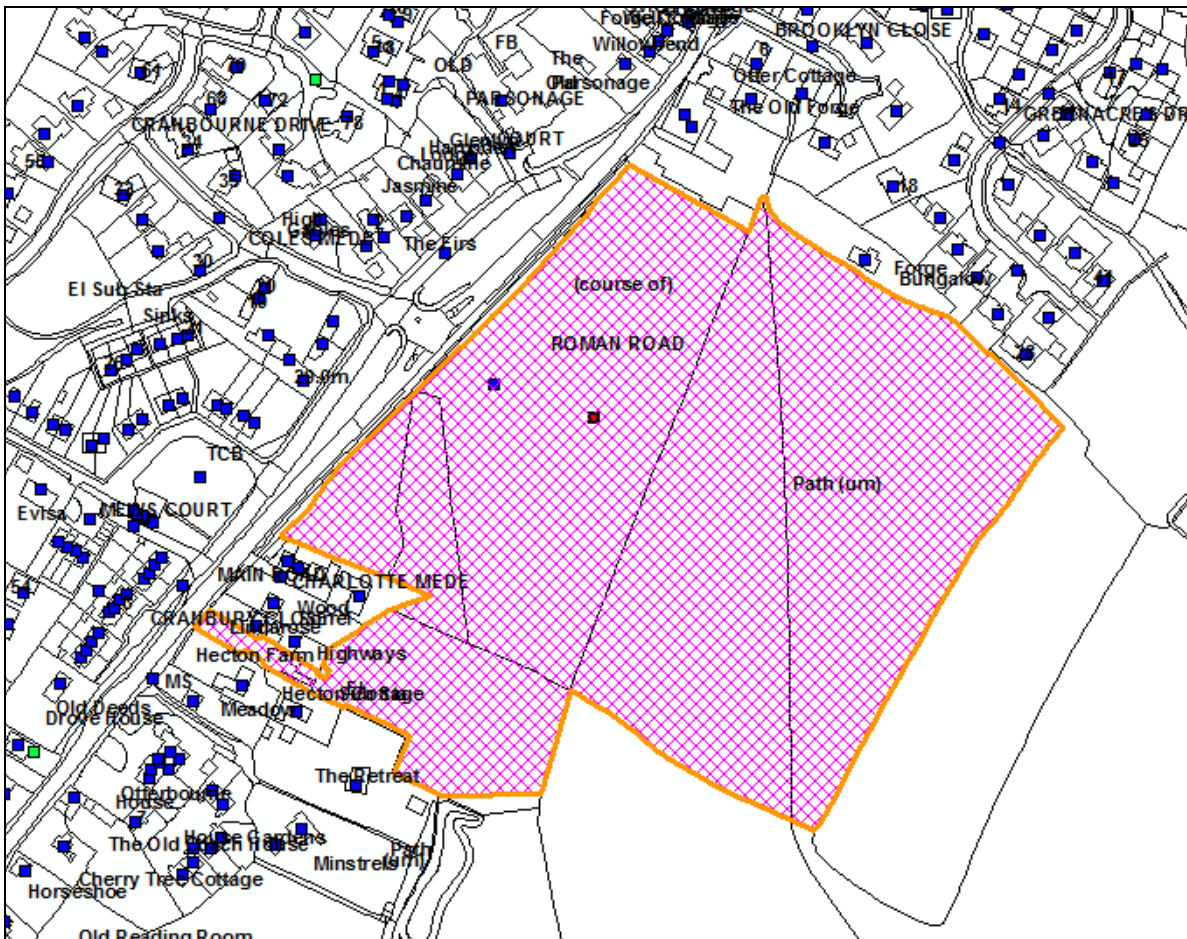


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/00163/FUL
Proposal Description: Change of use of agricultural land to a pony paddock and the erection of a stable block with associated hard standing and access track.
Address: Land East Of Main Road Otterbourne Hampshire
Parish, or Ward if within Winchester City: Otterbourne
Applicants Name: C. Barron, C. Hull & G. Lovegrove
Case Officer: Catherine Watson
Date Valid: 23 January 2020
Recommendation: Application Permitted

Pre Application Advice: None



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Case No: 20/00163/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Application is reported to Committee due to the number of objections received, contrary to the Officer's recommendation to permit.

Site Description

The application site consists of three parcels of land with a combined total of 6.27 hectares lying on the eastern side of the Main Road through Otterbourne. Two of the parcels are open land that was formerly cultivated but is now fallow. These slope down gently from south to north. The third parcel is a triangular area lying north of Charlotte Meade and adjoining the Main Road. This ground lies at a slightly lower level than the open fields and is dominated by trees.

The site is bounded on the southern, eastern and western boundaries by substantial trees and hedges. This also forms the dividing boundary between the two open fields.

To the south and east lies open countryside.

To the north beyond a fence line and fronting the Main Road lies the Old Forge Public House. To the east of this is Forge Bungalow and then several properties off Greenacres Drive. They form part of a larger residential estate.

A public footpath runs diagonally across the eastern most field from a position off the public car park to the pub up the field crossing a stile in the SE corner of the site and then towards Kiln Lane.

In the south western part of the site, the boundary runs around the rear of a small number of residential properties.

The only vehicular access to the land is obtained off the Main Road along a shared driveway flanked by properties and then through a field gate and into the land in the south west corner.

The line of an old Roman road runs through the western half of the site.

The land does not carry any landscape or nature conservation designations. However, there are several Tree Preservation Orders (TPO) in the area that are of relevance:

- A single tree within the grounds of Hecton Farm House on the south side of the access, is covered by a TPO
- Two individual trees within the grounds of Hecton Cottage on the south side of the access are covered by a TPO.
- The perimeter trees on the north-western boundary with Main Road and along each of the field boundaries extending eastwards through the site, as well as the south, are subject to group TPOs.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Proposal

The proposal is a resubmission of an expired planning consent, granted in 2016 (16/00686/FUL). It seeks permission for a change of use for land formerly in agricultural use, to an equestrian use with the addition of a pony paddock, a single storey stable block and a field shelter. A new vehicular access track is proposed which will continue on from the current access from Main Road for Lindarose, Highways and Hecton Farmhouse and Hecton Cottage, into the site through the existing farm gate. The access will run along the south-western boundary of the field and then diverts north-east towards the proposed stable block which is situated towards the southern boundary of the second field and will be formed of a layer of gravel laid in two tracks in line with the positions of the vehicle tyres.

The proposed stable block and hardstanding is situated towards the south of the second field and comprises of 3 stables and an attached field shelter. Materials include treated shiplap timber cladding for the walls and doors and a corrugated Onduline roof in black. A timber gate will enclose the field shelter.

The existing post and rail fence and hedgerows which bound the site are to be utilised to ensure the horses are retained within the specific parts of the site. The existing hedgerows will also be supplemented where necessary, along with carrying out repairs to the fencing which will also serve to protect the boundary vegetation.

Relevant Planning History

16/00686/FUL - Change of use of agricultural land to a pony paddock and the erection of a stable block with associated hard standing and access track (revised plan showing repositioning of stable block and further information). APPLICATION PERMITTED 22.07.2016.

Consultations

Hampshire County Council Highways:

Access to the site is from Main Road, which is a classified road (C320) and is subject to a 30mph speed limit. The resultant increase in vehicle movements generated by the development can be safely accommodated at the existing site access and this will not result in a detrimental impact on the safety or operation of the local highway network. No objection and no conditions are recommended.

Service Lead for Environment:

Environmental Protection

No adverse comments however, it is recommended that the relevant conditions from the previous consent (16/00686/FUL) regarding private usage, external lighting, removal of stable waste/manure and no burning of waste on site, are carried over to the new consent if granted.

Landscape

The proposed stable block was assessed to have low visual impact and is not likely to be visible from public roads or houses and the view from the footpath (Otterbourne 6) would

Case No: 20/00163/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

be limited by the intervening hedgerow and trees. The small stable block is not an unusual feature in a rural area and would be unlikely to make a significant impression on walkers. The landscape impact is low and the TPO areas are avoided. No-dig construction is advised and the TPO area should be avoided by means of relevant protection measures. There should be no external lighting and the access track should be of minimal construction. Should the recommendation be to permit the application, a management plan to show how the pasture and surrounding hedges will be maintained, is recommended, along with the introduction of native planting.

Service Lead for the Built Environment:

Archaeology.

There was no objection on archaeological grounds to the previous scheme and no conditions were recommended. This advice is based upon the location of the proposed stables, the shallow depth of the proposed stable base and that no groundworks are proposed for the access track as detailed in the submission.

Representations:

Otterbourne Parish Council -Object

The application is in contradiction with Policy DM12 of LPP2 in that it states that for the development of stables, existing buildings should be used. The new buildings will harm the landscape and the right of way is used by dog walkers, which may cause a problem when there are horses. The properties that use the access track will be affected by the regular riders visiting the stable as well as the transportation of waste products. It is unsuitable for the use of large horse boxes. If recommended for permission, conditions are recommended restricting the facility for family use and not be used commercially, permitted development rights removed, conditions relating to materials, external lighting, landscape details and tree protection, as well as appropriate storage and removal of waste.

24 representations received objecting to the application for the following reasons:

- Access to and from the site is not suitable for horse trailers or larger vehicles;
- Impacts upon the safety of the users of the public right of way;
- Dog walkers use the ROW and this could be dangerous with horses also using the site;
- The main road is too dangerous for horses to use;
- The erection of new buildings for equestrian use is contrary to policy DM12

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

- Granting permission for the equestrian use leaves the site open to future applications for residential development as have previously been submitted.

0 letters of support received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy (Adopted 2012)
MTRA3 – Other Settlements in the Market Towns and Rural Area

Case No: 20/00163/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

MTRA4 – Development in the Countryside
CP15 – Green Infrastructure
CP16 – Biodiversity
CP20 – Heritage and Landscape Character

Winchester Local Plan Part 2 – Development Management and Site Allocations (Adopted 2017)

DM12 – Equestrian Development
DM13 – Leisure and Recreation
DM15 – Local Distinctiveness
DM17 – Site Development Principles
DM19 – Development and Pollution
DM23 – Rural Character
DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Guidance

Otterbourne Village Design Statement (Adopted 2008)
Equestrian Development SPD (Adopted 1999)
Winchester District Landscape Character Assessment (Adopted 2004)

Planning Considerations

Principle of development

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Policy DM12 of LPP2 states that “horse related facilities and development related to grazing and equestrian enterprises, including stables, training areas, riding centres or studs, will be permitted where a countryside location is necessary, provided they comply with the Development Plan” and subject to a number of criteria further listed in that policy.

The site is located within the countryside, just outside the settlement boundary of Otterbourne, which is an appropriate location for this type of equestrian development in principle.

Design/layout

The proposal is a resubmission of the previous consent (16/00686/FUL) which is therefore a material consideration of significant weight as it shares the same layout and design in terms of the positioning of the proposed stable block and associated hardstanding, as well as the new access track. The current proposal has also been assessed with reference to the currently adopted Development Plan as LPP2 is new since that time. Proposed materials are treated shiplap timber to be used on the elevations of the stable/field shelter, as well as a corrugated Onduline roof covering. The proposed trackway will be of minimal construction, with gravel laid in two consecutive lines which align with the tyre marks from a vehicle.

The relatively small scale and size of the proposed stable block and hardstanding, and the use of traditional rural materials, is considered to be appropriate for the site and although policy DM12 states that development should not involve the erection of new

Case No: 20/00163/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

buildings or associated hardstandings which may harm the existing landscape, the pre-text to this policy (para 6.3.34) clarifies by stating that development should "...aim to reduce their visual impact by minimising the need for additional buildings, structures and other associated development..."

It is therefore not considered that the small scale area of built development, including the track, would in this instance run contrary to the intent of policy DM12 of LPP2.

Impact on character of area and neighbouring property

The site is situated outside the settlement boundary of Otterbourne and currently has an agricultural use, although it appears that it has not been in active use for some time. The site is partially traversed by a public right of way (ROW), which is well-frequented by local residents and their dogs. Concerns have been raised with regards to the potential conflict between dogs and the horses however, the existing post and rail fences and hedgerows will serve to contain the horses and keep them away from the users of the ROW.

Policy DM12 allows for equestrian development in a countryside location that is appropriate for the site and that respects the existing landscape pattern whilst minimising visual impact. Both policy DM12 and also, DM17 require development not to have an unacceptable impact on adjoining land, uses or property or residential neighbours. It is considered that the proposal complies with these policies. Whilst there have been concerns with regards to the increased use of the existing access to the field, which is shared along with several residential properties, creating more noise disturbance, it is not considered that this would be of a sufficient level to cause significant additional harm to the amenities of these properties given that the access is already used by vehicles serving them. Deliveries to the stables, as well as the removal of manure and other associated waste, is likely to occur in the daytime and on the basis the access has the ability to be used by farm machinery then the use by a horse box, when it does occur, will not introduce a vehicle of a size dramatically different.

Furthermore, condition 6 will ensure that manure is removed from the site on a regular basis, so as to reduce any detrimental impact upon residential amenity by means of odour.

Landscape/Trees

The site lies within the Cranbury Woodland Character Area (LCA), as stated in the Winchester District Landscape Character Assessment. This states that the key characteristics of this area include a mosaic of woodland, pasture, parkland and arable fields giving short enclosed views and small to medium sized fields of irregular shape but straight boundaries. The high proportion of trees within the LCA as a whole, gives the area a visually remote feel, with Otterbourne being the only settlement. However, the proximity to Winchester and Eastleigh, as well as the M3, reduces the perceived remoteness of the area. In the site subject to this application, whilst it represents a large area of open fields as is to be expected in designated countryside, its immediate proximity to Main Road and other surrounding development, does not give a remote feel to the site, unlike some others within the LCA.

The LCA goes on to state that development within this area should seek to protect and converse hedgerows, replant hedgerow gaps and plant additional hedgerows with local indigenous species.

There are a number of TPO trees, both individual and in groups bounding and

Case No: 20/00163/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

traversing the site. No works are proposed to these trees and in order to ensure that the trees in the centre of the site in particular are not adversely impacted by horses using the site, a pressure treated post and rail fence will be erected to enclose them. Full details of the proposed fencing and other matters of hard and soft landscaping, including a management plan to show how the pasture and surrounding hedges will be maintained, will be required and controlled by the use of appropriate conditions, in line with DM12 (Condition 9). Where fencing is to be erected, care will be taken to avoid and protect tree roots, in line with DM24 of LPP2. This will also be pertinent to the proposed access track, which will be of a no-dig construction.

Native planting will be introduced to ensure that the stables are integrated into the setting and surrounding hedgerows and to improve biodiversity, in line with policies CP15 and CP16 of LPP1.

The stable block is situated approx. 50m away from the ROW and is therefore not considered to have a detrimental impact upon its setting. There will also be no external lighting, in line with policy DM23.

Highways/Parking

As the local highway authority, Hampshire County Council Highways were consulted specifically regarding the access track and impact on highway safety from the proposed use.

Main Road is a C-classified road and is subject to a 30mph speed limit. The resultant increase in vehicular movements from the change of use is considered to be able to be safely accommodated at the existing site access and would not result in a detrimental impact upon the safety or operation of the local highway network.

Odour.

Condition 6 has been carried through from the 2016 consent to ensure that all manure and stable waste is stored upon the hardstanding and not on bare ground and shall be disposed of offsite when the storage area is full. Manure and waste is not to be spread on the surrounding land or burnt on site.

Biodiversity.

No external lighting will be permitted on the site and native planting to supplement the existing hedgerows will be used, encouraging a number of species of animal and insects. A management plan which details how the pasture and hedges will be maintained is required to be submitted also. (Conditions 5 and 9.)

Other matters.

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 that duty.

Conclusion

Case No: 20/00163/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

In conclusion, the proposed development is considered to be in accordance with the development plan and national planning policy and is recommended for approval.

Recommendation

Permit, 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Plan Drawing number 2016-005/PP/200 dated Nov 2019
- Plan, Elevations & Section Drawing number 2016-005/PP/102 dated March 2016

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The Stable building hereby permitted and the associated land, shall be used for the keeping and stabling of horses for private recreational purposes only and at no time shall they be used for commercial activity including stabling, livery DIY livery, training, riding school, breeding uses or similar commercial activity.

Reason: To ensure that the use hereby permitted is appropriate to the scale and location of the site and does not result in the creation of a new business use in the countryside.

4. The stable building hereby permitted shall be constructed in accordance with the materials and finish as set out on the approved plan entitled Plan, Elevations & Sections drawing number 2016-005/PP/102 dated March 2016.

Reason: To ensure that the stable block and associated structures hereby permitted are appropriate for the countryside setting.

5. Only internal lighting to the proposed stable shall be provided. No external lighting, whether freestanding or affixed to structures proposed within this application, shall be provided on site at any time without the prior written approval of the local planning authority.

Reason: To protect the character of the countryside area and neighbouring properties from additional light pollution.

6. In accordance with the details as set out in the Design & Access section of the statement from Carter Jonas dated 15th January 2020, all horse manure/stable waste shall be stored on the hardstanding and not on the bare ground or be allowed to spill over onto the bare ground. In accordance with the above details all the manure/stable waste shall be

Case No: 20/00163/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

disposed of offsite when the storage area is full and shall not be spread across any of the land or attempts made to burn it on the site.

Reason: To ensure that the amenities of nearby residential properties are not adversely impacted by the manure and stable waste created by the development hereby proposed.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order modifying, revoking and re-enacting that Order with or without modification), no jumps, fences, gates, walls or other means of enclosure shall be erected or placed on the land unless otherwise agreed in writing by the local planning authority.

Reason: To protect the visual amenity and landscape character of the site.

8. The proposed new vehicle access track shall follow the route as shown on the approved site plan drawing number 2016-005/PP/200 dated Nov 2019 and shall be constructed in accordance with the details as set out in Design & Access section of the statement from Carter Jonas dated 15th January 2020.

Reason: To protect the character and appearance of the area.

9. Before any horses are first brought onto the land, a landscape management plan shall be submitted to and approved in writing by the local planning authority. This plan shall cover the following aspects:

1. The measures to be put in place to protect the boundary hedgerows and hedgerow trees from being damaged by any horses. This detail will include the type of fencing to be used, its height and the offset distance that the fencing will be constructed away from the hedgerow.
2. The measures to be put in place to protect the trees within the triangular area that lies to the north of Charlotte Mead and centrally positioned band of trees shall be submitted to and approved in writing by the LPA. The detail will include the type of fencing, its height and the offset distance that the fence will be constructed away from the trees.
3. A plan for the planting up with hedgerow and tree species of any gaps in the hedgerows including details of the local indigenous species to be planted, the planting layout, size on planting and the measures to protect the plants.
4. A scheme for the future management of the hedgerow and trees within the site including any future planting.
5. A timescale for the proposed planting scheme.

Any planting and maintenance work shall be undertaken in accordance with the approved scheme.

If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or in the opinion of the local planning authority, seriously damaged or defective, another tree of the same local indigenous species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Reason: To protect the visual amenity of the site, which includes protected trees, and enhance biodiversity within the site.

Informatives:

In accordance with paragraph 38 of the NPPF (July 2018), 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.

In this instance a site meeting was carried out with the applicant.

2.

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

Local Plan Part 1 - Joint Core Strategy: CP15, CP16, CP20, MTRA3, MTRA4

Local Plan Part 2 – Development Management and Site Allocations: DM12, DM13, DM15, DM17, DM19, DM23

Equestrian Development SPD

Otterbourne Village Design Statement

Winchester District Landscape Character Assessment

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.

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>