

Appeal Decision

Site visit made on 24 January 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 February 2017

Appeal Ref: APP/Y3940/W/16/3159600

Braydon Fields Farm, The Common, Braydon, Swindon, SN5 0AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Rogers against the decision of Wiltshire Council.
 - The application Ref 16/06945/FUL, dated 15 July 2016, was refused by notice dated 7 September 2016.
 - The development proposed is the retention of equestrian buildings, track and hardstanding and erection of a horse walker.
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Decision

1. The appeal is allowed and planning permission is granted for equestrian buildings, track and hardstanding and the erection of a horse walker at Braydon Fields Farm, The Common, Braydon, Swindon SN5 0AG in accordance with the terms of the application, Ref 16/06945/FUL, dated 15 July 2016, subject to the conditions in the attached Schedule.

Procedural Matter

2. The equestrian buildings, track and hardstanding elements of this development have already taken place and I observed them on my site visit. The description of development seeks the retention of these buildings and works. However retention does not form an act of development. This part of the appeal scheme is therefore retrospective and I have considered the appeal accordingly. The horse walker has not been constructed and therefore planning permission is sought for this part of the scheme.

Main Issues

3. The main issues in this case are:
 - the effect of the development on the character and appearance of the area with particular reference to the impact of the subdivision of the site;
 - whether the development would result in increased motorised journeys contrary to the sustainable transport aims of local and national planning policies.
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Reasons

Character and appearance

4. The appeal site forms a rectangular shaped plot lying in the open countryside between the villages of Purton and Minety. The existing buildings and residential properties forming part of Braydon Fields Farm lie approximately 100 metres to the south. An existing gallop area is located to the north of the site.
5. Planning permission was granted in 2014 on appeal¹ for the erection of equestrian buildings for race training horses on the appeal site. These buildings were similar to those the subject of this appeal. The decision included a Condition no. 4 that required the buildings to be used solely in conjunction with the training of horses at the property known as Braydons Field Farm. The buildings constructed on the site are not in accordance with this approval. They are in a different location, orientation and are of a different footprint being smaller than the buildings approved. In addition the appellant's land holding has been subdivided with Braydons Field Farm being sold separately to the appeal site. Compliance with Condition 4 can no longer be achieved.
6. A key consideration of the 2014 appeal was that the Council had granted approval for the same development in a different location on land closer to the Farm complex. The Inspector considered that the appeal scheme in comparison to the scheme permitted would not appear so exposed, would be less prominent from the road and would cause no material harm to the character and appearance of the area. He allowed the appeal subject to a condition that only one of the schemes could be implemented in order to protect the character and appearance of the area. I note that since the landholding has been subdivided the appellant can no longer implement the alternative scheme. There is therefore no fall-back position which must be weighed in the planning balance.
7. I viewed on my site visit that the landscape is characterised by a strong pattern of fields with mature hedgerows and tree boundaries. The appeal site is screened from the road by a mature hedgerow and a further mature hedgerow is located to the north on the boundary of the gallop. Whilst the site is visible across the fields from the buildings at the Farm, the appeal scheme proposes a new hedgerow along the public footpath which crosses the land to the south. This would assist to soften views of the buildings and mitigate the visual impact of the development. The stables and associated buildings are constructed in materials appropriate to their use and appear similar to those of neighbouring equestrian facilities in the wider rural area. Furthermore whilst the buildings are sited and orientated differently to those already approved on the appeal site, they are smaller in footprint and therefore have no greater visual impact on the landscape. Accordingly I consider that they cause no material harm to the character and appearance of the area.
8. I acknowledge that the reason the equestrian buildings were located so far from the farm was to provide a separation distance between the race horses

¹ APP/Y3940/A/14/2216575

and breeding mares associated with the stud business which the appellant operated at that time. Whilst I accept that this is no longer an issue, and therefore the buildings could be sited in an alternative location, the consideration for me in this appeal is whether the current siting causes harm to the character and appearance of the area.

9. The Council has raised concern about the subdivision of the appeal landholding as this could lead to further development in the countryside. This would have an adverse effect of the character and appearance of the area. This issue was also considered by the Inspector in the 2014 appeal which led to the imposition of Condition 4 which tied the use of the buildings to the Farm.
10. The Council has argued that an equestrian operation of this size, providing 12 stables, would be likely to result in pressure for a dwelling in order to provide 24 hour care and security for the horses. I have noted the examples of other similar size equestrian businesses in Wiltshire brought to my attention by the Council where a functional need for a dwelling has been established. On the contrary, the appellant has provided evidence of an equestrian facility of 16 stables within Cotswold District used by international three day event riders where there is no dwelling. Whilst I can understand the Councils' concern, from the evidence before me I am not satisfied that the development would result in pressure for additional buildings in particular a dwelling. In any event any future applications would have to be considered on their individual merits.
11. The Council have also raised concern that the development could lead to an increase in external storage, horse equipment, parked vehicles etc. This would impact negatively on the character and appearance of the countryside. However I consider that such development could be controlled by the imposition of appropriate condition should the appeal be allowed.
12. I note the Council's approach that they would ordinarily require a business plan to assess if an equestrian operation was viable to avoid unnecessary structures in the countryside. The appellant has provided evidence of interest in the site by an event rider however there appears to be no firm commitment from this party to purchase the site. Whilst the development may provide a viable rural business, and this is accepted by the Council, I have no evidence before me that this would be achieved. However I have not been made aware of any policy requirement that a viable business has to be demonstrated. I therefore consider that the lack of a confirmed end user and the absence of a business plan, does not weigh against the development.
13. The Council has brought my attention to the Chief Planning Officer's Letter of 31 August 2015, which subsequently became a Written Ministerial Statement dated 17 December 2015, which concerned amongst other things unauthorised intentional development. This advised that this matter can be a material planning consideration to be weighed in the determination of planning applications and appeals. The Government is particularly concerned about harm caused where development of land takes place without planning permission. In such cases there is no opportunity to limit or mitigate harm that has already taken place.

14. I accept that the appellant would have been aware of the planning constraints on his site and despite this he continued to subdivide the landholding. However, in this case, planning consent was in place for an equestrian development. The buildings the subject of this appeal, whilst they have a different siting and are slightly smaller than those approved do not result in any greater visual impact in this countryside area. I therefore give limited weight to this matter.
15. Bringing the above points together, I consider that the development would not cause material harm to the character and appearance of the area. I acknowledge the Council's concerns with regard the subdivision of the landholding and pressure for further development. However any future proposals would need to be considered on their individual planning merits. I therefore consider that the development would not conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy 2015 which seek amongst other things to protect landscape character.

Sustainable transport

16. Core Policy 60 of the Wiltshire Core Strategy aims to promote sustainable forms of transport and states that the Council will use its planning powers to help reduce the need to travel particularly by the private car. This would be achieved in a number of ways including through the planning of developments in accessible locations.
17. The previous approved scheme on the site was clearly associated with Braydon Fields Farm. The occupants of the Farm were therefore on hand to care for the horses and had no need to travel. In contrast as a separate development, the equestrian business would require workers to travel to the site on a daily basis. The appellant has provided information with regard a similar sized facility in Bourton-on-the Water in order to provide an indication of the level of activity and traffic movements that may result. This indicates around 6 movements in and out of the site per day.
18. I have also had regard to the potential traffic movements from the use of the gallops. This facility has no planning restrictions and has never been functionally linked to the Farm. The appellant suggests that the gallops could generate 15 – 20 vehicle movements per day. I recognise that if the horses using the gallops are stabled on the appeal site then the associated traffic movements would be reduced, particularly larger vehicles such as horse boxes.
19. It is difficult to assess the likely traffic movements to the appeal site due to the uncertainty of the potential use. I acknowledge that a riding school for example or a 'DIY' livery where individuals come daily to tend to their own horses would generate significantly more traffic movements than stabling. I note the appellant's suggestion of a condition preventing the use as a riding school or as livery yard in order to control the potential number of traffic movements.
20. I have taken account of the fact that this is an equestrian activity which would be expected to be located in the countryside where public transport would be limited. There would therefore be little alternative to the use of the car, especially if equipment or other equestrian goods needed to be transported. Paragraph 29 of the National Planning Policy Framework (the Framework) recognises that the opportunities to maximise sustainable transport solutions

will vary from urban to rural areas. Whilst there is the potential for the appeal development to generate greater traffic movements than the previously approved scheme associated with the Farm, there is also the potential for a reduction in vehicle trips to the gallops. I am therefore not persuaded that the development would significantly undermine the sustainable transport objectives of Core Policy 60 of the Wiltshire Core Strategy or of paragraphs 29, 30 and 37 of the National Planning Policy Framework.

Conditions

21. I have had regard to the conditions suggested by the Council in light of the Framework and the Planning Practice Guidance. The development is part retrospective thus a standard timeframe condition is not required for the parts of the scheme already completed. With regard to the horse walker however, this has not commenced, therefore a standard timeframe condition is required for this part of the scheme. In addition a condition requiring the development to be constructed in accordance with the submitted plans is necessary in the interests of proper planning and for the avoidance of doubt.
22. The Council has suggested conditions regarding the submission and approval of a hard and soft landscaping scheme and its implementation. Whilst I agree that this is necessary to protect the character and appearance of the area, the suggested wording requires submission of a scheme before the commencement of development on the site. As the scheme is part retrospective I have amended these conditions to require the scheme be provided before the first occupation of any of the buildings. I have also simplified the details required to be submitted as the suggested condition referred to matters unrelated to this development.
23. I consider that a condition to control external lighting is necessary in order to prevent light pollution in this rural area. In addition conditions preventing overnight parking of horse boxes, caravans trailers and other vehicles as well as the siting of portable buildings, van bodies and other similar structures used for storage, shelter, rest or refreshment are required to protect the character and appearance of the area.
24. In order to reduce the potential vehicle movements to the site, a condition restricting the use to the stabling, training and exercising of horses, and not as a DIY livery or riding school is also necessary.

Conclusion

25. For the reasons given above and having regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The horse walker hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. LPC.3439.16.09 – Site Plan, Drawing No 12569/1 – Elevations of Stables, Drawing No. 12569/2 – Stables Plan and Elevation of Tack Room/Food Store/ Staff Room Buildings, Proposed Horse Walker Elevations (no Drawing No.), Horse Walker Floor Plan (no Drawing No.)
- 3) Before the first occupation of the buildings hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted details shall include a plan showing those existing trees and hedgerows to be retained and measures for their protection during the course of development, details of boundary treatments and a planting schedule containing species, planting sizes and planting densities.
- 4) The approved soft landscaping scheme shall be carried out in in the first planting season following the occupation of the buildings or completion of the development, whichever is sooner. All tree, hedge and shrub planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. If, within a period of 5 years from the date of planting, any tree, hedge or shrub is removed or severely damaged, or is found to be seriously diseased or dying, another tree, hedge or shrub of the same species and size as originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. All hard landscaping shall also be carried out in accordance with the approved details.
- 5) No external lighting shall be installed on the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in its publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005) have been submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details.
- 6) There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.
- 7) No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site.
- 8) The site shall be used for the stabling, training and exercising of horses and shall not be used as a DIY livery yard or as a riding school.