

Agenda Item 64.

| Application Number | Expiry Date | Parish | Ward |
|--------------------|-------------|--------------|--------------|
| 203534 | 15/03/2021 | Swallowfield | Swallowfield |

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| Applicant | Mr Kingsbury |
| Site Address | Loddon Court, Lambs Lane, Swallowfield, RG7 1JE |
| Proposal | Full application for the proposed change of use of land from agricultural to mixed equestrian/agriculture plus erection a stable buildings with associated hardstanding. (Part Retrospective) |
| Type | Full |
| Officer | Mark Croucher |
| Reason for determination by committee | Major application by reason of the site area being over 1ha. |

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| FOR CONSIDERATION BY | Planning Committee on Wednesday, 10 March 2021 |
| REPORT PREPARED BY | Assistant Director – Place |

| SUMMARY |
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| <p>The application proposes the erection of a new stable building for 8 horses and a change of use of existing agricultural land to a mixed use of agriculture and paddocks for horses (sui generis). A mixed use of agriculture and equestrian is proposed because the applicant has a small number of sheep that graze the land and the proposal would allow for flexible land management between the small numbers of livestock and horses.</p> <p>The stable building is part retrospective because the base for the building has been laid.</p> <p>Stables and equestrian uses are acceptable in principle in countryside locations. The horses belong the applicant and their family and there would be no commercial aspect to the proposal.</p> <p>There would be no detrimental impact to the character and appearance of the area and the development is in keeping with the rural location. The proposal is satisfactory in all other aspects including impact on trees, highway safety, ecology, residential amenity and flooding and drainage.</p> <p>The application is recommended for approval subject to conditions 1 – 6.</p> |

| PLANNING STATUS |
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| <ul style="list-style-type: none"> • Countryside • Detailed Emergency Planning Zone (DEPZ) • Potential Contamination Zone • Flood Zone 1 • Grade 3 Agricultural Land • Great Crested Newt Consultation Zone |

RECOMMENDATION

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

A. Conditions and informatives:

Conditions:

Approved Drawings

1. This permission is in respect of the submitted application plans and drawings titled Location Plan, Block Plan and Proposed Plans and Elevations. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by 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.

Materials

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be timber cladding and black Onduline and Perspex roof as described in the Proposed Plans and Elevation Drawings and the Application Form, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a satisfactory appearance.

Tree protection details

3.
 - a) No further development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).
 - b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, of a similar appearance to those used in the existing building unless otherwise agreed in writing by the local planning authority. soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.
 - c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.
 - d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external

works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

Stable use

4. The stables and associated paddocks hereby approved shall only be used by the occupiers of Loddon Court and their dependants and at no time shall the stables and/or land be used for commercial purposes; or segregated, sold, leased, rented or used separately from Loddon Court by any other persons.

Reason: To ensure that there is sufficient on site accommodation to care for and maintain the stables and horses. To ensure there is no impact on highway safety by reason of increased traffic.

Manure storage

5. Prior to use of the stables commencing, details of the manure storage and waste management shall be submitted to and approved in writing by Local Planning Authority. Such details shall include the location of the manure storage area and details of its removal from site. The development shall be implemented and operated in accordance with the details thereby agreed.

Reason: To ensure no detrimental smells, odours or other environment health impacts occur as a result of the development.

Visibility splays

6. The existing visibility splays for the existing southern access shall be maintained and kept clear of obstruction exceeding 0.6 metres in height and maintained clear of any at all times.

Reason: in the interest of highway safety.

Informatives:

1. Should any Great Crested Newts or evidence of Great Crested Newts be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

| PLANNING HISTORY | | |
|---------------------------|-------------------------------------|---------------------|
| Application Number | Proposal | Decision |
| F/1998/66974 | Erection of Swimming Pool Enclosure | Refused: 06.03.1998 |

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|-------------|--|-----------------------|
| F/2011/0859 | Erection of a single storey side extension to form a conservatory, following removal of glazed linkway. | Approved: 26.07.2011 |
| 202583 | Full planning application for the proposed change of use of land from agriculture to equestrian with erection of stables. (Part Retrospective) | Withdrawn: 02.12.2020 |
| 202926 | Application for a certificate of existing lawful development for use of existing caravan ancillary to host dwelling. | Refused: 23.12.2020 |

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| SUMMARY INFORMATION |
| Site Area: 4ha / 9.88 Acres Previous land use: Agriculture Proposed Land use: Mixed use of Equestrian and Agriculture Proposed floorspace of stable: 180 sqm Proposed parking spaces: N/A |

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| CONSULTATION RESPONSES | |
| WBC Drainage | Recommend approval with no conditions |
| WBC Environmental Health | Recommend approval with no conditions |
| WBC Highways | No objection subject to further information |
| WBC Tree & Landscape | No objection subject to condition |

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| REPRESENTATIONS |
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Town/Parish Council: No objection to the application but a condition to ensure that the stables are not used as commercial livery without a further planning application.

Local Members: No comments received

Neighbours: 1 letter received in support of the application:

- Happy to support on the grounds that no commercial activity is undertaken from the change of use and the erection of new stabling.

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| APPLICANTS POINTS |
| <ul style="list-style-type: none"> • The stables will only be used by family members who live in the house including adult children who the horses belong to, no separate staff are required. The applicant is happy to have a condition to this affect. • The change of use from agricultural to equestrian is considered to be a wholly appropriate use in this countryside location, especially as it promotes rural leisure activity. • The stables will not be visible from the public realm and will be screened by existing trees and planting. • There would be no impact on residential amenity. • There is sufficient land for the horses and local bridleways and byways for riding. • The access to the site is in situ. |

- No unacceptable impacts arise from the proposal.

| PLANNING POLICY | | |
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| National Policy | NPPF | National Planning Policy Framework |
| Adopted Core Strategy DPD 2010 | CP1 | Sustainable Development |
| | CP3 | General Principles for Development |
| | CP6 | Managing Travel Demand |
| | CP7 | Biodiversity |
| | CP8 | Thames Basin Heaths Special Protection Area |
| | CP9 | Scale and Location of Development Proposals |
| | CP11 | Proposals outside development limits (including countryside) |
| Adopted Managing Development Delivery Local Plan 2014 | CC01 | Presumption in Favour of Sustainable Development |
| | CC02 | Development Limits |
| | CC03 | Green Infrastructure, Trees and Landscaping |
| | CC06 | Noise |
| | CC07 | Parking |
| | CC09 | Development and Flood Risk (from all sources) |
| | CC10 | Sustainable Drainage |
| | TB21 | Landscape Character |
| | TB23 | Biodiversity and Development |
| Supplementary Planning Documents (SPD) | BDG | Borough Design Guide – Section 4 |

PLANNING ISSUES

Description of Development

1. The application proposes the erection of an 8 bay stables with internal storage area. The structure will be approximately 9.6m wide, 18.8m long and 4.35m high. The elevations will be timber clad with a black corrugated pitch roof and Perspex panels. There will be a hard surface apron around the building and access track linking to an existing driveway. The development is part retrospective as a hard surfaced base for the building has been laid.
2. The remaining land surrounding stables and within the application site proposes a mixed use of paddocks and agricultural land. This will allow the land to be grazed by the applicant horses and small number of livestock.

Principle of Development:

3. 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.
4. The application site is within the countryside and the principle of stables and an equestrian use is appropriate development in this area and complies with policy CP11 of the Core Strategy. The proposal will result in rural based recreational activity that will promote the enjoyment of the countryside.
5. The size of the stable building and the number of stalls (8) is commensurate with the size of the associated paddocks and the number of horses that could be kept on the land. The site area of the paddocks is 9.88 acres (4ha) and can accommodate 7-8 horses when taking into consideration the Code of Practice for the Welfare of Horses, which suggests 1.25-2.5 acres per horse. Whilst the site area falls marginally short of the overall land requirement suggested by Code of Practice by 0.12 of an acre, the shortfall is negligible and the Welfare for Horses document is only guidance. There is a bridleway and byway close to the site which would be to exercise the horses.
6. Condition 4 is recommended to ensure the stables are for the personal use by the occupiers of Loddon Court only. This is to guarantee there is residential presence on the site to care for the horses. The condition is necessary because 8 horses would require the equivalent of 1.66 full time persons to look after them and ensuring there is a full time residential presence on site associated with stables negates any future requirement for grooms accommodation or separate dwelling on welfare grounds.
7. The site is classed as grade 3 agricultural land and the proposed mixed use of a paddock and agricultural grazing land would result in a compatible use with grade 3 land.
8. Overall, the principle of stables and an equestrian use in the countryside is acceptable and the stable building is commensurate with the associated area for the paddocks.

Impact on character and appearance of the landscape:

9. The stables will be located in a suitable location at the edge of an existing field. The building will not be prominent from the public realm and is screened by trees and hedges. As stated above, the size of the building is commensurate with the area for the paddocks. The stables will be in keeping with the countryside character and appearance of the area.
10. The change of use of the land to a mix of equestrian and agriculture will be in keeping with the character and appearance of the area. The neighbouring fields are used as paddocks and there are also ménages close by. Whilst the existing use of the land is agriculture, the character of the site is more akin to the surrounding curtilage of a residential estate, rather than arable farm land. The proposed paddocks would result in negligible visual change to appearance of the surrounding land.

11. The Council's Tree and Landscape Officer has raised no objection to impact of the development on the countryside.

Trees:

12. The development site is fields bounded by hedgerow and trees. The proposed stables and existing concrete slab would be encroach 17.5% into the Root Protection Area (RPA) of a large oak tree. The Arboricultural Impact Assessment (AIA) states that although the concrete base has been laid, it was erected 100mm above ground level and over an impermeable membrane. Holes will be made in the base so that water can permeate to the tree roots. A number of other recommendations are made in the AIA which include removing existing storage containers in the RPA of the tree and no-gig construction techniques for the access track.
13. The Council's Tree and Landscape Officer considers the measures proposed are acceptable and has recommended approval subject to condition 3, to ensure the trees on site will be suitably protected.
14. The development will have an acceptable impact on existing trees.

Residential Amenities

15. There are no nearby residential dwellings that would be impacted by the development. The nearest property is Spring Cottage and the Coach House and would be approximately 130 metres away from the proposed stables.
16. Stables can result in smells and odours from animal waste and therefore condition 5 is recommended to ensure that manure is sustainably managed and stored. The Environmental Health Team has considered the application and raises no objection.

Access and Movement:

17. The access onto Lambs Lane is existing and a site inspection from the Council's Highway Officer confirmed it to be of suitable width to accommodate a horsebox. This part of Lambs Lane is a cul-de-sac and there are very few traffic movements along this section of the highway.
18. The Council's Highway Engineer has further advised:

'I have no objection in principle on the basis that the proposed stables will be for private use in connection with the applicants own livestock. This is confirmed to be the case within the planning submission. There shall be no livery use and the adjoining equestrian land shall not be used as a riding school or for competitions or events. A condition will be required to this effect.'

19. No formal car parking is proposed and there are multiple areas for informal parking on site. As the horses are owned by applicant and their family, the use would not generate significant additional vehicle trips or parking requirements.
20. The proposal will have an acceptable impact on highway safety.

Flooding and Drainage:

21. The site is in Flood Zone 1 where the risk of flooding from rivers is low. There are some areas at risk from surface water flooding but these are limited to the immediate areas around two ponds and part of the existing access drive.
22. The stables and associated hard surfacing would not impact surface water flooding due to the size of the development and the surrounding open undeveloped land. The Council's Drainage Engineer has considered the application and raises no objection.

Ecology:

23. There are two ponds in proximity of the application site and part of the site is located within an area that has potential for Great Crested Newts. The stable building is however located outside of a Great Crested Newt (GCN) Consultation Zone and would not result in any detrimental ecological impacts. Whilst the fields are located within a GCN consultation zone, the change of use from agricultural land to a mixed use of paddocks and agriculture would not have detrimental ecological impacts.

The Public Sector Equality Duty (Equality Act 2010):

24. 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

25. The proposed equestrian and agricultural development is appropriate for this countryside location and there will be no detrimental impact to the character and appearance of the area. The stables will be located away from neighbouring properties and will not impact the amenity of nearby residents. The stables are for the applicant's horses and there would be no detrimental impact on highway safety. There would be no other detrimental impacts with regard to trees, ecology and flooding and drainage.
26. The application complies with the development plan as a whole and is therefore recommended for approval subject to the recommended conditions 1 – 6.