

**Case Officer:** Gemma Magnuson

**Applicant:** Ms Jean Conway

**Proposal:** RETROSPECTIVE - Addition of a small stable (on skids) alongside the existing stable block which comprises 2 stables, tack room and hay barn

**Ward:** Fringford and Heyfords

**Councillors:** Cllr P. Clarke, Cllr Corkin and Cllr Wood

**Reason for Referral:** Application submitted by a CDC Councillor

**Expiry Date:** 12 December 2022

**Committee Date:** 08 December 2022

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## **SUMMARY OF RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

### **1. APPLICATION SITE AND LOCALITY**

1.1. The application site consists of an existing paddock to the north of the village of Kirtlington. Vehicular access to the site is via the A4095, with pedestrian access via the rear garden of 2 Foxtowns Green. The boundaries of the site are marked by post and rail fencing, and there is a belt of mature trees running alongside the northern boundary. The rear gardens of residential dwellings to the east run alongside the eastern boundary of the site. The wider paddock is divided by post and rail fencing. Open countryside lies to the north and west of the site. The topography is flat, and the land is used for the keeping of horses at present.

### **2. CONSTRAINTS**

2.1. The application site is within an area of archaeological interest. The land has been identified as potentially contaminated. A minor aquifer has been identified. The Kirtlington Quarry SSSI is within 2km of the site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The application seeks retrospective planning permission for a stable on skids. The stable has been erected adjacent to the eastern elevation of an existing stable block. The stable is constructed from timber with a black bitumen roof. It has a pitched roof reaching a height of 3.65 metres at its highest point.

### **4. RELEVANT PLANNING HISTORY**

Application: CHS.169/82  
Two loose boxes and tack room  
Permitted - 25 May 1982

### **5. PRE-APPLICATION DISCUSSIONS**

5.1. No pre-application discussions have taken place with regard to this proposal.

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **11 November 2022**. One comment has been received, supporting the application.
- 6.2. The comments raised by third parties are summarised as follows:
- Closest view of the stable and have no objection to it remaining
  - Obvious position and horses are happy
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. KIRTLINGTON PARISH COUNCIL: **No objection.**
- 7.3. MID-CHERWELL NEIGHBOURHOOD FORUM: No comments received at time of writing.

### CONSULTEES

- 7.4. OCC HIGHWAYS: **No objection.**
- 7.5. CDC ENVIRONMENTAL PROTECTION: **No comments.**

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- SLE4 – Improved Transport and Connection
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- AG5 - Development involving horses

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Mid-Cherwell Neighbourhood Plan (MCNP) and the following Policies of the Neighbourhood Plan are considered relevant:

- PD4 - Protection of important views and vistas
- PD5 - Building and site design

## **9. APPRAISAL**

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity and environmental pollution
- Highway safety

### Principle of Development

9.2. The principle of the development stands to be considered against Government guidance contained within the NPPF and saved Policy AG5 of the CLP 1996. The NPPF states that there is a presumption in favour of sustainable development, the objectives of which are economic, social and environmental. Planning decisions should be approved where they accord with an up-to-date development plan without delay.

9.3. Saved Policy AG5 of the CLP 1996 relates specifically to equestrian development. It states that proposals for horse related development will normally be permitted provided that the proposal would not have an adverse effect on the character and appearance of the countryside; the proposal would not be detrimental to the amenity of neighbouring properties and the proposal complies with other Policies in the Plan.

9.4. The application seeks to retain one additional stable to a site that is already in equestrian use, to sit adjacent to an existing stable block. The equestrian use of the site has already been established and it is therefore considered that the principle of the development is acceptable.

### Design, and impact on the character of the area

9.5. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

- 9.6. Policy ESD15 of the CLP 2015 requires development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.
- 9.7. Saved Policy C28 of the CLP 1996 seeks a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development. Saved Policy AG5 of the CLP 1996 relates specifically to equestrian development. It states that proposals for horse related development will normally be permitted provided that the proposal would not have an adverse effect on the character and appearance of the countryside.
- 9.8. Policy PD4 of the MCNP requires consideration of important views and vistas, the designated conservation area and other heritage assets, in order to avoid harm. Policy PD5 requires new development to be a high standard that responds to the character of the settlement, including landscape mitigation.
- 9.9. The stable is modest in size, sitting at a lower height and with a smaller footprint than that of the existing stable block. The design and choice of construction materials are in-keeping with those of the existing stable block and it reads as a subservient addition to this structure. Due to the position of the site to the rear of residential dwellings, the development is not clearly visible from the public domain. The development is in-keeping with the equestrian character of the wider site.
- 9.10. It is for the above reasons that Officers consider the development does not result in harm to the visual amenities of the area, including the wider landscape, and that the development therefore accords with Policy ESD15 of the CLP 2015, saved Policies C28 and AG5 of the CLP 1996, Policies PD4 and PD5 of the MCNP and Government guidance contained within the NPPF, in terms of visual impact.

#### Residential amenity and environmental pollution

- 9.11. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development.
- 9.12. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation. Saved Policy AG5 of the CLP 1996 relates specifically to equestrian development. It states that proposals for horse related development will normally be permitted provided that the proposal would not be detrimental to the amenity of neighbouring properties.
- 9.13. The application seeks permission for one additional stable upon a site that is already in equestrian use. Whilst the new stable is closer to the western facing elevation of residential dwelling 3 Akeman Spinney than that of the existing stable block, due to the low height and separating distance, and the nature of the use for the accommodation of horses, it is not considered that the development results in significant harm to this neighbour in terms of a loss of privacy, shading, loss of outlook or an overbearing appearance.

- 9.14. The introduction of one additional stable is not anticipated to result in significant levels of environmental pollution over and above that of the existing use. This is reflected in the response from the Council's Environmental Protection Team. Officers consider that provided the stable remains in private use, as opposed to a commercial livery, the development would not result in significant harm in terms of environmental pollution. A condition has been recommended in order to ensure that the stable is not used on a commercial basis in the future.
- 9.15. The development is therefore considered to comply with Policy ESD15 of the CLP 2015 and saved Policies ENV1 and AG5 of the CLP 1996 and Government guidance contained within the NPPF.

#### Highway safety

- 9.16. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.17. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should be designed to deliver high quality safe places to live and work in. Policy SLE4 of the CLP 2015 requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.18. Vehicular access to the site will continue to be taken via the existing access taken from the A4095 to the west. Officers do not consider that the erection of one additional stable would lead to significant additional levels of vehicular trips to and from the site from that already experienced. The Highway Authority has also raised no objection to the development on the grounds of highway safety or convenience.
- 9.19. The development is therefore considered to comply with Policies SLE4 and ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## **11. RECOMMENDATION**

### **RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW**

#### CONDITIONS

##### **Compliance with Plans**

1. Except where otherwise stipulated by conditions attached to this permission, the development shall remain in accordance with the following plans and documents: BWC2022/TR/2FGK

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

**Private use only**

2. The stable hereby permitted shall be used for private use only and no commercial use, including livery, 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 nearby properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.