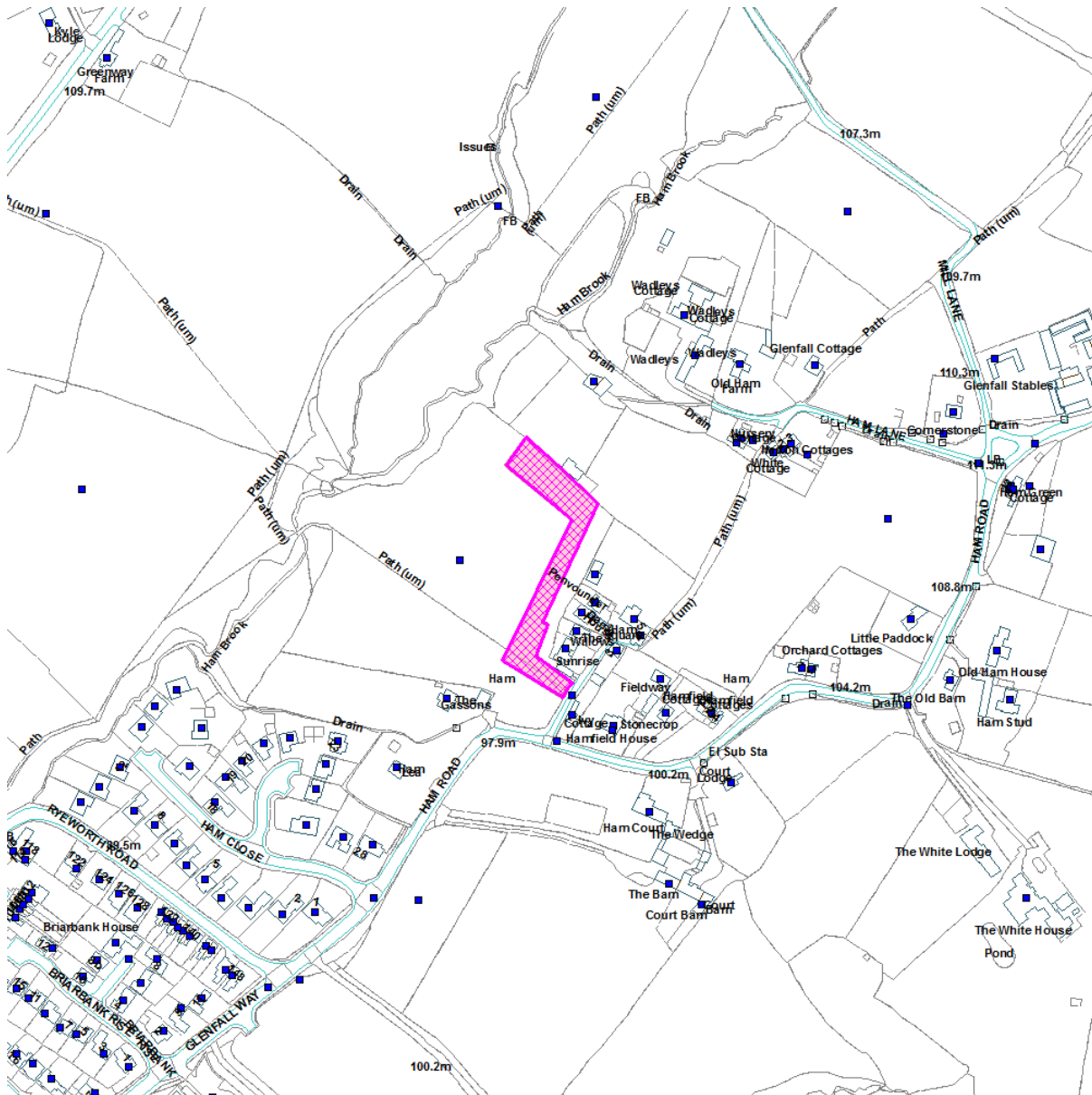


<b>APPLICATION NO: 15/01676/FUL</b>		<b>OFFICER: Miss Chloe Smart</b>	
<b>DATE REGISTERED: 22nd September 2015</b>		<b>DATE OF EXPIRY: 17th November 2015</b>	
<b>WARD: Battledown</b>		<b>PARISH: Charlton Kings</b>	
<b>APPLICANT:</b>	Mr M R Ratcliffe		
<b>AGENT:</b>	Ian Johnstone Associates		
<b>LOCATION:</b>	Land at Ham Close, Charlton Kings		
<b>PROPOSAL:</b>	Erection of stable/barn building together with the retention of access drive		

**RECOMMENDATION:**



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a stable building with incorporated ancillary storage space. In addition, the applicant seeks permission for the retention of the existing access track.
- 1.2 The proposed building will comprise of the following; 4.no stables, a tack room, mess room, hay barn, implement store and W.C.
- 1.3 The application site forms part of a larger field which has previously been used as grazing land. The site lies within the Area of Outstanding Natural Beauty (AONB) and is located to the rear of Ham Road.
- 1.4 The application is before planning committee following a request from Councillor Savage, due to the level of concern raised from local residents and following an objection from the Parish Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Area of Outstanding Natural Beauty  
Residents Associations

### **Relevant Planning History:**

**12/00736/COU 19th July 2012 REF**

Change of use of grazing land to residential gardens (approx 0.040)

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
CO 1 Landscape character  
CO 2 Development within or affecting the AONB  
TP 1 Development and highway safety

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Parish Council**

*13th October 2015*

Objection: We object on the following grounds:

- (a) This plan proposed new build in an Area of Outstanding Natural Beauty; our position of opposing development within an AONB remains as stated in our objection to the residential proposal in nearby Glenfall Way.
- (b) Leaving its location within an AONB to one side, the stables is a large and a dominant building, of a scale out of keeping with other nearby rural buildings.

- (c) The access arrangements look very difficult; there would be a tight turn for horseboxes using the proposed track to the stables. Also it appears that there is precious little space for horseboxes to turn around/manoeuvre at the stables building itself.
- (d) We note that work is well underway, with the access track already largely complete. Also substantial drainage/power work has taken place. The application seeks permission for the 'retention of the access drive'. To our knowledge no permission has been granted for this work to take place.
- (e) We also note that in July 2012, 12/00736/COU was Refused; this application sought change of use of agricultural land to residential gardens. In summary it was refused for the following reasons:
  - (1) The main characteristics of this landscape are its openness and rural character. It is officer opinion that the openness is an intrinsic characteristic of the locality which should not be encroached upon but retained as open countryside.
  - (2) In addition, if the change of use of land were granted it would make it difficult for the council to resist further applications in the future, thereby causing further harm to the landscape by reducing the openness.
  - (3) the dwellings to which this application relates appear to have adequate outdoor amenity space to the front and rear of their premises. There has been no evidence submitted to demonstrate the need or justification for an increase in residential curtilage to support this proposal. The application therefore appears to be based upon the sale of land to increase capital, rather than being a necessity to address inadequate amenity issues.
  - (4) The proposal fails to comply with policy CO1 and paragraph 109 of the National Planning Policy Framework which both seeks to protect valued landscapes.

In our view, reasons (1), (2) and (4) also pertain to this latest application. We also believe that gardens in Ham Square have been extended despite the refusal to permit.

- (f) We request that this application goes before the Borough Council Planning Committee, given the location of the plot within the Cotswold AONB and therefore its potential to set a precedent regarding development within an AONB.

**Cheltenham Civic Society**

*16th October 2015*

No Comment

**Landscape Architect**

*19th October 2015*

The Proposal

The planning application is for: Erection of stable and barn building together with the retention of access drive.

Principle of Development

Development on this site should be resisted for the following reasons:

- The proposal site lies within the boundary of the Cotswolds Area of Outstanding Natural Beauty (AONB). The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the landscape.
- Para 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- Cheltenham Borough Council takes a restrictive approach to development affecting the AONB.

Policy CO2 - Development Within or Affecting the AONB of the Cheltenham Borough Council Local Plan Second Review 2006 states that 'Development that would harm the natural beauty of the landscape within the AONB will not be permitted'.

Para. 7.20 of the Local Plan refers to concern at the cumulative effect of even small-scale development and of development in new locations in the AONB.

- The proposed new building and access track would result in an intensification of built form in this locality and lead to the adverse cumulative effect which the Local Plan seeks to avoid. The proposals would not therefore be in accord with Policy CO2.
- The proposal is in conflict with the primary purpose of the AONB since it could set a precedent for piecemeal encroachment into the countryside which would not conserve or enhance the scenic beauty of the AONB.

#### Landscape Design

The Local Plan requires new buildings in the AONB to be landscaped with particular care. No landscaping proposals have been submitted with this application and so it is not possible to comment on the landscape design. Should CBC be minded to grant planning permission, please could the following information be supplied in writing to this LPA prior to determination:

- A specification for the plastic gridded mat for the access track
- Landscape layout
- Hard and soft landscape details
- Landscape maintenance schedule

#### **GCC Highways Planning Liaison Officer**

*20th October 2015*

I refer to the above application received at these offices on 24th September 2015.

This application for the erection stable for 4 horses, and retention of a recently installed access track off Ham Close. Ham Close is a single lane, cul-de-sac class 7 privately maintainable public highway. The access to the stable is also traversed by a PROW footpath. The application mentions the proposal is for private recreational use only associated with the applicant. It is recommended that the Local Planning Authority condition the proposed use being use being for private use only by the applicant.

It is considered sufficient turning space is available on site for associated vehicles to park and turn therefore entering and exiting the site in forward gear.

The keeping of horses can currently take place on site as an agricultural field. The stabling of horses on site could potentially reduce daily trips required allowing the storage of provisions on site that may otherwise have to be more frequently taken to/from the site. Associated trip generation information available from the National Equine Welfare Council for keeping livestock mentions 6 trips per day for feeding and mucking out, 1-2 trips per month for stable and pasture maintenance, 1 trip per month for consumables, 1 trip per 4-8 weeks for the farrier and 1 trip per year for the vet (<http://www.newc.co.uk/wp-content/uploads/2011/10/Equine-Brochure-09.pdf>). Therefore on this basis it is considered that no significant increase in trips would be associated with the use of the land is anticipated after the construction phase has been completed.

The site access track recently laid with plastic grid mat onto the turf is considered acceptable as it runs from the existing field gate entrance off Ham Lane and use not expected to be significantly more than potential current use.

It is noted the plans illustrate within the site a fence and gate across the access track laid with plastic grid matting, which cannot obstruct, divert or otherwise alter the existing public right of way (Charlton Kings footpath 6A) without approval granted by Gloucestershire County Council Public Rights of Way section separately required from planning approval. On the basis of the above assessment I therefore recommend no highway objection is raised.

Note: The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

Note: If the proposed development requires any alterations to the existing footway/verge crossing then the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	7
Number of objections	7
Number of supporting	0
General comment	0

**5.1** Seven letters have been sent to neighbouring properties and representations have been received from the occupiers of seven properties. A re-consultation exercise has also been undertaken following amendments to the 'red line' of the planning application.

### **5.2 Summary of comments received:**

- Works have already commenced on access track
- Impact/harm to AONB
- Scale of the building
- Use of stables for commercial purposes
- Access/Highway Safety
- Potential for future commercial or residential use
- Noise disturbance
- Lack of amendments to application

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The key issues are the design and scale of the proposed development and their impact upon the character, appearance and landscape setting of the AONB. In addition, the potential harm to the amenity of adjoining occupiers is also of relevance, together with highway safety.

### 6.3 Impact on AONB/Design

6.4 Local Plan Policy C02 relates to development within the AONB and states that *'Development which would harm the natural beauty of the landscape will not be permitted'*. In addition, paragraph 115 of the National Planning Policy Framework requires *'great weight'* to be given to the conserving the landscape and scenic beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty.

6.5 The Council's Landscape Architect has been consulted on this application. The comments received raise a concern that; *'The proposal is in conflict with the primary purpose of the AONB since it could set a precedent for piecemeal encroachment into the countryside which would not conserve or enhance the scenic beauty of the AONB.'* The concerns raised stem from the intensification of the built form in this locality and the cumulative adverse impact on the area.

6.6 Officers have considered the above comments and do not share the conclusions that have been arrived at or necessarily the means of arriving at them. The concerns in relation to precedent are unfounded and members will be aware that it is a well-established principle when determining planning applications that each proposal must be assessed on its own merits against local plan policy. In this instance, local policy advises that development which would harm the natural beauty of the landscape within the AONB will not be permitted.

6.7 When considering the application with the relevant policies in mind, officers do not agree that development of this nature is harmful. Stables are a typical type of facility that would be expected within this rural context and as such, it is the design and siting of the structure, as opposed to the principle that is the principal consideration in this case.

6.8 The applicant proposes to site the stable block to the south of an existing field boundary. Since its original submission a number of alterations have been made to the proposal which include the following: a reduction in the 'red line' of the application, the re-siting of the proposed building five metres towards the eastern boundary and the simplification of the overall design approach of the structure.

6.9 The amendments to the scheme have come about following discussions between officers and the applicant. It was initially considered that whilst the siting of the building parallel to the existing hedgerow was appropriate, it would be more sympathetic if positioned towards the eastern boundary of the field. This is because the area to the east of the site is where there is more of an existing built form. Following this alteration, officers are satisfied the siting of the building adjacent to the existing hedgerow and within closer proximity to existing buildings is now appropriate in terms of its impact on the surrounding landscape.

6.10 Moving onto the scale, the footprint of the building was initially raised as a concern as the stables will have a total width of 28 metres. The architectural detailing and design of the building was also considered overly elaborate.

- 6.11** The applicant has confirmed that the footprint of the building is an aspect of the scheme which will not be amended. The reason for this is the requirement to accommodate four horses at this site, together with the associated storage space that comes with this. Information has been provided which sets out minimum standards for compliance with British Horse Society requirements and also an example of a similar scale development within the AONB in a neighbouring authority cited. Whilst this example has been noted, officers have attached little weight to this, given each case must be judged on its own merits and it is outside of the Borough boundary.
- 6.12** Given the footprint of the building is to remain unaltered, it must be considered as to whether the current scale and design of the building is acceptable and what the harm would be to the AONB. It is acknowledged that a reduction in the footprint of the building would reduce the impact of the proposal on the AONB, but officers do not consider that as the proposal stands there is a harmful impact on the AONB. The stable block will be visible, but it has been sited so as to minimise the impact on the wider landscape due to its location adjacent to a hedgerow and the existing built form. Furthermore, the amendments to the design which included the removal of solar panels, window openings and finally, the central 'turret', ensure a simpler design approach.
- 6.13** The applicant proposes a stained timber boarding for the building, the detail of which will be requested by condition. The LPA considers the materials used in the proposed development acceptable and appropriate in their context of rural surroundings.
- 6.14** Finally, the applicant seeks permission of the retention of the access track as part of this application. This track is considered acceptable as it is sympathetic and not visually intrusive.
- 6.15** Overall, the proposal is considered an appropriately designed stable building which will not appear out of context or incongruous within this rural location. In light of this, despite the concerns raised by the Council's Landscape Architect, the Parish Council and local residents, the proposal is considered to conserve the landscape and is therefore in accordance with Local Plan Policy C02 and the guidance within the NPPF.
- 6.16 Impact on neighbouring property**
- 6.17** Local Plan Policy CP4 requires development to respect the amenity of neighbouring land users and the locality.
- 6.18** Some concerns have been raised by nearby residents relating to an increase in noise and disturbance resulting from the proposed development. The application relates to the private stabling of horses and is not to be used for commercial purposes. As such, the level of activity associated with this will alter significantly. There is likely to be an increase in vehicular movements to and from the site, but officers are satisfied this would not give rise to any unacceptable increase in noise and disturbance.
- 6.19** In terms of the building itself, this will not result in any unacceptable loss of light, loss of privacy or overbearing impact to nearby dwellings.
- 6.20** In light of this, the proposal is considered in accordance with Local Plan Policy CP4 in terms of protecting the amenity of neighbouring land users and the locality.
- 6.21 Access and highway issues**
- 6.22** A number of objections have been received in relation to the proposed access arrangements for the development and the retention of the access track.
- 6.23** Whilst these objections have been noted, Gloucestershire County Council has raised no objection to this application. The proposed access and track is considered acceptable for

the level of activity which this proposal is likely to generate. A condition has been suggested to restrict the development for private purposes as opposed to commercial livery which has been attached to this recommendation.

#### **6.24 Other considerations**

**6.25** There has been a concern raised in relation to the requirement for a change of use of the land as part of this application. The application 'red line' has been kept to a minimum and extends only around the land immediately adjacent to the stable block and also the access track. The remaining grazing land surrounding the stables does not form part of this application and is therefore not being considered as part of this application. The proposal relates purely to the erection of the stable block and associated access.

**6.26** On a separate matter, members should be aware that currently, drawings above A3 size are not able to be scanned into the public access consultation system due to ICT restrictions. As such, some of the comments from residents refer to the lack of amendments made from the original submission of the application but this is because the larger drawing (proposed elevations) has not been available on line. The file has however been available to be viewed at the Council Offices.

### **7. CONCLUSION AND RECOMMENDATION**

**7.1** Overall, officers consider the principal concerns in relation to this application have been addressed.

**7.2** The proposal represents an appropriately designed stable building which will not appear out of context or incongruous within this rural location. The proposal is considered to conserve the landscape and is therefore in accordance with Local Plan Policy C02 and the guidance within the NPPF.

**7.3** In addition, there will be no unacceptable impact on neighbouring amenity or highway safety.

**7.4** The recommendation is to approve this application subject to the conditions set out below.

### **8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 01676:01A, 01676:02A and 01.B received 11th November 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The stables shall not at any time be used in connection with any commercial use and shall only be used for the stabling of horses and ancillary storage and for no other purpose whatsoever.  
Reason: To preserve the landscape character of the Cotswolds Area of Outstanding Natural Beauty.



- 4 No external facing or roofing materials shall be applied unless in accordance with a) a written specification of the materials; and b) a physical sample of the materials, both of which shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 5 Notwithstanding the submitted information and prior to the use of the stables hereby approved, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant is reminded that the proposed development requires any alterations to the existing footway/verge crossing then the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.