR7: Development attracting traffic on minor roads

AG5: Development involving horses

C7: Landscape conservation

C13: Areas of High Landscape Value (AHLV)

C28: Layout, design and external appearance of new development

ENV1: Development likely to cause detrimental levels of pollution

4.2 **Other Material Policy and Guidance**

**National Planning Policy Framework (NPPF) - March 2012**

**Planning Practice Guidance (PPG)**

**Submission Cherwell Local Plan (SCLP) - January 2014**

The Submission Local Plan has been through public consultation and was submitted to the Planning Inspectorate (PINs) in January 2014 for examination. 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:

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

**5. Appraisal**

5.1 The key issues raised by this application are considered to be:

- Relevant planning history
- Policy context
- Principle;
- Highway safety and Rights of Way;
- Neighbour amenity;
- Landscape impact;
- Biodiversity and ecological impact.

5.2 A large amount of correspondence objecting to the application has been received which appears to be in relation to the larger events that take place on site. Whilst these events have been considered in determining the application, it has to be made clear that it is not these events that permission is being sought for at this time and that the level of use that is to be considered is for up to fifty horses undertaking equestrian training activities at the site per day. Whilst it may be that permission may be required for events at the site in the future and cumulative impacts should be considered, it is officer's opinion, that each application must be assessed on its own merits and use of the site for larger events should not prejudice any decision relating to day-to-day training at the site at this time.

**5.3 Relevant planning history**

**13/01295/F** - Part retrospective change of use of land at Grange Farm for equestrian training and competition purposes and construction of two all-weather sand arenas, together with associated access improvements, vehicle parking and site landscaping. (Withdrawn due officer concerns relating to potential landscape impacts)

**13/01128/F** - Proposed steel portal building for stabling. (Permitted)

**12/01588/F** - Proposed on-farm anaerobic digestion facility. (Permitted)

**01/02227/F** - Conversion of part of barn to accommodation for groom working in adjoining stables. (Permitted)

**01/00850/F** - All weather outdoor horse riding arena with 4 floodlights along the north west side of the arena. (Permitted)

**06/02343/F** - Change of use from Agricultural to Equestrian use. (Permitted)

Application for a change of use of an existing agricultural barn to form stables made by Taylor Farms at The Old Grange Barn, Grange Lane, Swalcliffe; some 145m north

of the current site.

**00/00627/F** - Alterations to livestock building, repairs to existing walls and roof to enable change of use to stables (Permitted)

### **Policy context**

- 5.4 The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development. These are environmental, social and economic. The NPPF places substantial weight on protecting and supporting a prosperous rural economy and advocates that planning should look to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside
- 5.5 The adopted Cherwell Local Plan 1996 is considered to be out of date with regards to the NPPF in some respects as it was adopted prior to 2004. However the NPPF also advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF. The adopted Cherwell Local Plan does contain a number of saved policies which are relevant to the consideration of this proposal and those within the Submission Local Plan 2006-2031 are also considered to be consistent with the NPPF, but carry little weight at this time.
- 5.6 Saved Policy AG5 of the Adopted Cherwell Local Plan indicates that 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 complies with the other policies in the plan.
- 5.7 Saved Policy C7 of the adopted Cherwell Local Plan 1996 seeks to resist development that would harm the character of the countryside whilst Policy C13 only permits development which will conserve or enhance the Area of High Landscape Value.
- 5.8 Saved Policy C28 of the Adopted Cherwell Local Plan also seeks standards of layout, design and external appearance, including the choice of external finish materials, which are sympathetic to the character of the context of the development.

### **Principle**

- 5.9 Equestrianism is a popular and healthy activity for people of all ages typically carried out in rural locations. It attracts participants at all levels from amateur and community participation to international standard. The site at SPE caters for all ages and levels and it has been demonstrated, through figures showing use of the site, that the business has expanded and is successful.
- 5.10 Officers consider that the use of the land for equestrian activities also offers the opportunity for diversification away from the historical farming activities previously carried out at Grange Farm. Representations from individuals and local businesses also state that activities carried out at Grange Farm help support local business such as veterinary practices, farriers and the local public house; although officers consider that the latter is more likely to be used at the time of larger events.
- 5.11 Although there is no direct reference to equestrian uses within the NPPF, it does give substantial weight to protecting and supporting a prosperous rural economy. Saved

Policy AG5 of the ACLP is a permissive policy, with regards to horse related development, subject to considerations regarding impact on the character and appearance of the countryside and neighbouring property amenity (discussed later in this report). Given that equestrianism is a typically rural pastime/activity in a rural location and that the mixed use of the land allows for a diverse use of the agricultural land, it is officer's opinion that the principle of use of the site for equestrian training and agricultural is considered an acceptable use of the site.

### **Highway Safety and Rights of Way**

- 5.12 Impact on highway safety has been assessed in relation the use of the land and the development of the associated parking area.
- 5.13 The applicant has indicated the use of the site is pre-booked and that the course can only safely accommodate 15 horses at any one time. Most people will school for 1-1.5 hours per horse. Users/visitors to the site travel to the site by motor vehicles and bring their own horses. This could mean that horses arrive in individual horse boxes towed by suitable vehicles (4x4s), although some more professional riders may travel in larger purpose built horse transporters that can accommodate several horses and associated equipment.
- 5.14 Figures submitted in relation site usage in relation to training/schooling show that in 2013, at peak, 27 horses were on site on one day. Whilst this application seeks permission to regularise the training activities on site and not necessarily seeking an intensification of use, a fifty horse limit per day would allow for an increase of activities at the site. This would result in additional traffic movements to those that currently exist, should the business expand through continued success.
- 5.15 The site is served by narrow country lanes which are predominantly single track in nature and have weight restrictions in place. Officers do have concerns that these lanes are unsuitable for large numbers of vehicles; especially HGVs. There is evidence of damage to the highway verge which is considered to be as a result of vehicles travelling in opposite directions pulling over to allow passing. Whilst this damage could be attributed to vehicles associated with the equestrian use at the site, it would not be exclusive; as the lanes are public highway in a predominantly agricultural area and will be used by cars, public service vehicles and agricultural traffic alike.
- 5.16 Comment has been made with regards to additional vehicle movements being generated by spectators and people supporting users of the site. Officers consider that the numbers of spectators wanting to watch training activities is not likely to be so great that it would add further significant amounts of vehicle movements. Support staff are likely to accompany the more professional riders visiting the site. It is considered probable that these people are more likely to travel with the horses in transporters and again will not generate a significant amount of further vehicle movements.
- 5.17 The objections raised by local residents and Parish Councils in relation to the impact on the local highways appear to predominantly relate to the larger events that take place at the site. Oxfordshire County Council highways department raise no objections to the use of the site for up to fifty horses undertaking equestrian training activities at the site on highway safety grounds and officers see no reason to disagree with this opinion.
- 5.18 The proposed extension to the parking area is considered to be sufficient to cope with the day-to-day training operations of up to fifty horses. Further details regarding the final construction, layout and drainage will be required but it is considered by officers that these can be secured through the addition of suitably worded conditions should



permission be granted.

- 5.19 The County's Rights of Way Officer does not consider that the proposals will have a direct impact on the Public Rights of Way and any harm would be limited to those of a visual nature. These visual impacts are discussed later in the landscape impact section.
- 5.20 The proposal will on balance generate some additional traffic if the business continues to be successful. However, the impact on the local road network associated with movements associated with up to fifty horses per day is considered acceptable by the highway authority and any impact is not considered to be so significant that would warrant sufficient reason to recommend refusal of this application on highway safety grounds. Officers consider that the proposal is therefore acceptable in this regard.

### **Neighbour Amenity**

- 5.21 There have been substantial objections to the application by the occupants of three neighbouring properties of the site, on the grounds of the impact on their amenity; citing specific instances where they have been impacted upon through noise emanating from the site, vehicles and structures being located within close proximity to their boundaries and the general impact arising from vehicles attending the site; providing photographic evidence to support their objection.
- 5.22 These objections have also been supported by Judith Norris Ltd planning consultants, who have provided a critique of the transport statement, landscape impact assessment (which although does make reference to the fields within the current site area, it was produced in support to the previous objection submitted against application 13/01295/F and does not appear to have been updated with respect to the current application) and noise impact reports as well as a detailed objection report. Whilst these reports have been given full consideration by the case officer it has to be noted that again the majority of the information contained in the various reports appears to relate to a greater extent to the impacts from the larger events taking place at the site, which do not form part of this application, and not to the day-to-day operation.
- 5.23 The Council's Anti-Social Behaviour Officer has assessed the noise report (Walker Beak Mason, 04 August 2014) submitted in objection to the proposals and raises no objections to the proposal assessed within this application in relation to issues raised within this report. Whilst competitions and events are likely to involve the use of PA systems and other noise generating devices, it is considered that these would not usually be used in connection with training and schooling at the site and as such noise arising from the training use is unlikely to be at the same significant levels indicated in the noise report. However, it is considered that the use of public address systems and audible warning/indicator sound generating devices do have the potential to cause noise nuisance and disrupt the amenity of neighbouring properties and officers consider it appropriate to restrict their use should permission be granted, through the addition of a suitably worded condition.
- 5.24 It has been brought to the attention of the Authority that an existing access to the road to the north of the site has been widened and the ground reinforced and that this access is being used and causes disruption to the amenity of the neighbouring properties of Elm Farm and Partway House at the north-western boundary of the site. The access has been used in relation to larger events does not form part of the current application; the matter is being dealt with separately by the Council's Planning Enforcement Team.
- 5.25 Officers consider that use of the site for equestrian training for up to fifteen horses at

any one time (course safety limit) would not raise the same issues as larger events described in the objections raised. Parking would be restricted to be within the proposed parking area, and training would not require any temporary structures (e.g. temporary stables, portable toilets or commentary boxes). On balance officers consider that any impact on neighbour amenity brought about by the proposed development would not be so significant that it would warrant a reason to refuse the application.

### **Landscape Impact**

- 5.26 One of the core principles in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside and should look to conserve and enhance the natural environment. The site is within an area designated as being of High Landscape Value (AHLV). Officers consider that the main elements of the proposal that will impact on the landscape and the surrounding countryside will be the extension of the parking area and the jumps/obstacles associated with the equestrian uses within the site.
- 5.27 The Council's Landscape Officer initially raised an objection to the proposals in terms of the impact that the proposed parking area would have on the landscape and surrounding countryside. The parking area was subsequently reduced and relocated by the applicant in response to these comments and is now considered of an acceptable scale and location that will have limited impact on the landscape, subject to the area being set into the immediate landscape with appropriate screening. It is considered by officers that these elements can be secured through the addition of suitably worded conditions should permission be granted.
- 5.28 Comments have been made by objectors in relation to the unauthorised development of jumps/obstacles within the site. Officers consider that the permanent jumps/obstacles constitute operational development and therefore require consent. The applicant contends that due to the passage of time that some, if not all, of the jumps would now be immune from enforcement action; this has not been established and officers doubt whether this could be demonstrated given available aerial photographs of the site. Details of the locations and styles of fixed jumps have been submitted during the process of the application so that their impact can be assessed within the current application.
- 5.29 The jumps do appear as an alien feature within the landscape, although they are often a common sight in rural locations where equestrian uses exist. Many of them would be moveable and not cause any permanent harm to the topography of the site. Hedgerows exist in and around the site and, in officer's opinion, serve to soften/screen views of the jumps. The hedgerow along Grange Lane is still in its early stages of development; however, once established this will serve to further limit views of the site and structures contained therein.
- 5.30 To further lessen the visual impact of any equestrian related equipment on the open countryside it is considered appropriate for any unused items to be stored within a designated and landscaped storage area in an appropriate location; it is considered by officers that this can again be secured through the addition of suitably worded conditions should permission be granted.
- 5.31 On balance, whilst the jumps and features may be visible from certain vantage points, officers consider that the development of the parking area and use of the site for equestrian training will not have such a significant or adverse impact on the character and appearance of the countryside or harm visual amenities to the extent that would warrant a reason to refuse the application. Officers consider that subject to a suitable landscaping scheme being approved and implemented and unused equipment being stored in an approved location that the proposals are acceptable in terms of

landscape and visual impact.

### **Biodiversity and Ecological impact**

- 5.32 An extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment report was submitted with the application which identified no significant ecological impacts. The Council's Ecologist is satisfied with conclusions and precautions suggested within the report. Officers consider that, subject to the recommendations and precautions detailed within the report being adhered to, that there will be no significant ecological impacts as a result of the implementation of the proposals and is therefore acceptable in this regard.

### **Other Matters**

- 5.33 Concerns have been raised as to whether the Authority had sufficient information to validate the application and ultimately come to an informed decision. The Government's advice on validation advocates a responsive approach in its guidance on information requirements and validation. It is considered that the information initially submitted with the application described the proposal sufficiently for it to be registered as valid and that any further information, the case officer deemed necessary for determination, has been requested and received during the course of the application.
- 5.34 Further concerns in relation to the detail of the application have been raised with regards to the lack of a full Environmental Impact Assessment being carried out and submitted in support of the proposals. The application has been screened by the Authority in relation environmental impact pursuant to Part 2, Regulation 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It was HDM's opinion that the use of the site for equestrian training for up to fifty horses undertaking equestrian training activities per day did not constitute Schedule 1 or 2 development, as defined within the Regulations, and as such an Environment Impact Assessment was not required. The screening opinion has been further scrutinised by the Council's legal department who are satisfied that the regulations have been correctly interpreted and that the opinion is correct.
- 5.35 Comments have been made with regard to the cumulative impact that proposal would have on the local road network and the landscape in light of the recent permission (12/01588/F) and development of an anaerobic digestion facility at Grange Farm some 1km south-east of the current site. Whilst these comments are noted, given that no highway issues have been raised by the Highways Authority in relation to either application and that both proposals have been assessed in terms of their landscape impact and considered acceptable subject to suitable landscaping, it officer's opinion the that any cumulative impacts that arise from the use of the site, currently being considered, are unlikely to be so significant that it would warrant a reason for refusal.
- 5.36 A letter has been received during the preparation of this report in relation to Health and Safety Issues pertaining to the application proposals and neighbouring properties. A response has been sought from the Council's Safer Communities, Urban and Rural Services Team on this matter and any comments/observations will be given in a written update prior to the committee meeting on the 4<sup>th</sup> September.
- 5.37 As previously discussed, the applicants have indicated that their larger events are, and will be, carried out under permitted development rights. However, article 3(4) of the GPDO states "nothing in this Order permits development contrary to any condition imposed by any planning permission granted". PD rights "yield" to a condition on an express planning permission. It is therefore your planning and legal officer's opinion that any conditions imposed on this permission will override PD rights. For example, condition 9 which limits the number of horses using the site to 50 per day, as

suggested by the applicants, will have implications for use of the site for events which fall outside of the scope of the current proposals. It is therefore considered that condition 9 will override the 28-day PD rights for the big equestrian events within the red-line site area of this application.

### **Engagement**

- 5.38 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any problems or issues that have arisen during the application have been dealt with in consultation with the applicant and their agent. An extension of the determination period has been agreed with the applicant's agent in order to fully assess further information that has been received during the course of the application. It is considered that the duty to be positive and proactive has been discharged through these actions and the efficient determination of the application.

### **Conclusion**

- 5.39 It is considered the application is finely balanced and whilst officers do not dispute objector's representations that there are significant impacts on the local highway network and neighbour amenity as a result of large equestrian events being held at the site; given the above assessment, they consider that the use of the site for a lesser scale activity, for equestrian training/schooling for up to 50 horses, would not have the same detrimental impacts, would be appropriate within the site's rural context and would not appear out of place. The proposals are considered to be acceptable on their planning merits and support the continued operation and viability of both the existing farming and equestrian businesses. The proposals would not significantly intrude into the landscape, subject to the implementation of a suitable landscaping scheme, and would not adversely affect highway safety. It is therefore considered to comply with the above mentioned policies and is recommended for approval subject to conditions as set out below.

## **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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, DTPC Transport Statement (dated May 2014), Highway Note (dated July 2014), Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment, details of site operations contained in applicant's supporting letter dated Monday 7<sup>th</sup> July 2014, course jump details contained agent's letter dated 14<sup>th</sup> August 2014 and drawings numbered: 13\_002\_01 Rev A and 13\_002\_03.

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

3. Notwithstanding the submitted details, within one month from the date of decision, full specification details of the car park including construction, surfacing, layout, boundary treatment and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and within two months of the approval of the above details the car park shall be constructed in accordance with those approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of

construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

4. Notwithstanding the details submitted, within one month from the date of decision, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - i. Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - ii. Details of any existing trees and hedgerows to be retained as well as any to be felled.

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. 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 construction of the car park area. 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.

6. Within one month of the date of the decision, a plan showing an area for the storage of equipment and structures associated with the equestrian uses on site shall be submitted to and approved in writing by the Local Planning Authority. That area shall be provided within two months of the approval of that detail.

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 Policies C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. No equipment or structures associated with the equestrian use other than equipment and structures associated with a current course configuration shall remain on site outside of the storage area approved pursuant to condition 6.

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 Policies C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. The car park shall be kept free of obstructions at all times and used only for the purpose of parking motor vehicles for staff and visitors relating to the approved operations being run from Swalcliffe Park Equestrian.

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.

9. The use of the site for equestrian training and schooling shall be restricted to the hours of operation between 08:00 and 20:00.

Reason - In order to safeguard the amenities of neighbouring properties and in the

interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

10. No more than 50 horses shall be permitted to participate in equestrian activity on the site in any one day of operation, without the prior consent of the Local Planning Authority.

Reason - In order to safeguard the amenities of neighbouring properties and in the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

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

Reason - In order to safeguard the visual amenities of the area and to protect neighbouring residential amenity in accordance with Policy C28 of the adopted Cherwell Local Plan.

12. No public address systems shall be operated on the site without the prior consent of the Local Planning Authority.

Reason - In order to safeguard the amenities of neighbouring properties and to ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. No audible warning/indicator sound generating devices shall be operated on the site without the prior consent of the Local Planning Authority.

Reason - In order to safeguard the amenities of neighbouring properties and to ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **PLANNING NOTES**

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

## **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), any problems or issues that have arisen during the application have been dealt with in consultation with the applicant and their agent. An extension of the determination period has been agreed with the applicant's agent in order to assess further information that has been received during the course of the application. It is considered that the duty to be positive and proactive has been discharged through these actions and the efficient determination of the application.