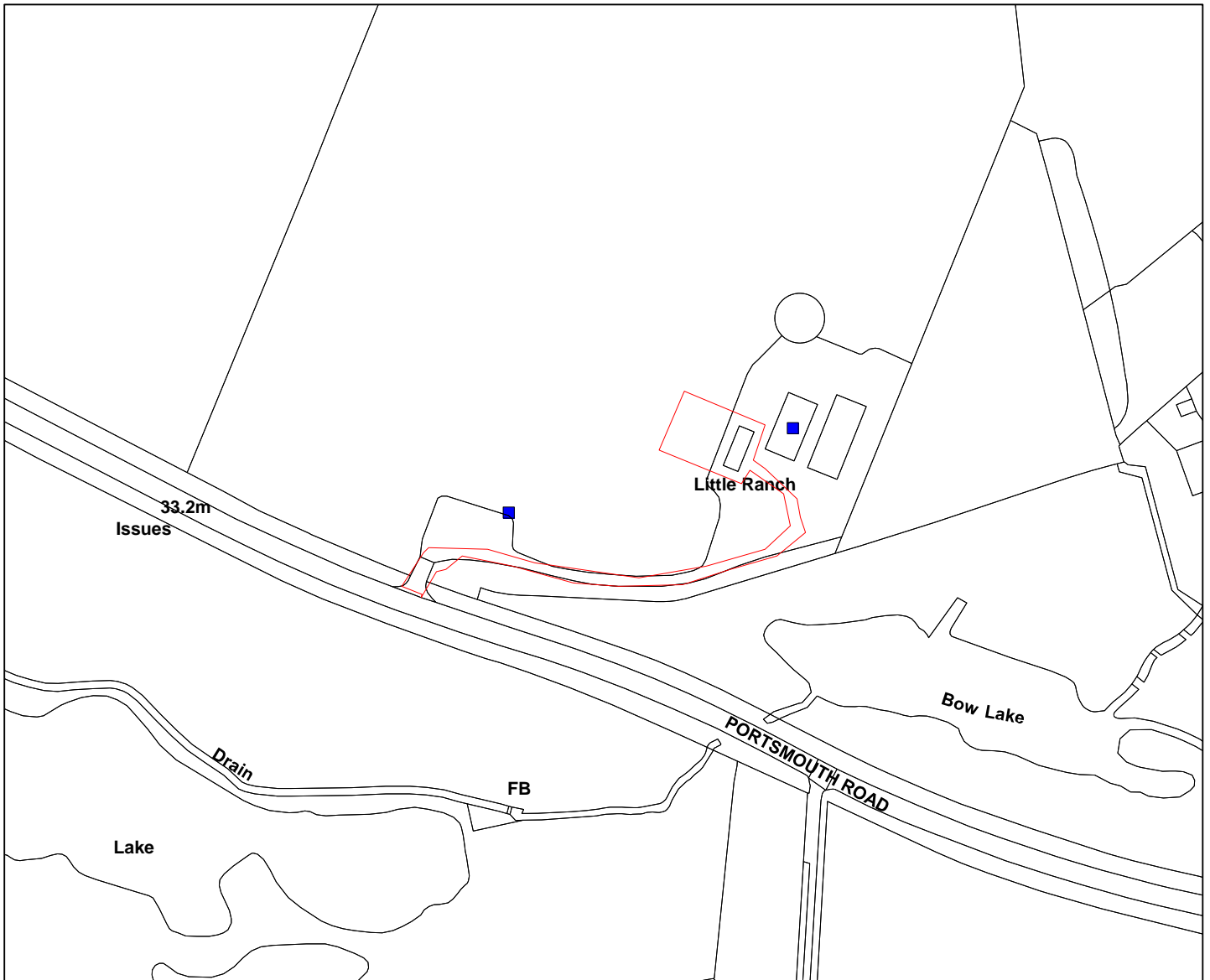


# Little Ranch, Fishers Pond

10/01507/FUL



## Legend

Km 0.05 0.1 0.15 0.2

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Winchester City Council © 2007.

<b>Organisation</b>	Winchester City Council
<b>Department</b>	Development Services
<b>Comments</b>	
<b>Date</b>	24 November 2010
<b>SLA Number</b>	00018301

Scale:

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Item No:** 8  
**Case No:** 10/02147/OUT / W21624/01  
**Proposal Description:** Erection of 1.no four bedroom equestrian workers dwelling (RESUBMISSION)  
**Address:** Little Ranch Hangar Field Portsmouth Road Fishers Pond Eastleigh  
**Parish, or Ward if within Winchester City:** Owslebury  
**Applicants Name:** Mr And Mrs Peters  
**Case Officer:** Mr Nick Fisher  
**Date Valid:** 12 August 2010  
**Site Factors:**

**Recommendation:** Civil Aviation  
Application Permitted

### General Comments

This application is reported to Committee at the request of Owslebury Parish Council. Whilst we would normally append their request to the report, it is not appended because it contains financial information about the applicant. Their representation is summarised in full under the representation heading and they have been invited to amend their letter. In this event it will be appended to the update sheet.

This application is for outline planning consent. The principle of development, the proposed use of the existing access and proposed layout are to be determined. It should be noted that the proposed elevations are indicative.

This application is similar to a refused application in 2009 for an equestrian workers dwelling at the site. In relation to the earlier application more detailed financial appraisal information has been supplied and the size / proportions of the dwelling have been reduced (as shown on the indicative elevations).

### Site Description

The site is located in a countryside location outside of Fishers Pond and Owlesbuy. The site is located to the north of Portsmouth Road. Vehicular access is taken from this road upon a gravel track. There are glimpses of the site from this road. When viewed at a distance from the road that runs to the west and north of the site, the existing buildings can be seen.

It is proposed that the replacement building will be located in close proximity to the site of the existing temporary mobile home that occupies the site and it will be within the vicinity of the two existing stable buildings at the site. The site is generally flat; there are paddocks to the west and north, and a small plantation of trees to the north.

The land surrounding the site of the proposed dwelling consists of open fields and field boundaries. There are various farm buildings, dwelling and farm houses within the area.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Proposal**

It is proposed to erect one, two storey, four bedroomed dwelling to house an equestrian worker / manager and their family. The dwelling is proposed to replace the temporary equestrian workers dwelling at the site. The application is outline only, with the principle of development, the proposed layout and use of the existing access under consideration.

It is proposed to create a garden area around the dwelling and to reposition a domestic oil tank. The plans show some indicative planting around the curtilage / garden area.

**Relevant Planning History**

99/02236/APN - Steel framed hay barn. Refused 15th December 1999.

99/02364/AGA - Steel framed hay barn. Withdrawn 11th February 2002.

00/01579/FUL - Agricultural barn. Refused 1st September 2000.

00/02312/APN - Hay barn and access drive. Refused 6th February 2001.

01/00457/AGA - Hay barn and access drive. Permitted 20th March 2001.

04/01222/FUL - Erection of barn for use as stable for horses. Withdrawn 14th July 2004.

04/01955/FUL - Erection of barn for use as stable for horses. Permitted 7th October 2004.

06/02471/FUL - Stationing of a twin unit mobile home for an equestrian worker for a temporary period of three years. Permitted 4th October 2006. (This permission is limited so that the occupation of mobile home is restricted to a full time working employed, in the locality in equestrian, agriculture or in forestry or a widow or widower of such a person, and to any resident dependants).

09/02280/OUT - Erection of equestrian workers dwelling. Refused 1st March 2010.

**Consultations**

Engineers Drainage:

No objection. This is an outline application for an equestrian workers dwelling at Little Ranch. The proposed method for disposal of foul water is to a new septic tank however it may be preferable to install a mini treatment works as this is far more environmentally friendly in this sensitive area.

Storm water to go to a suitable soakage system with rainwater recycling promoted and permeable materials used wherever possible. The Environment Agency must be consulted should a full application be made due to the fact that non mains drainage is proposed.

No objection to the outline consent but subject to a full drainage strategy being submitted with a Full Application. (Condition 4)

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Engineers: Highways:

No objection. This proposal does not contain any significant highway issues and is unlikely to impact on highway safety. The provision of a dwelling on site may well result in a decrease in vehicular traffic as workers will not have to commute to and from their place of work. In view of this there is no requirement for a transport contribution and the development as submitted is acceptable from a highway point of view.

Environmental Protection:

No objection subject to a condition to deal with unexpected contamination. (Condition 2)

Ecology:

No objection.

Landscape:

No objection. "There is no strong Landscape objection to the proposal to erect a replacement dwelling in this location, however earlier applications for planning consent on this site were considered by this office in 2000, 2004 and 2006. A barn was permitted in 2004 on condition that there be a planting scheme implemented using native species, in the interest of visual amenity and to conserve the character of this attractive rural area.

In 2006 it was reported that this planting scheme had not taken place as agreed and that the site was an 'eyesore' (V. Fifield 08.09.06). It had been a requirement that the extensive planting of alien leylandii conifers should be removed and replaced with more suitable native species. This has unfortunately not happened with the result that the site is now causing significant harm to the surrounding countryside.

Winchester City Council has undertaken a District-wide 'Landscape Character Assessment' (LCA). This document reflects the importance of Winchester's landscape, both locally and nationally, and the pressures that are being placed upon it. This site is located within the 'Durley Claylands' Landscape Character Area and the 'Landscape Strategies' for this area state that

- "Replanting should use locally indigenous species and invasive alien species should be removed".

'Built Form Strategies' for this area include

- "Integrate new development into the well-tree'd rural setting through careful siting and the appropriate use of locally indigenous tree and hedge planting".

clause 4.14 (page 31) of the WDLPR says "Development proposals should respect local landscape character by protecting, enhancing and restoring the key characteristics of the landscape. They should also be consistent with the strategies for the relevant Landscape Character Areas, by incorporating measures to maintain and enhance the features that create its distinctive sense of place.

With this in mind it should be a conditional requirement that a landscape strategy plan is submitted detailing where leylandii are to be removed and replaced with native tree and hedge planting in order to 'maintain and enhance the features that create the distinctive sense of place'.

All existing native trees and hedges should be retained, protected from damage, re-inforced where necessary and a landscape management plan should set out how the

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

land is to be treated in future. (Conditions 4 and 5).

Environment Agency:

No Objection: We have assessed this as having a low environmental risk, and therefore have no objections to the proposals as submitted.

Southern Water:

No Objection.

Bruton and Knowles, Equestrian consultants:

No objection to the proposal the applicant has demonstrated a functional need.

**Representations:**

Owslebury Parish Council

Object to the proposal. "Further to application ref: 04/01955/FUL the applicant was informed by WCC in the 'decision notice' that a dwelling on this site would be against countryside policy under the local plan: "Note to applicant – That applicants should consider their long term plans for their business. Whilst there are no objections to the keeping of horses on this site, it would be contrary to the countryside policies of the Local Plan to allow a dwelling on this site. If the horses require round the clock security then other premises should be sought".

Application ref: 09/02280/OUT was refused because "It would result in an undesirable additional permanent dwelling in the countryside, for which there is no over-riding justification" - policies CE19, CE20, CD22 and H3 of the Winchester District Local Plan.

The only change to this application, ref: 10/02147/OUT, from application 09/02280/OUT, is the height of the intended development. The applicant quotes the opinion of a Planning Officer as a reason why this application should be approved: "With regard to the scale, massing and height of the proposed dwelling, I consider that it is an improvement when compared to the earlier proposal. It is also my informal, pre-application opinion that it is unlikely that we would object to the style, massing, height and bulk of the revised proposal" - Appendix 5 of the Design and Access Statement. However, whilst a building of lower height and mass may be an improvement it does not change the fact that a dwelling on this site is contrary to the countryside policies of the local plan for which there remains no over-riding justification. This application should therefore be refused or referred to the Planning Committee.

Owslebury Parish Council, in its comments to application ref: 09/02280/OUT, raised its concern that the landowner is seeking to locate the dwelling in the middle of a field away from the stables. If the purpose of the dwelling is to enable the landowner to be immediately alerted in an emergency, e.g. sickness or a security breach, the dwelling should be located within hearing distance of the animals housed in the stables and in hearing of strangers entering the yard from the road. An appropriate siting would be in the yard, by the road, by the existing stables.

The Parish Council also commented that the current location would take valuable grazing land from the horses, a very strange thing to do if the key consideration is for to the horses.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

The current application is in exactly the same location, in the middle of the field. Policy CE.20 (vi) states that the proposed dwelling should be located as close as possible to existing farm buildings. This is clearly not the case and it should therefore be rejected. As the location of the dwelling is clearly not in the best interest of the horses the Council can only assume that the main purpose is to build a family home in the countryside surrounded by a green space (field). On this basis the application should be rejected.

In paragraph 4.17 of the 'Design and Access statement' the applicant writes "Local Planning Policy CE22 states that equestrian workers dwellings should normally be between 120 sqm and 150sqm in footprint". Actually this is not the case. Policy CE22 refers to policy CE20 which states "Dwellings for workers in agriculture or forestry will not be permitted unless the LPA is satisfied that ... (v) the proposed dwelling is of a size appropriate to the productivity of the holding (normally 120 sqm – 150 sqm, including office space". The Parish Council notes that the applicant, continuing his justification in paragraph 4.17 does not refer to the 'needs of the holding' rather, he talks about the needs of the 'family'. "Indicative floorplans are submitted as part of the application demonstrating that a dwelling with a 150 sqm footprint could provide four reasonable sized bedrooms (to accommodate Mr and Mrs Peters and their three children), a lounge, dining room, kitchen and office". The Parish Council believes that this again indicates the purpose of the dwelling is for the family, not for the need of the horses and should be rejected as against planning policy.

In summary, as before, Owslebury Parish Council wish Mr & Mrs Peters every success in their business. Whilst on first reading the size and development of the business sounds impressive, on closer examination, as indicated above, it is clear that the size of the business operating from this site does not warrant an additional house in the countryside. However, even if this were so, Mr & Mrs Peters were informed by WCC that a dwelling would not be granted on this site and that they should consider alternative premises should their business require 24-hour attendance. It appears that Mr & Mrs Peters continue to ignore this and continue to push forward to justify a new house in the countryside for their family. Under these circumstances to ensure the credibility of WCC Planning Department is maintained and the credibility of the Planning Policy's which WCC work to within the Local Development Plan, a new dwelling at this site should and must be refused".

1 letter of support received.

- A further property would be a welcome addition to the social well being of the area and would hopefully increase the possibility of enhanced services in this poorly served rural hamlet.

**Relevant Planning Policy:**

South East Plan 2009: CC6

Winchester District Local Plan Review: DP1, DP3, DP9, DP4, CE5, CE13, CE19, CE20, CE22, RT4, RT11, T1, T2, T3, T4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 7 Sustainable Development in Rural Areas

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

PPG 13 Transport

Other Planning guidance

Equestrian Development Supplementary Planning Document.

### **Planning Considerations**

#### Principle of development

It is considered that the application is in accordance with local planning policy in particular policies CE19 and CE20. Furthermore the proposal meets national guidance within Planning Policy Statement 7 – Sustainable Development in Rural Area. The applicant has demonstrated a functional need to live at the site and has shown that the equestrian business is economically viable. The reasons for refusal for the previous application at the site for an equestrian workers dwelling have been overcome.

The proposed layout is considered to be acceptable. The proposed dwelling is located within close proximity to the existing stable buildings at the site. The location of a rear garden to the west allows for planting within the garden area to shield / soften the built form. The proposed garden is of a sufficient size to meet the future needs of the occupants and the location of the car parking and turning area next to the existing driveway is acceptable.

- *With regard to policy CE20, the following is considered:-*
  - Criteria 1) The activity has been established for over three years, and appears to be financially sustainable. Since the determination of the last application a further years profit has been made. The business is able to sustain a labour cost and also other costs associated with the business. It is the case that the applicant has invested a considerable amount of time and money to create the facilities at the site.
  - Criteria 2) With regard to criteria two ( cross refer to policy CE19), it is considered that on the basis of the number of horses currently at the site (and also located at other sites within the area at various times of the year) that the activities associated with the business (trips to shows, trips to breeding facilities and potential sales venues and the requirement to show horses at the premises to potential purchasers) would require a full time worker / manager to run the business from the site. Bruton and Knowles have stated in their report that ;-

*“ it is our opinion that if the scale of the business continues as existing and all of the stables at Little Ranch are retained and the horses are accommodated on site (as originally envisaged) then a functional need exists”.*

It is also considered that the applicants have the ability and intention to develop the business and that the business appears to be established on a sound financial basis

It should be noted that the Council has permitted a temporary dwelling at the site to serve the use and it was considered at that time that the enterprise could not be effectively monitored or managed through the use of CCTV equipment.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

- Criteria 3) There is no existing permanent accommodation on the holding to meet the needs of the workers. There does not appear to be other accommodation in close proximity to the site.
- Criteria 4) Whilst there are open market dwellings for sale in local settlements, these dwellings are not agriculturally tied for use by agricultural or equestrian workers. An existing building has not been separate from the site and a suitable agriculturally / equestrian tied dwelling has not recently had a tie removed within the vicinity of the site. The 2006 planning permission for a temporary dwelling at the site identified that there were clear benefits in terms of animal husbandry and general safety to justify locating a dwelling at the site. As mentioned earlier in the report, Bruton and Knowles consider that there is a functional need to site a dwelling at the site.
- Criteria 5) It is proposed that 152.6 sqm of residential accommodation is erected at the site (including an office). The policy states that 150sqm is the maximum size for a worker with managerial responsibilities. It is considered that the additional 2m is not material in this case to warrant refusal on this basis. The operation at the site employs one person (the applicant) who runs the site on a day to day basis and also manages the business. It is proposed that the building accommodates an office to run the equestrian business from.
- Criteria 6) It is considered that the indicative plans for a permanent dwelling are acceptable. The applicant has reduced the height and scale of the proposed building in comparison to the earlier scheme. The use of dormer windows, gable ends to give the impression of narrower floor plans gives the building a more traditional / rural appearance. It should be noted that there are many buildings within the Portsmouth Road area and the addition of a further dwelling will not harm the character or appearance of the area.

The proposed location of the building in relation to the existing yard area is considered to be acceptable and the new dwelling and existing yard area will appear as interconnected. The addition of further built form will not significantly increase the prominence of the yard as a whole.

Should the applicant make a reserved matters application the Council will require that a detailed landscaping scheme is submitted within the area owned by the applicant to help to soften long views of the dwelling and site. This should involve the planting or tress / bushes upon the curtilage and within the sites wider boundaries.

Policy RT11 of the Local plan relates to equestrian developments. With regard to this policy it is considered that the new dwelling will not harm the landscape character of the area or a strategic gap. The horses located at the site are used for breeding purposes and are not ridden for leisure or commercial purposes; therefore there is not a requirement for the site to be near bridleways. It is also considered that the siting of a dwelling at the site will not harm other properties nearby.

#### Design/layout

The area is characterised by dwellings and farm buildings scattered within the landscape and existing buildings within the area can easily be seen from Portsmouth Road. The proposed development will not harm the existing character of the area.



WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

The indicative design and appearance of the proposed dwelling is considered to be acceptable.

The layout of the proposed development is also considered to be acceptable. The proposed dwelling is located within close proximity to the existing stable buildings. This is important because traditionally agricultural buildings tend to be sited close together.

Impact on character of area and neighbouring property

The proposed dwelling will not harm the amenity of the occupants of nearby properties in terms of loss of privacy, light pollution or prominence.

The proposed dwelling is not considered to harm the character of the area. Any reserved matters application will require a detailed landscape scheme to be submitted to accord with the landscape architects advice.

Highways/Parking

The Highways Officer has reviewed the proposal and has not raised an objection.

**Recommendation**

Recommendation

APPROVE subject to a Section 106 Section / unilateral undertaking or direct payment for

1. A financial contribution of £2,796.00 towards Winchester City Councils Public Open Space Improvement scheme.

(Note: If the legal agreement is not completed / payment not received within 6 months, then the application may be refused without further reference to committee).

Application Permitted subject to the following condition(s):

**Conditions**

1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

1 Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

2 Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

2 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

3 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed in the equestrian enterprise at Little Ranch, Hangar Field, Portsmouth Road , Fishers Pond, or a widow or widow of such a person, and to any resident dependants. The occupation of the dwelling hereby permitted is also limited to a person solely or mainly working, or last working, in the locality in agriculture or, forestry or a widow or widower of such a person, and to any resident dependants.

3 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, forestry or site specific commercial equestrian.

4 Plans and particulars showing the detailed proposals for all the following aspects of the development (hereinafter called "the reserved and other matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.

Reserved and other Matters:

a) a landscape scheme showing the planting proposed to be undertaken, planting to be removed the means of forming enclosures, the materials to be used for paved and hard surfaces;

b) The design of all buildings (detailed elevations), plant and tanks, including the colour and texture of external materials to be used together with samples of all external facing and roofing materials;

c) A detailed drainage strategy for the site;

d) finished levels in relation to existing levels;

e) a landscape management plan to show how the land is to be treated in future.

4 Reason: To secure properly planned development and since no details have been submitted.

5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

5 Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6 The proposed dwellings shall include an office to serve the equestrian use, unless otherwise agreed in writing by the Local Planning Authority.

6 Reason: To ensure that the business is served by an office as required by policy CE20 and to ensure that additional office buildings are not required at the site.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B,C, E of Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

7 Reason: To ensure that that the dwelling remains of a size commensurate to the use of the site. Also to ensure that consideration can be given to the potential future prominence of the building should it be proposed to extend it. To accord with policies CE19 and CE20 of the Winchester District Local Plan Review.

### **Informatives**

1. 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.

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

Winchester District Local Plan Review 2006:

South East Plan 2009: CC6, DP1, DP3, DP4, DP9, CE19, CE5, CE20, CE22, RT4, RT11, T1, T2, T3, T4.

3. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

4. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

5. The applicant is reminded that the mobile home at the site is without planning permission because the consent has expired. A planning application is required to regularise the mobile home. This application does not purport to grant consent for the mobile home.