

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City Council
Planning Department
Development Control

**TEAM MANAGER
SIGN OFF SHEET**

Committee Decision

Case No:	06/00626/FUL	Valid Date	23 February 2006
W No:	16762/04	Recommendation Date	9 May 2006
Case Officer:	Mr Tom Patchell	8 Week Date	20 April 2006
		Committee date	
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Removal of condition no. 4 of planning permission 01/00536/FUL (to allow the commercial use of stables)
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Site:	Land At Goscombe Lane Gundleton Hampshire
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Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	N	N	Y=12	N	Y	Y

APPROVED TO GO TO COMMITTEE
TEAM MANAGER
Signed & Date

AMENDED PLANS DATE:-

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Item No: ITEM 03
Case No: 06/00626/FUL / W16762/04
Proposal Description: Removal of condition no. 4 of planning permission 01/00536/FUL (to allow the commercial use of stables)
Address: Land At Goscombe Lane Gundleton Hampshire
Parish/Ward: Bighton
Applicants Name: Ms Lesley Wallace
Case Officer: Mr Tom Patchell
Date Valid: 23 February 2006
Site Factors:

Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received. This application is reported to Committee at the request of Councillors E. Jeffs and S. Cook, whose requests are appended in full to this report.

This planning application was deferred from the Planning and Development Control Committee on Thursday 25 May 2006 in order to seek the submission of additional information with regards to the operation of the site and the proposed business.

The additional information that was sought from Ms Wallace related to the level of accommodation to be provided and the activities at the site; including:

- foaling accommodation
- accommodation for the covering of a mare
- a stallion box
- Would the training and breeding include Ms Wallace's own horses?
- Would the training include riders, as well as the horses?
- Would Ms Wallace sleep on the site when a Mare is foaling?
- Would Ms Wallace seek to establish a residential dwelling on the site?
- The number of traffic movements associated with her own horses in an average week.
- The number of traffic movements associated with her friends visiting to ride with her.
- Would the horses remain at the site until the training is completed?
- Would the owners attend the site to view the training/ride the horses at any time?

Ms Wallace has provided detailed answers to each of the questions put to her and included a short statement with regards to the number of vehicle movements associated with other horse owners, within the local area, who do not have access to the facilities that she has on site.

The loose boxes within the existing stables are of an adequate size to cover all equine needs, from foaling to accommodating stallions, competition horses or ponies.

Mares could be 'covered' easily either within the Manege, by running with the stallion in the fields, or by sending them away.

The breeding and training would include Ms Wallace's own horses. If a foal was bred it would be trained to competition standard for her own children. However, if it was not of an adequate standard it would be sold. This has been undertaken on the site since the purchase of the land.

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Approximately 98% of the training undertaken on the site would be of the horses with a very small amount of rider training. There could be occasions when the sale of a horse or pony would necessitate a short period, approximately 2 weeks of bonding, between a less experienced rider and the horse and purely for safety reasons.

When foaling takes place, Ms Wallace would sleep at the site. Ms Wallace has stated that the possibility of establishing a residential dwelling on the site is not relevant to the determination of this application and would have to be looked at on its own merits were the need to arise in the future.

There would be approximately one traffic movement per week associated with the movement of horses owned by Ms Wallace. However, during the winter time this is limited because of school, daylight hours and the weather. Whereas in the summer, with longer school holidays, better weather and longer days there would be more opportunity. With regards to friends visiting the site, this may be once or twice a week, on average. Again with greater opportunity during the summer.

Ms Wallace currently attends the stables once or twice a day, although within the last 5 years the number of vehicular movements has been higher with Ms Wallace's children and ex-husband visiting the site.

It is not a hard and fast rule that the owners of the horses visit the site to view the training. Ms Wallace is providing a service and would expect an owner to call. The horses would stay on site until such time as the training is completed.

Ms Wallace added that activity at the site, as proposed within this application, would not result in any impact additional to that which may have occurred during the last 5 years.

Many local horse owners, in close proximity to the stables do not have access to the training and Manege that Ms Wallace has within her site and many of the horses are kept at livery. This results in a need for at least twice daily visits to the livery stables. There may additionally be a need to transport the horses, and owner, to schooling, to use a Manege, to competitions or for general riding with friends. There are of course all other associated trips such as food and hay/straw/shavings that are delivered and the need for a farrier.

Ms Wallace has stated that there is no need for a feed delivery to her site as this is collected personally by her en-route to the stables. In addition, whereas many owners would get the horses shod through individual visits to the site by the farrier, Ms Wallace gets the farrier to shod all of her horses in one visit, again reducing the number of vehicular movements.

With facilities available at the stables and Ms Wallace's own training skills the number of vehicular movements to and from the site could be lower than many of the horse owners within the local area.

The following text is the same as reported to committee on the 25th May 2006. (The recommendation has been slightly amended).

Site Description

The site is accessed by a narrow and winding country lane and currently contains a large stable block, with nine loose boxes, and an unfenced Manege. To all boundaries of the site is agricultural land/countryside, although there are three residential dwellings in close proximity to the site. The boundary of the site adjoining Goscombe Lane has a number of trees, but this provides very little in the way of screening of the site.

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Proposal

Under planning application reference number 01/00536/FUL (W16762/01) a condition, number 4, was attached that stated:

“The development hereby permitted on the land outlined in red on the approved plans shall be used solely for the accommodation and keeping of the landowner's own horses in connection with his/her private equestrian use only and not for any other commercial business purposes.”

This planning application seeks to remove the above condition to allow for the commercial use of the stables and for the stabling of horses not owned by the owner of the land.

Relevant Planning History

W16762 (AMENDED DESCRIPTION) Removal of existing outbuildings and erection of new stable block and Manege area, change of use of agricultural field to equestrian use - Land At Goscombe Lane Bishops Sutton Alresford Hants - Application Refused - 14/12/2000

W16762/01 (AMENDED DESCRIPTION) Removal of existing outbuildings and erection of new stable block comprising of 8 loose boxes and a hay store together with Manege and change of use from agriculture to equestrian use - Land At Goscombe Lane Bishops Sutton Alresford Hants - Application Permitted - 25/04/2001

Consultations

Engineers: Drainage: No objection

Proposals will not alter the present drainage arrangements.

Engineers: Highways: Recommend refusal

The roads leading to the site are narrow with limited parking places and poor visibility and geometry at junctions. The site is also remotely sited, away from any settlement. Commercial stables would lead to an increase in the number of vehicular movements. Local roads are not suitable to accommodate this. Would not comply with PPG13: Transport, in that it will encourage additional traffic in rural locations.

Environmental Health: Approve subject to conditions

Conditions relating to an application for a licence as a riding establishment and requiring details for the storage and disposal of horse manure should be attached.

Representations:

Bighton Parish Council: Object

Supporting statement appears to support a dwelling on the site. Mrs Wallace has not satisfied the conditions attached to the original approval for the stables. Why does the condition need changing if Mrs Wallace has been doing it for so long? No bridleways in the area and proposed business would intrude on the neighbouring properties. Permission for a dwelling through the back door. Overnight accommodation would be objected to. Site is already over horsed. Increase in traffic in the local area. Irresponsible to leave a horse unattended for prolonged periods, such as in the winter, between sunset and sunrise.

12 letters received objecting to the application for the following reasons:

- Noise disturbance from radio within the site.
- Unpleasant experience from the site from the manure tip which is often steaming and burning.
- Failed to comply with planning regulations in the past, will they be complied with in the future.
- A large horse transporter currently accesses the site and an increase in vehicular movements of this type would further damage the lane and increased danger to other highway users.

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- Could lead to another commercial development within Sutton Wood Lane.
- No bridleways in the Parish.
- There are footpaths that are used, and damaged, by horse riders.
- What are the applicant's true intentions? As a number of different uses are mentioned in their supporting letter.
- Landscaping from previous consent has not been implemented.
- Should the application be approved conditions should be imposed limiting the number of vehicles; restricting the use of the site for equine events; limitation on the size of the manure heap and requiring its disposal; and, a requirement to comply with all previous enforcement notices.
- No visual improvement in the land.
- If a commercial livery commenced on the site there would need to be additional buildings for the storage of hay and straw.

Other issues raised - not material to planning and therefore not addressed in this report

- Horse walker is unsightly and rarely used.
- A maximum of only 4 stables should have been previously allowed.
- Commercial viability of a site with limited grazing and only 8 stables.

3 letters of support received.

- The applicant is extremely knowledgeable in the breaking and schooling of horses at all levels.
- A green use of this site will continue.
- A successful equine amenity for my neighbourhood.
- A successful breeder for UK stars such as William Fox Pitt.
- A service, which in rural terms is missing.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3

Winchester District Local Plan

EN.5, C.2, RT.8 and T.8

Winchester District Local Plan Review Deposit and Revised Deposit:

DP.3, RT.10 and T.2

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 7 Sustainable Development in Rural Areas

PPG 13 Transport

Other Planning guidance

Equestrian Development

Planning Considerations

The reasons for the imposition of the original planning condition, limiting the use of the stables to the landowner's horses only and for non-commercial use only was to address the concerns of the with regards to the sub-standard nature of the local road network. One of the main considerations of this planning application is what affect would the proposed use of the site have with regards to any potential increase in the vehicular movements within the local road network.

Principle of development

Most development should, as far as possible, be located within the countryside next to existing towns and villages and accessibility should be a key consideration in all development decisions.

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Most developments which are likely to generate large numbers of trips should be located in or next to towns but policies should appreciate that horse riding and other equestrian activities are popular forms of recreation in the countryside.

With regards to the location of the proposed uses the Government places great emphasis on people being able to travel safely whatever their chosen mode to and from the site.

PPG7: Sustainable Development in Rural Areas supports the need of horse training and breeding businesses to be located within the countryside.

Highways/Parking

Approximately 600 metres to the east of the stables is Sutton Wood Farm where an application, reference number W05500/13, was received by the Council on 16 March 1993, for the change of use of an agricultural barn to a light industrial. The highway engineers recommended refusal, commenting that "The roads in the area are narrow, winding country lanes and as such are unsuitable to safely accommodate the type and amount of traffic likely to be generated by an industrial use". The application was subsequently approved on 1 July 1993 with an additional condition attached, number 2, which restricted the permission to the applicant only.

On 23 June 1995 a planning application was received by the Council for the removal of condition 2, attached to application reference number 05500/13. During the course of this planning application the highways engineers were not consulted. The planning application was approved on 7 August 1995 the conditions restricted the use for the benefit of Sutton Wood Holdings only.

On 12 June 1998 a further planning application was received, reference number 05500/18 for the removal of condition 02 of planning permission W05500/14 (personal permission). The highways engineers were not consulted and the Planning (Viewing) Sub-committee report, dated 10 September 1998, incorrectly states that "the development already permitted had not been objected to by the Highways Authority..."

As a result the planning application, at Sutton Woods Farm was approved on 9 December 1998 and this resulted in an unencumbered light industrial unit within Goscombe Lane.

Regarding this current planning application, Mrs Wallace has produced additional information, an e-mailed letter dated 2 May 2006, detailing the proposed activities within the site. The level of vehicular movements to and from the stables, from the training and breeding of competition horses is very low and will therefore not increase vehicular movements.

It has been suggested that 3 additional conditions be attached to any planning approval in order to restrict the number of vehicular movements on the local road network, associated with the commercial use of the stables.

One is to make the permission personal to Mrs Lesley Wallace only. This would allow the Council to reconsider any future commercial use of the stables, by another owner.

The second would be to prevent any liveries, whether on a full or DIY basis, on the land or in the stables. It is acknowledged that liveries create a large number of vehicular movements which would be inappropriate on the substandard local road network.

The third condition limits the number of horses on the land to 6 horses for the purposes of being trained or for breeding. This would also be in addition to those horses owned by Mrs L Wallace. This fits in with the information supplied by Mrs Wallace with regards to the number of horses that she plans to train to competition standard, as turnover ponies, and for breeding.

The proposed use of the site and the suggested conditions would not therefore lead to an

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increase in the number of vehicle movements to and from the site.

Other Planning Guidance

In November 1999 the Council adopted, as non-statutory supplementary planning guidance, a brief for equestrian development.

Within this brief it is recognised that a commercial equestrian facility is unlikely to be located on the urban fringe, in order that it did not disturb or detract from the adjoining settlement.

A particular concern with commercial equestrian activities is traffic generation. Often the rural roads are unsuited to much additional traffic generation.

Other Matters

Many of the objections relate to the non-compliance with conditions attached to the original planning permission. The Council's planning enforcement team are currently undertaking steps to secure compliance with the relevant conditions. It would be unreasonable of the Council to take a previous non-compliance with conditions into account in making a decision on this application as each application must be determined on its own planning merits only.

The Environmental Health team has requested that two conditions be imposed on any planning approval.

Firstly that a licence must be issued under the Riding Establishment Acts 1964 and 1970 if at any time the premises are used as a riding establishment. This has not been suggested as this would be an incorrect use of the conditions of a planning approval to require that a licence is gained under a separate piece of legislation.

Secondly, details of the storage and disposal of horse manure are submitted to the Council for approval. This condition has been attached to original planning approval for the stables.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 The use hereby permitted shall be carried on only by Ms Lesley Wallace and shall not enure for the benefit of the land. When the premises cease to be occupied by Mr Lesley Wallace the use hereby permitted shall cease and all materials and equipment brought onto the site in connection with the use shall be removed.

02 The local road network is sub-standard for an uncontrolled increase in the number of vehicular movements onto.

03 There shall be no 'do-it-yourself' liveries undertaken on the land at any time.

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03 The use of the land for uncontrolled livery of horses would lead to an increase in the number of vehicular movements on the local road network which is very narrow and rural in character.

04 There shall be no more than 6 horses, in total, kept on the land or within the stables for the purposes of training and breeding at any one time.

04 The uncontrolled training and breeding of horses, would lead to an increase in the number of vehicular movements on the local road network, which is very narrow and rural in character.

Informatives:

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3

Winchester District Local Plan Proposals: EN.5, C.2, RT.8 and T.8

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.3, RT.10 and T.2