

Application No:10/00197/F	Ward: Cropredy	Date Valid: 19.03.10
Applicant:	George Martin	
Site Address:	Babbington Barn, Cropredy Lane, Williamscot Banbury, Oxfordshire, OX17 1AD	

Proposal: Erection of building to cover existing outdoor area with the provision of new stable and storage block and creation of new outdoor arena and new access road.

1. Site Description and Proposal

- 1.1 This application relates to a private equestrian site, set on high ground to the North of the village and adjacent to the village spinney (south) which is a lowland mixed deciduous mature woodland elevated from the Cropredy Lane and also a UK Biodiversity Action Plan (BAP) site.
- 1.2 The property known as Babbington Barn is within the Conservation Area, but the area subject to the proposed development is outside and therefore adjacent. The site is also just outside the Cropredy Historic Battlefield Site, which is located further north east on even higher ground as the level of the land rises further towards Wardington. There are several listed buildings located on the opposite side of the Cropredy Lane and also a public right of way runs to the east of the site.
- 1.3 Planning permission is sought for the erection of building measuring 33m (w) x 44m (l) x 6m (ridge height) (4m eaves height) to partly cover an existing outdoor area to create an indoor ménage measuring 40m x 20m that also provides a new stable block with storage rooms and creation of new outdoor arena measuring 60m x 20m and new access road. The building is to be clad in timber and green box profile steel sheeting.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 29th April 2010.
- 2.2 No representations received

3. Consultations

- 3.1 Cropredy Parish Council raise no objection but note that this is a large development to satisfy the applicant's pursuit of dressage at the highest level, which should remain a private family enterprise.
- 3.2 Oxfordshire County Council Highway authority – raise no objection subject to private use as specified.

- 3.3 Landscape Planning Officer – This is a substantial barn 6m high. Although there is a belt of trees between the houses on Cropredy Lane and the proposed site, some of the telegraph poles on the site are visible from the road, which will mean that the barn will be visible. They will also be about 6m high so give a give a good idea of the impact of the barn.

The barn will be slightly visible in winter and probably not in summer from the footpath which starts at the entrance and runs along part of the boundary.

If the barn is allowed it would be better to move it further away from the spinney, firstly to reduce the impact on the houses below and secondly to allow more space for planting additional screening. The spinney consists of fairly mature trees in general and some new planting will be essential. I would also like to see some planting around the driveway entrance as the fencing off of paddocks is not attractive.

- 3.4 Conservation Officer – No objection raised, not detrimental to the conservation area or nearby listed buildings. It is not visible from the highway due to the spinney and in any case would be the kind of development, normally found in the countryside, albeit on a much larger scale.
- 3.5 Oxfordshire County Council (Archaeology) – comments awaited
- 3.6 Oxfordshire County Council (Ecologist) – No comments made in respect of ecology or landscape.
- 3.7 English Heritage – No comments made in respect of Historic Cropredy Battlefield and recommends that the application should be determined in accordance with national and local policy guidance and on the basis of CDC's own specialist conservation advice/

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
- 4.2 PPS5: Planning for the Historic Environment
- 4.3 PPS7: Sustainable Developments in Rural Areas
- 4.4 PPS9: Biodiversity and Geological Conservation
- 4.5 PPG13: Transport
- 4.6 South East Plan Policies: CC6, C4, BE1, BE5 and BE6.
- 4.7 Adopted Cherwell Local Plan 1996 Saved Policies: AG5, C2, C7, C13, C14, C28, C30 and C31
- 4.8 Non-Statutory Cherwell Local Plan 2011 Policies: EMP11, EN34, EN35, EN36, EN37, EN39 and TR11

5. Appraisal

5.1 Site history

02/02140/F – construction of new vehicular access to serve existing dwelling and closure of existing access. Approved

03/02411/F – cou of existing barn to workshop for the manufacture of violins including extension to form a wood store. Approved

07/01307/F – 7 no. additional timber stables with storage rooms. Approved

07/01976/CLUE – Certificate of lawful use existing for the continued use of the equestrian ménage. Approved

07/01977/CLUE - Certificate of lawful use existing for the continued use of the land for equestrianism as opposed to agricultural use. Approved

5.2 Principle of development and impact on countryside character

From the history it can be seen that this site has been used for equestrian related uses for some years together with the formation of a new access point to the site. The proposed development seeks to extend the equestrian facilities to cater for the needs of the applicant, who competes at top level dressage competitions. The applicant and family currently have 14 no. horses at the site, 7 no. of these need to have access to stables, but some of the other horses are increasing in age and would benefit from stabling.

5.3 The proposed building will effectively cover the majority of the existing outdoor arena/ménage which is located some 15m from the stretch of woodland to the south known as Village Spinney. The building is to be sited a further 5m from the spinney and proposes an eaves height of 4m at this southern point. The comments made by the Landscape officer are duly noted, however it would not be practicable to site the building any further away from the spinney, as its purpose was to cover an existing arena. The size of the arena to make it indoor is to be reduced from 50m x 30m to 40m x 20m, and the HDCMD considers that the gap of 20m between the building and the spinney would allow for the reinforcement of the belt of trees. Therefore the building would be partially screened by this woodland from neighbouring properties, of which some are listed buildings. The application land at this point is some 2-3m higher than the main road running through the village and therefore glimpses of the building will be minimal.

5.4 The applicant has advised that the proposed building will create a much needed indoor facility to aid with the training and exercising of the horses during the winter months, as the ground of the existing ménage freezes and weather conditions prohibit a year round continuous training and exercise regime.

5.5 Also proposed as part of the scheme and incorporated into the building is the creation of better stabling facilities, as the current stables granted consent 3 years ago have been badly damaged by the horses and provide inadequate facilities for competition horses. The existing stables will be repaired and used by the family's older horses who currently are turned out all year round.

- 5.6 The formation of an outdoor arena/ménage to an international size (60m x 20m) is required to practice the dressage tests required at competitions.
- 5.7 In respect of the proposed access road, this will be via the existing vehicular access granted consent in 2002. Concern was raised during the consideration of that application in respect to the visibility of the road given the topography of the site, however some 8 years on, when approaching the village from the east and A361, the entrance to the access track is visible but the track is not, as the hedgerow conceals it. The new access track is proposed in addition to the existing; however is to spur off to the north-west, allowing access to the proposed equestrian facilities. To be constructed from stone, the HDCMD considers that the principle of creating a new access road would not be harmful to the landscape or detrimental to the form and character of the village or countryside setting.
- 5.8 PPS7 (para 32) states that *'Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses'*.
- 5.9 PPS7 (para 15) advises that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.
- 5.10 Policy AG5 of the adopted Cherwell Local Plan echoes the guidance contained in PPS7, and seeks to ensure that horse related development does not have an adverse effect on the character and appearance of the countryside or detrimentally affect the amenities of neighbouring properties.
- 5.11 Taking the above into account the HDCMD considers that the principle of the development as an extension to an existing equestrian establishment on the edge of the village is acceptable and not harmful to the character and appearance of the rural landscape and complies with the development plan policies and government guidance. Notwithstanding that, as part of the overall development, the HDCMD considers that enhancement of the site in the form a landscaping scheme is required.
- 5.12 Highway safety
- Oxfordshire County Council as local highway authority have not raised any objection to the proposal providing that the development remains for private use only, which the applicant has stated in the application submission.

5.13 Heritage Assets

The positioning of the proposed building, outdoor menage and access track site is adjacent to the Conservation Area and opposite several listed buildings. The site is also adjacent to the historic Cropredy Battlefield site. The HDCMD therefore considers that the proposed development affects the setting of heritage assets.

5.14 PPS5: Planning for the historic environment states in paragraph HE9.1 that *'there should be a presumption in favour of the conservation of designated assets'*. It goes on to state in paragraph HE10.1 that *'when considering applications for development that affects the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset'*.

5.15 Given the topography and nature of the site, the HDCMD considers that the proposed development will not harm the setting of the Conservation Area, neighbouring listed buildings or historic battlefield and therefore preserves the character of the heritage assets. Notwithstanding that, as part of the overall development, the HDCMD considers that enhancement of the site in the form a landscaping scheme is required.

5.16 In respect of Archaeological matters, English Heritage raise no comments in respect to the proximity of the development to the historic Cropredy Battlefield site, however, to ensure that any findings that occur during the construction phase, relative to any unknown remains, these are to be reported to the County's Archaeologist. The reporting of which would be either in the form of an informative or watching brief condition. This will be reported as an update at the meeting following the receipt of comments from Oxfordshire County Council's Archaeologist.

5.17 UK BAP site and protected species

Where development is likely to affect protected species, PPS9 advises that a survey should be undertaken prior to the determination of an application, as the presence of a protected species is a material consideration when a planning authority is considering a development proposal.

5.18 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Under art.12(1) of the EC Habitats Directive, Member States requires that a system of strict protection of animal species be established to prohibit the deterioration or destruction of their breeding sites or resting places. The result is that there is in practice two linked systems of regulation. First under reg. 39(1)(d) it is a criminal offence to damage or destroy a breeding site or resting place but under reg.44 this does not apply if a licence has been granted for such operations and Natural England being that licensing authority. Secondly where planning permission is required reg.3(4) provides that local planning authorities must have regard to the

requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

5.19 Whilst the site is close to the area of woodland and UK BAP site, County's Ecologist raises no issue in respect of protected species and as no record of such has been identified in the immediate locality, no protected species survey was considered necessary.

5.20 The HDCMD considers that art.12(1) of the EC Habitats Directive has been duly taken into consideration and that the proposal therefore accords with PPS9 and policies C2 and C4 of the Adopted Cherwell Local Plan.

5.21 Conclusion

Based on the assessments made above the HDCMD considers that this application is acceptable as it extends an acceptable existing equestrian facility on the edge of the village that has no adverse impact on highway safety, residential amenity and preserves the setting of heritage assets. The proposal therefore complies with the relevant development plan and national policy guidance.

6. Recommendation

Approval subject to there being no adverse comments/objection from Oxfordshire County Council's Archaeologist and the following conditions:

1. 1.4A (RC2) – [Time: 3 years]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Drawing nos. 0701 220A, 201A, 202B, 203B, 204B received 03.02.2010.

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 Policy BE1 of the South East Plan 2009.

3. 3.0 (RC10A) – submit landscaping scheme
4. 3.1 (RC10A) – carry out landscaping scheme
5. The indoor and outdoor riding arenas and stables 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 neighbouring properties and in the interests of highway safety and to comply with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained in PPG13.

6. Full details, including positions and specification of lights to be erected on the land or external elevations of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

development. The development shall be carried out in accordance with the approved details. (RC50)

7. Notwithstanding condition no. 6 no further external lighting or floodlighting shall be erected on the land or access road without the prior express consent of the Local Planning Authority (RC50)

8. That, notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along the line of access road hereby permitted without the prior express planning consent of the Local Planning Authority.

Reason – In order to retain the open character of the development and area in accordance with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan

9. Archaeological condition or informative

Planning Notes

1. XI – Biodiversity/protected species
2. T1 – third party interests
3. U1 – construction sites

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as it pays proper regard to the character and appearance of the immediate and surrounding locality and has no serious adverse impact on heritage assets, the amenities of neighbouring properties or highway safety. As such the proposal is in accordance with Policies CC6, C4, BE1, BE5 and BE6 of the South East Plan 2009, Policies AG5, C2, C7, C13, C14, C28, C30 and C31 of the adopted Cherwell Local Plan and Non-Statutory Cherwell Local Plan 2011 Policies TR11, EMP11, EN34, EN35, EN36, EN37 and EN39 and Government guidance contained in PPS1, PPS5, PPS7, PPS9 and PPG13. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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