

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	06/02540/FUL	Valid Date	14 August 2006
W No:	20258	Recommendation Date	14 March 2007
Case Officer:	Mr James Jenkison	8 Week Date	9 October 2006
		Committee date	29 March 2007
Recommendation:	PERMITTED	Decision:	Committee Decision

Proposal:	(AMENDED DESCRIPTION) Change of Use of land from mixed agricultural/equestrian purposes to a mixed use agriculture/equestrian/livery stud and temporary siting of a mobile home for a period of three years.
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Site:	Gabriel's Farm Stables Park Lane Twyford Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: 8
Case No: 06/02540/FUL / W20258
Proposal Description: (AMENDED DESCRIPTION) Change of Use of land from mixed agricultural/equestrian purposes to a mixed use agriculture/equestrian/livery stud and temporary siting of a mobile home for a period of three years.
Address: Gabriel's Farm Stables Park Lane Twyford Hampshire
Parish/Ward: Twyford
Applicants Name: Mrs A Irving-Bell
Case Officer: Mr James Jenkison
Date Valid: 14 August 2006
Site Factors:
Recommendation: Approval subject to conditions.

General Comments

This application is reported to Committee because of the number of objections received. A Lawful development Certificate was granted on 17 March 2006 for the mixed use of the land for commercial livery and for recreational equestrian purposes.

Site Description

The site consists of a group of 4 grass paddocks and a group of farm buildings located along a private farm track accessing onto the junction of Park Lane and Love Lane. The track is lined on both sides by mature trees and extends south from the junction. Along with the application site, this farm track serves 4 dwellings located in a cluster of residential development at the far end of the track.

The application site has a 260 metre frontage onto this farm track, however the access and main buildings are located at the southern end of the holding. The site consists of 4 relatively evenly sized paddocks on a small square shaped holding of approximately 4.2 hectares. The eastern most paddock, adjacent to a farm track, has the main buildings for the holding clustered at the south-east corner of the site. Additional land is leased, with the combined area of land used for the enterprise totalling just less than 10 hectares.

Originally a cattle farm, horse breeding and equestrian activities were present on the site and by the early 1990's formed an important part of a diversified farm enterprise. Since the mid-1990's the equestrian activity declined but was still in existence. The cattle's grazing now occurs mostly on the leased land.

Equine activity has increased in more recent years and investment in post and tape fencing, field shelters and small horses has occurred. One horse not owned by the applicant is also kept at livery on the site.

The main buildings consist of a barn and a stable block, and there is a ménage located adjacent to these buildings. An unauthorised mobile home has been sited amongst this building cluster and the applicant, an experienced farm and equestrian worker, resides in this mobile home.

The grounds of Gabriel's Farmhouse are located adjacent to the eastern boundary, and the farmhouse has been subdivided from the main holding and is now a private residence not associated with the main farm holding.

The grazing paddocks adjoin the back gardens of four residential properties fronting onto Love Lane, and these gardens range in depth from 20 to 30 metres.

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Immediately to the north-west of the paddocks, on the opposite side of the farm track is a residential property called The Lodge.

The other 4 residential properties are located at the south end of the farm track, with the nearest dwelling, Gabriel's Farmhouse, having a large area of amenity land separating it from the stables and barn of the farm.

Proposal

The proposal is to replace the existing mobile home, which does not have permission, with a more modern type for the applicant in order to operate the mixed-use agriculture/equestrian/livery stud specialising in the breeding of miniature ponies. The new mobile home conforms with the definition of a mobile home and the design resembles that of a log cabin.

Due to the presence of equestrian activities of different types and the fact that his element of the farm enterprise has now increased from a reduced level a change of use of the land is considered to have occurred though this has been disputed by the applicants agent. Nevertheless, the application now includes a change of use of the land to a mixed use agriculture/equestrian/livery stud and temporary siting of a mobile home for a period of three years.

Relevant Planning History

74/00243/OLD - conversion of farm office storeroom and shed into residential flat. PER 15th October 1974. (Chestnut cottage, conditioned to be ancillary to main house, but not conditioned for agricultural workers use).

75/00088/OLD - Conversion of farm buildings in to domestic dwelling. PER 14th May 1975.

78/00055/OLD - Erection of agricultural bungalow. REF 18th September 1978.

78/00056/OLD - Change of use from dairy block to one residential dwelling. PER 20th November 1978. (Agricultural workers condition).

79/00045/OLD - Change of use from dairy block to one residential dwelling with Alteration of Condition 3 of 00250/03 to provide for occupation by a person employed in agriculture or ancillary accommodation to the adjoining dwelling. PER 23rd November 1979.

79/00046/OLD - Erection of 2-storey Extension to provide garage workshop and addition to dining room with 2 bedrooms over. PER 12th June 1979.

86/00050/OLD - Stable block and hay store. PER 28th February 1986. Condition preventing commercial riding, breeding and training.

06/01037/LDC - Use of land for equestrian purposes including the provision of liveries, 5 stables, tack room, barn and sand school in addition to agriculture. PER 27th September 2006.

06/02406/APN - Agricultural barn. NOTRQD 16th August 2006.

There is currently an enforcement investigation relating to the mobile home and mobile field shelters located on the fields.

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Consultations

Highways:

Mindful of previous and existing uses on the land the proposal will not cause demonstrable harm to users of the nearest public highway.

County Land Agent:

Equine stud has recommenced using easier to handle miniature horses.

The enterprise has been planned on a sound financial basis.

There is a functional need for a worker to be readily available at most times to ensure essential levels of husbandry, welfare, supervision and security of livestock.

Existing track record of investment is evidence of a firm intention to develop the enterprise, indicates that application is genuine.

Without the ability to live on the site the future of the equine stud would be in jeopardy.

Applicant carries out all duties and also has some casual help.

The applicant has considerable experience with equestrian stud and livery and miniature horses require more intensive supervision.

Cows will also need supervision in calving season.

Representations:

Twyford Parish Council objected to the application on the following grounds:

- Plan does not show exit to a main road.
- The dwellings associated with the land (Gabriel's farmhouse) have been sold.
- Proposal is considered to be a permanent dwelling.
- New dwelling in the countryside.

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

- Land has changes from horse and cattle grazing to intensive equestrian.
- Land previously cattle with a few horses.
- Increased levels of traffic such as horseboxes on rural lanes causing traffic hazard and damage and noise and air pollution.
- New dwelling in the countryside proposed.
- Applicant does not have secure tenure over some of the land.

Reasons not material to planning and therefore not addressed in this report

- Proposal an attempt to obtain a dwelling in the countryside.

5 letters of support received.

- A horse stud generates less traffic than a livery yard.
- The site is suitable for equestrian activity.
- Applicant has lived on the farm for a long time, has always run a small farm and livery stables and is highly qualified in her field.
- Most traffic along Park Lane a result of use of a sports field.
- Horsebox lorries must travel slowly.
- Small businesses in the countryside should be supported.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

C1, C2, H10

Adopted Winchester District Local Plan Review 2006

CE16, CE19, CE22, RT11

National Planning Policy Guidance/Statements:

PPS 7 Sustainable Development in Rural Areas

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Planning Considerations

Principle of development

Assessment of Need for an Equestrian/Agricultural worker on the site.

Rural activities, including commercial equestrian, are acceptable in principle in the countryside. The temporary siting of mobile homes for residential occupation by essential countryside workers, including equine, is specifically outlined in PPS7 and Local Plan Policy CE19. Equestrian activity of some form or other has been long established on the land, however, the level and nature of activity has fluctuated.

PPS7 sets out a number of criteria for the establishment of dwellings for rural workers in order to prevent the establishment and proliferation of speculative private dwellings in the countryside. Local Plan Policy CE19 reflects the guidance set out in PPS7 of the Local Plan sets out the criteria for assessing applications for mobile homes for equestrian and agricultural workers, which are:

- (i) *the applicant can demonstrate that the labour requirements of the holding or activity justify the worker;*

The County Land Agent is satisfied that the agricultural/equestrian enterprise demonstrates a need for at least one full-time worker.

- (ii) *the applicant can demonstrate that a continual presence on the holding is essential to the efficient working and development of the enterprise;*

The County Land Agent is satisfied that the agricultural/equestrian enterprise demonstrates a need for the continual presence of a worker on the site.

- (iii) *there is clear evidence of a firm intention and ability to develop the enterprise concerned, and that it has been planned on a sound financial basis;*

The County Land Agent is satisfied that there is firm intention and ability to develop the enterprise. There is evidence of investment in equipment and livestock and the applicant is an experienced agricultural/equine worker that has worked and resided on the farm for a long period of time.

- (iv) *existing accommodation on or near the holding is inadequate to meet the needs of the worker;*

The county land agent did not consider that there was any alternative accommodation within the vicinity close enough to the holding which would fulfil the functional need identified. The equestrian worker would need to be located close to the main building group and there are no nearby dwellings available for occupation. Personal circumstances required the applicant to vacate her home, which does not have an agricultural workers tie, and this house was sold into private ownership (Gabriel's farmhouse).

- (v) *where possible, the site is within an existing group of buildings or well screened.*

The mobile home is to be located within an existing group of farm buildings and the farm building group ensures the open character of the fields is not compromised by the mobile home. A condition has been recommended fixing the position of the mobile home.

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Design/layout

The proposed mobile home is a single storey in scale, incorporating a log cabin design, and will be set amongst the existing farm buildings and not in an isolated location. The mobile home will therefore be viewed as part of a group of buildings and will not be visually intrusive. It is considered that the design is more compatible with rural character than standard mobile homes.

Impact on character of area and neighbouring property

There has been investment in fencing equipment and mobile horse sheds in relation to this activity. This has changed the visual character of the land as structures are more visually evident than the previous situation of predominantly open fields with less solid fencing. However it is considered that the new fences and structures are not urban in character and are designed to perform a rural function. Furthermore the land is not located in any area of special landscape designation.

Matters such as manure storage & removal, storage, structures, placement of the mobile home and parking can be conditioned and subject to these conditions (3-6), the impact on the character of the locality is therefore considered to be acceptable.

Impact on Neighbouring properties

The spacious character of the locality and the large size of the gardens of neighbouring properties should ensure that their amenities will not be materially harmed by the proposed use on the site or the new mobile home. The buildings of the enterprise are grouped together away from neighbouring residential dwellings and a condition of consent is that the mobile home shall be sited within the group of buildings unless otherwise agreed by the council (condition 7)

Landscape/Trees

No trees have been affected by the use of the land as a horse livery and stud and none will be affected by the proposed siting of the mobile home.

Highways/Parking

The highways engineer has not raise any objection to the application. Cattle and horse breeding related activities do generate traffic and this tends to be of a rural nature. Do It Yourself Liveries generate comparatively high levels of traffic compared to other equine uses as owners commute to the site regularly, maintaining dressage and racing horses generate additional traffic in terms of trainers, groomers, horse walkers and the like as well as attendance at competition events. For this reason a condition have been recommended to restrict activity to horse breeding and the keeping of only one DIY livery for one horse on the site (condition 5).

Conclusion.

The change of use of the land is consistent with Local Plan policy and reflects the historic use of the land for mixed agricultural and equestrian purposes. Full livery is to be provided for only one horse and the highways engineer is satisfied that there will be no traffic implications. The applicant has proven a need for a worker to permanently reside on the site for the equestrian business, and is an experienced equine/agricultural worker. The site has no special landscape designations and the proposed mobile home will be located amongst, and blend in with, the existing buildings on the site.

Recommendation

Approval subject to the following condition(s):

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Conditions:

1 The permission hereby granted shall be for a limited period expiring on 29.3.2010 on or before which date the mobile home hereby permitted shall be permanently removed from the site and the land restored to its former condition.

Reason: To accord with National planning guidance and local plan policy on mobile homes for rural workers.

2 Details of the facilities for the storage of horse manure and its means of disposal from the site shall be submitted to and approved in writing by the Local Planning Authority within one month of the granting of this permission. The facilities shall be provided and thereafter maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality.

3 No floodlighting whether free standing or affixed to an existing structure, shall be provided on the site at any time.

Reason: In the interests of the amenities of the locality.

4 The land associated with the use hereby permitted shall not be used for the keeping of horse transport vehicles, horse boxes, caravans, mobile stables or any other structures, vehicles or chattels, unless authorised in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

5 There shall be no 'do-it-yourself' or other liveries undertaken on the land at any time with the exception of one horse or pony unless otherwise agreed in writing by the Local Planning Authority.

Reason: The use of the land for uncontrolled livery of horses may lead to an increase in the number of vehicular movements on the local road network and have a detrimental impact on highway safety. Such additional livery activity would therefore need to be assessed.

6 The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, equestrian or forestry or a widow or widower of such a person, and to any resident dependants.

Reason: The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry.

7 There shall at all times be only one mobile home located on the site and this mobile home shall be located in the position shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and because the site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of rural activities.

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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: C1, C2, H10

Adopted Winchester District Local Plan Review 2006: CE16, CE19, CE22, RT11