

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 19/02754/FUL

Proposal Description: Update the existing farm and dilapidated outbuildings and change of use to equestrian use and a house fit for disability needs with a pool and gym required for rehabilitation purposes. Single storey extension to house. Convert dairy outbuilding to gym and changing areas for a new pool building adjacent to it. Replacement garage. Replacement pole barn. Remove existing feeding station and replace with safe fenced area. New stables in existing large barn and new manège in the adjacent field. Siting of temporary mobile home whilst these works are undertaken which is already on site.

Address: Rose Cottage Farm Church Road Newtown PO17 6LE

Parish, or Ward if within Soberton

Winchester City:

Applicants Name: Ms Sonia Adams

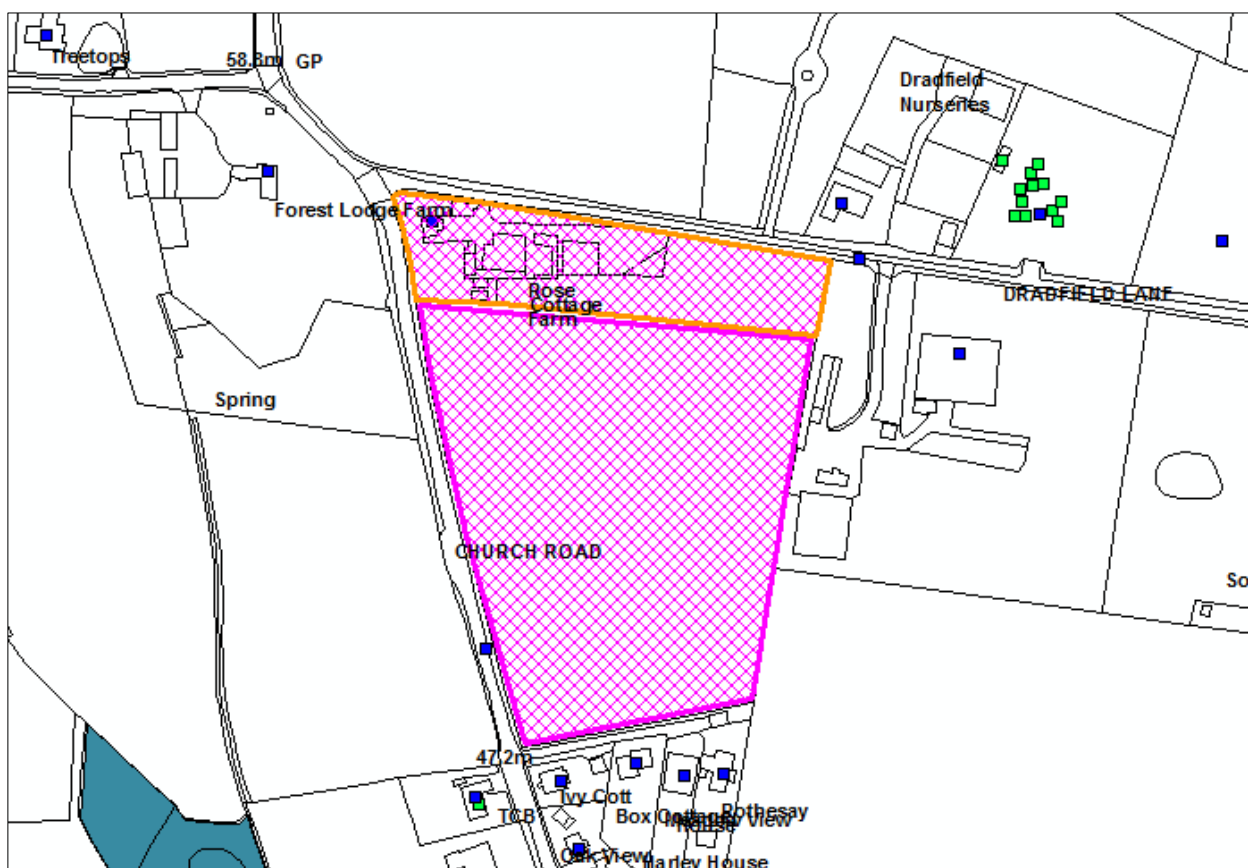
Case Officer: Liz Marsden

Date Valid: 17 February 2020

Recommendation: Permission

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2C6MBBP18600>

Pre Application Advice: Yes



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General Comments

Application is reported to Committee due to the number of comments received contrary to officer recommendation

Councillor Weston, request for application to be determined by Planning Committee, see Appendix 1

Amended Plans received 22nd May 2020, including the entire area of the farm within the application site for change of use to equestrian.

Additional plan showing details of the manège received 3rd June 2020

Site Description

Rose Cottage Farm, is a former dairy farm and covers a total site area of around 2.6ha which, with the submission of amended plans, is included within the application for change of use from agricultural (former dairy farm) to equestrian. The site is on a slope with land levels decreasing gradually from the highest point to the north, along Dradfield Lane, down to the south.

The site is located at the junction of Church Road and Dradfield Lane, with existing vehicular access from Dradfield Lane. The existing buildings, on the site include the farm house, barns and outbuildings in the northern section of the site, along Dradfield Lane. To the south of these buildings there are open fields, which have been recently divided into paddocks by means of stock proof fencing.

The outer perimeter of the site, is bounded by mixed species field hedges and a further, robust, 2m high wire mesh fence, has been installed adjacent to these hedges, on the field side, with the exception of the area around the house. **This fence does not form part of this application and is the subject of a separate enforcement investigation.**

The site and surrounding area are predominantly rural in character and appearance, though there is a commercial scaffolding company located to the east of the site, along Dradfield Lane and a collection of stables, glasshouses and barns immediately to the east of the site associated with S and D Nurseries, though the sign near the entrance refers to a tree surgery and fencing company.

Proposal

It is understood that the applicant has a physically deteriorating condition and will become increasingly disabled over time. The current proposals are to facilitate both her future residential requirements and her wish to use the site for equestrian activities, including riding lessons for the less able. To this end it is hoped to be able to extend the existing house, by means of a single storey extension, to provide appropriate accommodation for herself and a live-in carer and erect a covered swimming pool, changing rooms and gym for physio-therapy. The equestrian needs will be met by replacing one of the existing barns with a new structure of similar footprint, but around 2 metres higher and refurbishing the other barns on the site, together with the provision of a manège in the north eastern corner of the site.

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The nearest neighbouring properties are Forest Lodge Farm, around 60m to the west of the farmhouse, a dwelling at Dradfield Nurseries to the north east, approximately 120m from the new building works and a mobile home in S and D Nurseries to the east. There is a row of houses to the south of the site which are close to the southern boundary, but 180m from the proposed building works and manège.

The change of use from agriculture to equestrian, was originally only applied for in respect of the northern section of the site, as the fields to the south were only used for grazing. However, given that the grazing is used in connection with the keeping of horses/ponies on the land, it was considered to be appropriate to request that the entire area of land in the applicant's ownership was included in the application.

Additional information has been received from the applicants confirming that there is no intention to run a commercial equestrian business from the land.

Relevant Planning History

There is no relevant planning history on the site.

Consultations

Service Lead for Built Environment – Planning Enforcement:

Suggested that the use of the fields amounted to a change of use to equestrian and should be included in the application. The fence, which does not form part of this application is being dealt with as a separate issue.

Service Lead for Environmental Services - Engineers: Drainage:

No objection subject to appropriate conditions.

Service Lead for the Environment - Environmental Protection:

Concerned about the lack of detail provided of the proposed equestrian use and requests appropriate conditions if approved.

Representations:

Cllr. Victoria Weston – objection for the following material planning reasons(full grounds set out in appendix):

- Visually intrusive and out of keeping with the character of the area
- Inadequate details provided about drainage and ecological mitigation
- Site inadequate for size of equestrian enterprise

Soberton Parish Council – objection on the following material planning reasons:

- Over supply of equestrian facilities for the area and beyond the requirement for personal use. No justification for the new barn.
- Disappointed in the design and layout of proposed extensions and ancillary brick buildings which do not refer to the Soberton Parish VDS
- Additional landscaping should be considered.

15 letters from 13 households received objecting to the application for the following material planning reasons:

- No mention that mobile home will be removed
- No measures set out for the disposal of horse dung

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- Size of the equestrian facilities and number of horses is too big for just personal use and likely to result in a commercial enterprise.
- Access along Dradfield Lane inadequate for business uses
- Land drains would exacerbate existing flooding problems on land to the south made worse by overgrazing which would reduce ability of land to retain water.
- Proposals will increase the footprint of building on the site and, together with the increased height of the barn, will have a visual impact on the area.
- No details of landscaping
- No need for further equestrian enterprises in the area
- Inadequate information about drainage in area already prone to flooding
- Adverse impact on ecology
- No consultation with the community
- Change of use not clear

Following the submission of revised plan and description 14 further letters of objection were received, 4 from people who had not commented previously. Additional material planning issues raised:

- Some misinterpretation that the amendments included the perimeter fence as part of the application. This is not the case, as the plans related only to the change of use of the land within the red line.
- Manège too close to Dradfield Lane and will cause a distraction to drivers. Should be closer to the yard to reduce amount of sprawl in the countryside
- Amendments failed to address concerns that had been raised.
- No clarification about drainage or ditch maintenance
- Caravan and some stables already on the site.
- Manure being burnt on site
- Fields have been sub-divided
- Introduction of external lighting

Reasons aside not material to this application or to planning and therefore not addressed in this report

- Fence is an industrial structure, out of keeping with the rural character of the area and an eyesore.
- Conflicting statements about the requirement of facilities in connection with disability of the applicant.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Core Strategy
MTRA1, MTRA4, CP13, CP16, CP17, CP20

Winchester Local Plan Part 2 – Development Management and Site Allocations
DM1, DM3, DM12, DM15, DM18, DM19, DM23,

National Planning Policy Guidance/Statements:
National Planning Policy Framework

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Supplementary Planning Guidance
High Quality Places 2015
Soberton Village Design Statement

Planning Considerations

Principle of development

There are a number of elements to the application, comprising the change of use of the site from agriculture to equestrian with associated stabling and manège, the extension to an existing dwelling and the provision of structures incidental to the dwelling. Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is located outside any settlement boundary and is subject to Policies for development in the countryside as set out in Policy MTRA4 of the Local Plan Part 1 – Joint Core Strategy (LPP1). Policy DM12 of Local Plan Part 2 – Development Management and Site Allocations (LPP2), states that new equestrian uses in rural areas will be permitted where a countryside location is necessary, provided that they comply with the development plan and subject to a number of criteria which seek to restrict the impact of the use on the character and appearance of the area and neighbour amenity. This is assessed in subsequent sections of this statement.

The existing dwelling is a 'small dwelling' for the purposes of policy DM3 of LPP2, which restricts extensions to properties under 120 square metres in floor space to 25% of the current floor area. The proposal is for an additional 28 square metres of floor area which equates to a 25% increase in size and is in accordance with this policy.

The provision of structures, incidental to the use of dwellings, such as garages and pool buildings is generally acceptable, subject to their impact on the character and appearance of the area and neighbour amenity.

The provision of a caravan/mobile home for temporary accommodation during building works is permitted development and does not in itself require consent. A condition (no.12) is included to ensure that the mobile home is removed once the extended dwelling is occupied.

Design/Layout

The equestrian use of the site is to be facilitated by the replacement of an existing barn to provide stabling and the provision of a manège. The barn to be replaced is a low building, constructed from profiled metal sheets and with a shallow pitched roof. The replacement barn is of a similar footprint and retains the existing low eaves height (2.5m), but has a steeper pitch to the roof, resulting in a ridge height of 5.7m, 2.1m higher than the existing. It is to be constructed from similar materials to the existing structure.

The manège is to be located in line with and well related to the existing farm buildings. It is to be 20m x 40m in area with a permeable surface. It is to be enclosed by a post and rail fence, no higher than 1.4m with a native species hedge planted around the outside of the railings. Due to the slope of the land it will be necessary to carry out some levelling works, with land being reduced in height by around 0.8m at the highest point and built up by 0.7m at the lowest. It is not proposed to provide any lighting to the arena.

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The extension to the building has been designed to provide ground floor, wheelchair accessible accommodation whilst remaining within the policy restrictions for a small dwelling. It is a simple pitched roof single storey extension, subservient in scale to the existing house and using similar materials. The form of the original building remains clearly recognisable and it is not considered that the proposed extension will unduly detract from its character and appearance.

The swimming pool building has been located close to the house for ease of access and incorporates an existing brick built outbuilding, which will be converted into a changing room and gym areas. It is acknowledged that the pool building is, of necessity, a sizeable structure, but it of a similar scale to the farm buildings already on the site and within which context it would be viewed.

The proposed garage will replace an existing corrugated metal structure, with a mono-pitch roof, located close to the vehicular access to the site. The new building has a smaller footprint but will be higher, with a pitched roof (5.5m to the ridge) and constructed of similar materials.

The proposed siting, scale, design and materials of the proposals are considered to be proportionate to and in keeping with the existing buildings. The proposals are therefore in accordance with policies CP13 and CP20 of LPP1 and DM12, DM15 and DM23 of LPP2.

Impact on character of area

The site is located in a reasonably prominent corner location on land that rises to the north west and slopes gradually down to the south east. The increase in height of the replacement barn and the new pool building are the most significant features that are likely to increase the visual impact of the site on the surrounding area. The primary impact would be in views from along Church Lane to the west and south of the site, where the existing buildings are visible, though the position of the proposed pool building is substantially screened by trees. Whilst some of these trees will be lost it is proposed to plant a further hedge, together with two new trees along the southern boundary where, in time they will obscure at least the lower part of the building. Furthermore, even where the upper parts/roofs of the buildings are visible, these are set against the back drop of rising land and trees to the rear and will not result in so visually intrusive or detrimental to the character and appearance of the area so as to justify a refusal on this basis.

From the north there would be limited views of the pool building from public vantage points along the road, as it would largely be screened by the house. The increase in the height of the barn roof would be more visible, though again it would be set against a distant backdrop of trees and would not intrude into the skyline. The barn, in particular, is agricultural in design and appearance and is not inappropriate in this rural setting.

The highest feature of the manège is the fencing at 1.4m high, which given the distance from the road and the existing and proposed hedges will not result in an unduly intrusive feature, nor be detrimental to the character and appearance of the area. The development is therefore in accordance with policies DM12, DM15 and DM23 of LPP2.

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Impact on neighbour amenity.

The proposed buildings are at a sufficient distance from the nearest neighbours to ensure that there will be no direct adverse impact on them through loss of light, privacy or outlook. The equestrian use of the site is for private purposes and would not generate a level of noise or disturbance so as to justify a reason for refusal on this basis, particularly given the former dairy farm use of the site. It is therefore considered that the proposed development will not result in an unacceptable to the amenities of occupants of neighbouring properties and is therefore in accordance with policy DM17 of LPP2.

Landscape/Trees

The submitted site plan shows the provision of a new hedgerow and some tree planting to the south of the dwelling and pool building which will, in time, provide screening of those structures in views from the south. The applicant has also confirmed willingness to undertake additional hedge planting around the manège and details of this can be requested by condition.

There are some mature oak trees located on the side of Dradfield Lane to the north of the proposed manège. The manège is located around 9m from the northern boundary, outside the crown spread and root protection area of the trees, where its construction will not result in damage to or adversely affect the long term retention of the trees.

Highways/Parking

The proposed equestrian use is for the private use by the applicant and not for any commercial purposes. There is no alteration to the existing vehicular access to the site and it is not considered that the development will result in increased traffic or adverse impact on highway safety. Concern has been raised that the position of the manège adjacent to the northern boundary and opposite to the access to Dradfield Cottage will cause a distraction to passing traffic, potentially creating a hazard to users of the highway. However, the arena is some 9m away from the boundary, along which there is an existing hedgerow and it is not considered that either the arena or its use would be intrusive in the street scene so as to cause a hazard to users of the highway.

Drainage

Concerns have been raised about the possibility that the proposed works will exacerbate existing surface water drainage issues, leading increased flooding of adjacent properties. Whilst there is some increase in the area of hard surfacing in the form of the swimming pool building, this is relatively minor to the overall scale of the site. The proposed barn is similar in size to the existing and the manège will be of a permeable and free draining construction. A condition (10) is included to ensure that full details of proposed drainage works are agreed with the local planning authority prior to implementation.

Other Matters

Ecology – The existing buildings have been assessed for their bat roost potential with the proposed changing room/gym being identified as a bat day roost. The report sets out the necessity for obtaining a European protected species licence prior to the conversion of this building, together with appropriate mitigation strategy to avoid harm to both bats and breeding birds. The report also makes a number of recommendations for the ecological enhancement of the site in the form of bird boxes and native species planting. Compliance with these recommendations will ensure that the development will not have

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an adverse impact on the ecology of the area and is therefore in accordance with policy CP16 of LPP1.

Equality Act - Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Conclusion

The equestrian use of land in the countryside is acceptable in principle and it is considered that the development required in connection with the use, together with the extension and pool/gym building to address the personal circumstances of the applicant, can be accommodated without undue impact on the character and appearance of the area or neighbour amenity. The proposal is therefore in accordance with policies MTRA1, MTRA4, CP13, CP16, CP17, CP20 of LPP1 and DM1, DM3, DM12, DM15, DM18, DM19, DM23, of LPP2.

Recommendation

Permission, subject to the following condition(s):

Conditions

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

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

2. No development shall take place above slab level until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual relationship between existing and proposed buildings in the interest of the visual amenity of the area.

3. No development shall commence above slab level until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscape works. The scheme shall include:
 - means of enclosure,
 - indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- - schedule of plants for the reinforcement of the existing hedgerow and new hedgerow planting:

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

5. Prior to any demolition, construction or groundwork commencing in respect of the proposed manège:
 - an arboricultural method statement and tree protection plan, prepared in accordance with the BS5837:2012 "Trees in Relation to Design, Demolition and Construction", shall be submitted to and agreed in writing by the local planning authority.
 - the agreed protective measures including fencing and ground protection, shall be installed.
 - the Arboricultural Officer shall be informed once protective measures have been installed so that they can be inspected and deemed appropriate.

Reason: To ensure the retention and safeguarding of important trees in the interests of the visual amenities of the area.

6. The proposed equestrian usage to be restricted to the keeping of horses for private and recreational use by the owner of the land, and for no form of commercial activity including stabling, livery, DIY livery, training, riding school or breeding uses or similar commercial activity.

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

7. No external lighting, including floodlighting whether free standing or affixed to a structure, shall be provided on any existing or proposed buildings/barns used for equestrian purposes, including the stabling of horses, or the proposed manège at any time

Reason: To protect the appearance of the area, the environment and local residents from light pollution

8. No music, amplification equipment, tannoy system is to be used in any of the areas used for equestrian purposes at any time.

Reason: To protect the amenity of the occupiers of nearby properties.

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9. Details of the facilities for the storage of horse manure/stable waste and its means of disposal from the site, shall be submitted to and approved in writing by the Local Planning Authority before the use of the stables is commenced. The facilities shall be provided and thereafter maintained in accordance with the approved details.

Reason: To ensure the satisfactory disposal of waste in the interests of the amenities of the locality.

10. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

Reason: To ensure satisfactory provision of foul and surface water drainage.

11. The ecological mitigation and enhancement measures, as set out in the Phillips Ecology Bat Roost Assessment dated June 2020, and recommendations of these reports shall be adhered to and all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the ecology of the area is not adversely affected.

12. Within one month of the occupation of the extended dwelling, the mobile home shall be removed from the site and the land restored to its original state

Reason: The site is located in the countryside where additional residential properties would not be acceptable.

13. The development shall be carried out in accordance with the following approved plans:

RCF-001-C - Location and proposed site plan
RCF-002-A – Existing and proposed plans and elevations
RCF-003 - - Proposed replacement barn
RCF-004 - - Proposed manège

Reasons: For the avoidance of doubt and in the interests of proper planning

Informatives:

1. In accordance with the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:
- offer a pre-application advice service and,
 - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

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In this instance additional information was sought to address concerns about the impact of lighting and noise.

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

Local Plan Part 1 - Joint Core Strategy: MTRA1, MTRA4, CP13, CP16

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM3, DM15, DM18, DM19, DM20

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4. 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.
5. 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.
6. If in the future the premises are used for the Hiring out of Horses (including Riding Establishments) a licence must be issued by the Environmental Protection Team under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. This includes any business for the keeping of horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both

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Appendix 1

Request from Councillor: Cllr Victoria Weston - Central Meon Valley

Case Number: 19/02754/FUI

Site Address: Rose Cottage Farm Church Road Newtown PO17 6LE

Proposal Description:

Update the existing farm and dilapidated outbuildings and change of use to equestrian use and a house fit for disability needs with a pool and gym required for rehabilitation purposes. Single storey extension to house. Convert dairy outbuilding to gym and changing areas for a new pool building adjacent to it. Replacement garage.

Replacement pole barn. Remove existing feeding station and replace with safe fenced area. New stables in existing large barn and new menage in the adjacent field. Siting of temporary mobile home whilst these works are undertaken which is already on site

Requests that the item be considered by the Planning Committee for the following reasons

- Harm to the countryside and rural character of the area not respecting the qualities and characteristics of the distinctiveness of this part of the village and green open space
- The land marked red in the application cannot support the level of equestrian activity that this application is for
- Lack of or no mitigation for the current wild nesting birds and bats in the existing buildings to be removed
- Inadequate drainage proposals, lack of landscaping and fencing details (as all are in situ and therefore retrospective)
- Visual intrusion of the ménage from public highways and residents
- The disproportionate size of the separate pool and gym building to the main dwelling
- No details on external lighting, mobile home removal after completion of the works as already in situ, removal of manure and mitigation against
- Climate Change (increase in carbon footprint relating to the heating of a pool), nitrate mitigation measures

Due to the number of objections on the portal as of today, I would like this application to come before the committee as there is insufficient information together with issues on the application boundary set out in this application to support the various elements with this one application

Cllr Vicki Weston
Central Meon Valley Ward

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