

# Agenda Item 41.

Application Number	Expiry Date	Parish	Ward
202103	15/12/2020	St Nicholas Hurst	Hurst;

<b>Applicant</b>	Mr L Proctor
<b>Site Address</b>	Land at Maidenhead Road, Wokingham, RG40 5RN
<b>Proposal</b>	Full planning application for the change of use of land from agriculture to the keeping of horses, plus erection of a hay barn and stable building.
<b>Type</b>	Full
<b>PS Category</b>	6
<b>Officer</b>	Senjuti Manna
<b>Reason for determination by committee</b>	Major application (site area more than 1 Ha)

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 9 December 2020
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>The proposal is for the change of use of land from agricultural to equestrian use including erection of a stable block and a barn on land at Maidenhead Road. The site is located in designated countryside and within an area with established equestrian uses in the immediate neighbourhood. The proposal would contribute to and promote recreation in, and enjoyment of the countryside in line with part 1 of Core Strategy policy CP11 and is acceptable in principle.</p> <p>The proposed stable block and barn would be ancillary to the equestrian use and would be of suitable design. They would include features suitable for the countryside location. Additionally, these buildings would be well screened from public view points and would not have a significant impact on the visual character of the area. However, a condition is included for their removal should the equestrian use cease in future.</p> <p>Due to its isolated location, the proposal will not have any impact on neighbour amenity. The proposal is not considered to have any detrimental impact on the existing landscape features subject to a condition securing additional hedgerow enhancement. There is no objection to the proposal on highway safety, ecology, archaeology and environmental health grounds. The proposal is therefore recommended for approval subject to conditions.</p> <p>The proposal is presented to planning committee since the site area is more than 1 Ha.</p>

<b>PLANNING STATUS</b>
<ul style="list-style-type: none"> <li>• Designated countryside location</li> <li>• Heathrow airport Wind turbine safeguarding zone</li> <li>• Sand and gravel extraction zone (north-east corner of the site)</li> <li>• Special Protection Area – 7 km</li> <li>• SSSI Impact Risk Zone</li> <li>• Opposite local historic park and gardens at Billingbear</li> <li>• Flood zone 2</li> <li>• Risk of flooding from surface water</li> </ul>

- Groundwater consultation zone 3
- Landfill consultation zone

## **RECOMMENDATION**

**That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:**

### **A. Conditions and informatives:**

#### **Conditions:**

#### **1. Timescale**

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

*Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).*

#### **2. Approved Details**

This permission is in respect of the submitted application plans and drawings numbered MLP/01 Location Plan; MLP/02 Site Plan; MLP/03 Proposed Hay Barn; MLP/04 Proposed Stables Plans and Elevations received by the local planning authority on 17/08/2020 and Tree Survey Report by Green Earth received by the local planning authority on 16/11/2020. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

#### **3. Materials to be Agreed**

Before the development hereby permitted is commenced, details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

*Reason: To ensure that the external appearance of the building is satisfactory.  
Relevant policy: Core Strategy policies CP1 and CP3.*

#### **4. Landscape details**

Prior to the commencement of the development a scheme of landscaping shall be submitted to and approved in writing by the local planning authority specifying the following:

- Full details of both materials and build-up of trackway(s) already laid to access new barns (see hard landscape proposals below) – reason for this is to establish the baseline on the edge of the Ancient and deciduous woodland adjacent to the track.
- Details of boundary treatments; field fencing and gates in relation to stables and fields.
- Soft landscape proposals for enhancement of native hedgerow boundary to the north, and enhancement planting adjacent to the track way leading to L shaped stable barn. The native hedgerow planting palette should contain a minimum of 7 species including 2 climbers.

Hard and soft landscape proposals shall include, as appropriate, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas.

Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

*Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.*

## **5. Access Surfacing**

No building shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge.

*Reason: To avoid spillage of loose material onto the highway, in the interests of road safety. Relevant policy: Core Strategy policy CP6.*

## **6. Gates**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gates or barriers shall be erected unless set back a distance of at least 5 metres from the highway boundary and so as to open away from the highway.

*Reason: To ensure that vehicles do not obstruct the highway whilst waiting for gates or barriers to be opened or closed, in the interests of road safety. Relevant policy: Core Strategy policies CP3 & CP6.*

## **7. Cessation of Equestrian Use**

The buildings hereby approved shall only be used as ancillary to the main equestrian use of the land and for no other purpose including commercial purposes or groom's accommodation unless otherwise agreed in writing by the local planning authority. If the buildings hereby approved should cease being used for the purposes ancillary to the approved equestrian use (i.e., for stabling, tack and feed store, mower store and storage of hay bales and straw) within 10 years from the date of substantial completion or first use, whichever is the latter, then the approved barn and stable block shall be removed from the land, and the land shall be restored to its condition before the development took place (i.e., grassland) within 12 months of the date that the equestrian use ceased.

*Reason: To safeguard the character of the area including landscape character and Countryside. The buildings hereby approved would constitute inappropriate development in the countryside if it were not for the proposed equestrian use. Relevant policies: Core Strategy policies CP1, CP3 & CP11 and Managing Development Delivery Local Plan policy TB21.*

### **Informatives:**

#### **1. Pre-commencement condition**

The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

#### **2. Protected species**

This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.

#### **3. Discussion**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

<b>PLANNING HISTORY</b>		
No relevant planning history for the application site.		
Planning History for <b>Farley House</b> (property to the west of application site)		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
F/2011/2315	Extension to existing stable block to provide five additional stables tackroom and store. (Retrospective application)	Approved 10/02/2012
Planning History for <b>Billingbear Brickworks</b> (property to the east of application site)		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
F/2003/9379	Proposed erection of stables	Approved 21/08/2003
F/2004/2004	Proposed leveling of area previously used as a landfill site to enable use for grazing horses and formation of earth bund in South West corner of site to create a pond (part retrospective).	Approved 31/08/2004
F/2005/5497	Proposed erection of a stable and manege	Refused on lack of information grounds 20/09/2005
F/2008/0561	Proposed single storey side extension to existing feed store	Refused on unacceptable increase in scale, bulk and massing and lack of information grounds 23/04/2008

<b>SUMMARY INFORMATION</b>	
Site Area	1.7 Ha
Previous land use(s) and floorspace(s)	Agricultural (0 sq.m floor space)
Proposed floorspace of each use	220 sq.m of equestrian floor space
Number of jobs created/lost	No change
Parking spaces created/lost	No change

<b>CONSULTATION RESPONSES</b>	
Southern Gas Networks	No objections
SSE Power Distribution	No objections
Thames Water	No comments received
WBC Biodiversity	No comments received
WBC Drainage	No objections
WBC Environmental Health	No objections
WBC Highways	No objections subject to conditions.
WBC Tree & Landscape	No objections subject to conditions.
WBC Cleaner & Greener (Waste Services)	No comments received
WBC Public Rights of Way	No comments received

## REPRESENTATIONS

**Town/Parish Council:** No objections to the proposed change of use in principle however, objected to the size and location of the proposed barn. The remoteness from stabling and scale of the proposed barn would create the appearance of mass spreading on this open countryside site.

The Parish Council requested that the size and location of the barn should be amended for the proposal to be more appropriate for its countryside location.

**Officer's note:** The appellant has provided additional information including a rental agreement for adjoining 10 acres of land. It is stated that the applicant would produce approximately 3000 hay bales per year from the rented land and the barn would provide storage for these. Additionally, straw for bedding and extra feed would be stored in the barn for winter use. It is considered that the volume of the proposed barn commensurate with the required ancillary storage for the equestrian use and it will be on site so long as required for equestrian purposes, as required by condition 7. The location of the barn is considered appropriate in this instance since it would be sited at the end of an existing track. The stable block would occupy the end of the second track and the space between the two buildings would be used as paddock area for the horses.

**Local Members:** No comments received

**Neighbours:** No comments received

## APPLICANTS POINTS

- There is no relevant planning history for the site. However, neighbouring properties benefit from planning permissions relating to equine use.
- The principle of equine development in countryside comply with the requirements of policy CP11.
- The proposal is for a recreational use and there is no intention to seek a commercial operation.
- The proposed development would not affect the structural landscape of the area.
- Equine development for recreational purposes is part and parcel of the rural scene and this proposal is wholly reflective of this approach.
- Flood designation is material to consideration of the proposal and the application is accompanied by a Flood Risk Assessment (FRA). This concludes that flood risk on the site or elsewhere is a not a constraint which should restrict the grant of planning permission.
- The site measures some 1.7 hectares which accords with BHA capacity for 3 horses. Although there is no direct access to a PROW – bridleway or similar this land can properly accommodate this level of husbandry for recreational purposes.

**(Officer's note:** Whilst it is acknowledged that the overall site area is 1.7 Ha, after discounting the access, trees and hedgerows, and building footprints, available area for pasture is approximately 1.25 Ha, which is less than the minimum 1.5 Ha of pasture land required for 3 horses, as recommended by DEFRA Code of Practice for the welfare of horses, ponies, donkeys and their hybrids. However, in this instance it is considered acceptable since the applicant is renting the adjacent paddock and can use that for grazing those horses for which three boxes are proposed in the stable block).

<b>PLANNING POLICY</b>		
National Policy	<b>NPPF</b>	National Planning Policy Framework
	<b>NPPG</b>	National Planning Practice Guidance
Core Strategy 2010	<b>CP1</b>	Sustainable Development
	<b>CP3</b>	General Principles for Development
	<b>CP6</b>	Managing Travel Demand
	<b>CP7</b>	Biodiversity
	<b>CP9</b>	Scale and Location of Development Proposals
	<b>CP11</b>	Proposals outside development limits
Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits
	<b>CC03</b>	Green Infrastructure, Trees and Landscaping
	<b>CC04</b>	Sustainable Design and Construction
	<b>CC06</b>	Noise
	<b>CC07</b>	Parking
	<b>CC09</b>	Development and Flood Risk (from all sources)
	<b>CC10</b>	Sustainable Drainage
	<b>TB21</b>	Landscape Character
	<b>TB23</b>	Biodiversity and Development
Supplementary Planning Documents	<b>BDG</b>	Borough Design Guide – Sections 6 – 8

<b>PLANNING ISSUES</b>
<p><b>Description of Development:</b></p> <ol style="list-style-type: none"> <li>1. The application is for the proposed change of use of land from agricultural to equestrian use including erection of a stable block and a barn. The 'L' shaped stable block would measure 16.5m in width, 12.8m in length, and 4.6m in overall depth and would be topped with a gabled roof of 3.2m ridge and 2.2m eaves height. The stable block would have three stalls for horses, a tack and feed store and a mower store.</li> <li>2. The barn would measure 13.8 (width) x 9.2m (depth) x 4m (ridge height) and will be used for storing straw, extra feed and hay bales that would be produced from 10 acres of adjoining land that the applicant currently rents. Both the stable block and barn will be used as ancillary to the primary equestrian use of the land.</li> </ol> <p><b>Site Description</b></p> <ol style="list-style-type: none"> <li>3. The application site is 1.7 Ha of land located to the south of, and accessed from, Maidenhead Road, just to the east of its intersection with The Straight Mile. It is bounded on three sides by mature trees and hedgerow and is currently occupied by semi-improved neutral grassland. The site adjoins ancient and semi-natural woodland to the west and is classified as Grade 4 agricultural land. Other land uses in the immediate area include residential properties fronting Maidenhead Road on the eastern side, Farley House with established equestrian use to the west and a caravan park with some equestrian use is located further east. To the north and south of the</li> </ol>

site lies open countryside with agricultural/ pasture lands and swathe of trees belonging to ancient woodland.

**Principle of Development:**

4. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
5. The application site is located within the countryside outside any defined settlement boundary and therefore any form of development will only be acceptable when it is in accordance with the principles stated in Core Strategy/ Local Plan and subject to the proposal's impact on countryside, character of the place and amenity of the neighbouring properties.
6. Policy CP11 of core strategy provides guidelines for developments within countryside and states that development outside defined settlement boundaries will be strictly controlled. Where acceptable in principle the countryside can accommodate some forms of development without detriment provided that the development type, form and design are sensitive to the location. Policy CP11 states that in order to protect the separate identities of settlements and maintain the quality of the environment, proposals outside development limits will not normally be permitted except where, amongst other considerations,:
  - It contributes to diverse and sustainable rural enterprises within the Borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and
  - It does not lead to excessive encroachment or expansion of development away from the original buildings; and
  - It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvements.
7. The proposal relates to equestrian use and the supporting documents demonstrate that it would be used for personal recreational purposes. As such, the proposal is considered to comply with point 1 of the policy CP11 which states that proposals that promote recreation in and enjoyment of countryside will be supported. There are similar equine land uses available within the immediate neighbourhood and there is no objection to the proposed use in principle.
8. Currently there is no physical development on the site and the proposal would introduce two new buildings in this location. Whilst new buildings are considered inappropriate within countryside and contrary to point 2 of policy CP11, in this instance the buildings will be ancillary to the main equine use of the land and are considered acceptable. However, a condition (# 7) is included for their removal should the equine use cease to exist in future. This is because these buildings themselves represent inappropriate development within countryside and are acceptable only as ancillary equestrian development.

9. Objections have been received from parish council in regards to the size of the proposed barn. The applicant has provided rental information for 10 acres of adjoining land and stated that this is used for production of hay. The size of the barn is reasonably necessary to meet the needs of the equestrian use in terms of storage of straw and hay that would be produced from 10 acres of land as well as additional feed over the winter.
10. The siting of both buildings appear logical as they are sited at the end of two existing tracks, leaving a considerable 1.25 hectares area in the middle for pastures. Whilst DEFRA code of practice for the welfare of horses, ponies, donkeys and their hybrids recommend a minimum of 0.5 hectares of land per horse, meaning a minimum of 1.5 hectares for the proposed 3 stall stable block, in this instance a substandard paddock area is considered adequate since the applicant also uses the adjoining land for keeping of horses.

**Character of the Area:**

11. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design. RD1, RD2, NR1 and NR2 of the BDG require that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area.
12. The stable block will have a footprint of 115.5 sq.m and will include 3 horse stalls, one tack and feed store and one mower store. Additionally, the barn would have a footprint of 127 sq.m. Both buildings would have a standard gabled roof resulting in total volume of approximately 314.1 cu.m for the stables and 438 cu.m for the barn. These buildings will be sited at the end of two existing tracks running along the northern and western boundaries of the site resulting in a considerable paddock area in the middle.
13. NR5 of the BDG notes that height, bulk and massing should respond to the local context and the prevailing heights. The proposed buildings would be visually and physically separated from other built-up areas in the neighbourhood and would appear out of context. However, because of their siting behind existing hedgerows and trees, views would be partially obscured, particularly with the enhancement of the hedgerow that has been secured using landscape condition 4. Moreover, these buildings would be of adequate rural character and would not have jarring visual impact. Nonetheless, if not used as ancillary buildings to equestrian use, these buildings would appear out of place and would have harmful impact on the character of the area. For this reason, condition 7 is included to ensure their removal should the proposed use cease to exist in future.
14. The site is located in the countryside in Wokingham Borough Landscape Character Assessment Area I1 – ‘Ashridge Farmed Clay Lowlands’, a simple farmed landscape dominated by open arable fields and some pasture, where mature hedgerow trees mark former hedge lines. Wooded horizons cut through by a network of small tributary streams. Settlement character of ribbon development along the local roads, scattered farmsteads and manor houses.
15. The proposal would be appropriate for this landscape character since pastures are one of the key features of the landscape. A landscape condition is included to

enhance the hedgerows against which the barn is proposed to be sited. This would enhance the visual character of the area as well as provide adequate screening of the buildings from public viewpoints.

16. NR8 and RD7 of the BDG require that materials, colours and details respond to the distinctive elements of the locality. Whilst drawings MLP/03 and MLP/04 suggested the colours and materials of the buildings, since no details have been provided at this stage, it is considered reasonable to secure these using a pre-commencement condition (#3).

**Residential Amenities:**

17. Due to the isolated nature and limited scale of the proposed development, it is considered not to have any detrimental impact on neighbouring amenity.

**Access and Movement:**

18. The proposed development would be used for keeping of horses and storage of hay, feed, tack and other sundries relating the equine use. It is unlikely to result in any significant or adverse increase in traffic movements or demand for on-site car parking and the Council's Highways Officer raises no objection. A recently constructed access from the Maidenhead Road for the site is considered acceptable. However, a condition is included (#5) for appropriate surfacing of this access. Whilst a gate currently exists, it is considered reasonable to include a condition (# 6) to ensure proper siting of the gate to not obstruct traffic on Maidenhead Road. It is considered that subject to the suggested conditions, the proposal would not have an adverse impact on the highway network.

**Flooding and Drainage:**

19. Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding and Policy CC10 requires sustainable drainage methods and the minimisation of surface water flow. A Flood Risk Assessment report is submitted with the application showing the proposed management of the surface water runoff on the site. Ensuring the new development is 150mm above the ground water level has been suggested and this is considered acceptable. The Council's Flooding and Drainage officer has assessed the application and has not raised any objection on flooding and drainage grounds.

**Landscape and Trees:**

20. Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character.
21. The landscape strategy for this character area, 'Ashridge Farmed Clay Lowlands' – a landscape of moderate quality with strong character, is to conserve and enhance the existing rural character' the key aspects to be conserved and actively managed is woodland, and to reinstate and repair key hedgerows. In terms of development, the aim is to conserve the sparse settlement pattern through controlling development.

22. The land around the application site is flat with ancient woodlands dominating the western and southern sides of the site. Existing mature trees and hedgerows obscure views from the road and other privately owned properties in the immediate neighbourhood. It is considered that whilst there will be some filtered views of the new buildings from the road and other public areas, agricultural and equestrian buildings would be expected in this area. The barn would be more prominent due to its location closer to residential properties and greater height compared to the stable block. Some landscape screening to the field boundary directly to the north of the site would help to blend the barn building visually into the landscape. The enhancement of existing landscape would achieve this outcome, as detailed in Condition 4.

#### **Thames Basin Heath Special Protection Area**

23. Policy CP8 of the Core Strategy states that where development is likely to have an effect on the Thames Basin Heaths Special Protection Area (TBH SPA), it is required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered. The site is within 7km of the TBH SPA but the scope of the works are minor whereby there will be no foreseeable impact upon the SPA and no objection in terms of Policy CP8.

#### **Community Infrastructure Levy**

24. The application is not liable for CIL payments because it is an equestrian use.

#### **Employment Skills**

25. An Employment Skills Plan is not required because of the scale of the proposed development.

#### **Other:**

26. There is no objection to the proposal on ecology, environmental health, archaeology and waste storage grounds.

#### **The Public Sector Equality Duty (Equality Act 2010)**

27. In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.

#### **CONCLUSION**

28. The proposal is for a personal equestrian development that would contribute and promote recreation in, and enjoyment of, the countryside. The proposed buildings would be ancillary to the primary use of the site that would be suitably located and would be adequate in size. The buildings would be appropriate in design for the rural character and there is no unreasonable landscape, ecological or traffic impact, subject

to recommended conditions. The application is therefore recommended for an approval.