

Item No 01:-

20/02390/FUL

**Church Farm
Little Rissington
Cheltenham
Gloucestershire
GL54 2ND**

Item No 01:-

Change of Use of Land to Keeping/Grazing of Horses and Erection of Stables Complex at Church Farm Little Rissington Gloucestershire GL54 2ND

Full Application 20/02390/FUL	
Applicant:	Mr & Mrs Firth
Agent:	Prime Oak Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Andrew Maclean
Committee Date:	9th December 2020
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Landscape Impact within the Cotswolds AONB
- (b) Setting of Conservation Area
- (c) Impact on Residential Amenity
- (d) Other Matters

Reasons for Referral:

The application has been referred to the Planning and Licensing Committee by the Ward Member, Councillor MacLean for the following reason:

'The Parish Council is very opposed to this development and worried about creeping development along Church Rise. They quite rightly believe that 8 loose boxes is an excessive number for just personal use and are concerned that this will quickly turn into a commercial enterprise attracting yet more traffic along this narrow lane. I know you are prepared to put in a condition here but I foresee that being challenged over time.

I note that there have been two former stables at Church Farm, neither of great antiquity. One closer to the village that was sold off and has now had permission for a new home on the site; and the second one a modern barn that was declared redundant and thus obtained permission for conversion into 4 houses. If Church farm needs a stable, how did they get permission to convert all their existing ones into houses? I would like the committee to consider how many times an applicant can continue to run such a process before CDC calls a halt to it.'

1. Site Description:

The site consists of agricultural land to the south, east and north of a two-storey Cotswold stone detached dwellinghouse and its garden area, located to the north of Little Rissington in the Cotswolds Area of Outstanding Natural Beauty (AONB).

Church Farm was permitted as an agricultural workers house, and is associated with the two barns to the south east, recently permitted to be converted to residential properties. The site is separated from Little Rissington by a field, and is otherwise surrounded by open countryside.

The lane to the site continues into Public Right of Way (PRoW) Little Rissington Bridleway 3.

2. Relevant Planning History:

The dwellinghouse:

CD.8290: New 3 Bedroomed Farm Dwelling. Refused 02.07.1998

CD.8290/A: Erection of Cattle Building. Granted 08.03.1999

CD.8290/B: Erection of 3 Bedroom Agricultural Workers Dwelling. Granted 09.06.1999

CD.8290/C: New Farmhouse. Granted 12.01.2001

13/03164/CLEUD: Certificate of Lawful existing use or development under Section 191 of the Town and Country Planning Act 1990 for the construction and retention of an unauthorised dwelling and its residential curtilage currently known as Church Farm, Little Rissington, GL54 2ND. Granted 28.10.2013

19/04393/FUL: Two storey extensions to existing dwelling. Granted 03.02.2020

20/02088/FUL: Erection of detached outbuilding. Granted 14.08.2020

Around the site:

20/01685/FUL: Change of use of land from agricultural to residential. Withdrawn 16.07.2020

20/02088/FUL: Erection of detached outbuilding. Granted 14.08.2020

20/02488/FUL: Change of use of land from agricultural to domestic. Refused 01.09.2020; appeal lodged

Barns next to the site:

13/03310/FUL: Change of use of agricultural land and building to commercial equestrian establishment, together with the installation of a horsewalker. Granted 21.10.2013

18/01486/FUL: Erection of six camping pods and associated works. Refused 03.07.2018

19/00188/FUL: Conversion of barn to four dwellings and all associated works. Granted 01.05.2019

19/03319/FUL: Variation of Conditions 2 (drawing numbers), 6 (colour of window and doors), 11 (landscaping scheme), 14 (contamination), 15 (surface water drainage), 17 (biodiversity enhancement), 18 (passing bays/junction works), 19 (signage), 23 (external illumination) of planning permission 19/00188/FUL for the conversion of barn to four dwellings and all associated works. Granted 29.11.2019

19/03646/FUL: Conversion of barn to four dwellings and all associated works. Granted 11.06.2020

Land Parcel South Of Church Farm:

18/03321/FUL: Conversion of existing stable block and to one-bed dwelling. Granted 05.10.2018

19/00294/FUL: Demolition of stable block and erection of dwelling (revised development to that approved under 18/03321/FUL). Granted 19.03.2019

20/01390/FUL: Erection of new dwelling in place of dwelling approved under application reference 19/00294/FUL. Granted 22.06.2020

3. Planning Policies:

INF4 Highway Safety
TNPPF The National Planning Policy Framework
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN15 Pollution & Contaminated Land

4. Observations of Consultees:

Landscape Officer: Comments incorporated in Officer's Assessment

ERS Pollution: No objection

Newt Officer: No objection

5. View of Town/Parish Council:

The Parish Council Objects to this application on grounds of highways access and parking. The lane to the proposed site is already oversubscribed with farm and domestic traffic.

With further developments already underway way on this very narrow track it is unsustainable. It is not possible to pass other vehicles without using private

resident's driveways as passing places. A passing place would be required outside the entrance to allow vehicles space to pass. The potential increase of traffic from cars, horse boxes and horse care delivery vehicles would make this a dangerous place for drivers and pedestrians alike. The added issue of these larger and longer vehicles trying to turn into the lane from the main road are a serious concern on a severe bend with a narrow access/exit. Parish Council would like to also object to the inadequate parking to serve these eight stables. The area for parking is directly in front of the stables, presumably making it a very difficult process to take a horse in and out.

6. Other Representations:

None received

7. Applicant's Supporting Information:

Proposed Plans

8. Officer's Assessment:

Background

There have been a number of planning applications to convert existing buildings at Church Farm, Little Rissington, into residential use since 2018, including the conversion of a stable building to the south of the site (18/03321/FUL) into a one-bedroom dwelling, with this then being granted permission to be demolished and replaced by a new dwelling (19/00294/FUL as amended by 20/01390/FUL).

To the north of the application site, planning permission has been granted to convert two separate farm buildings each into four dwellings (references 19/00188/FUL and 19/03646/FUL).

It has been stated that the applicants own 10 horses which are currently stabled at another site at Little Rissington. This is in the process of being sold and therefore new accommodation for the horses is sought at the application site.

(a) Landscape Impact within the AONB

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031. The policies and guidance within the National Planning Policy Framework 2018 (July NPPF), updated in February 2019, are also considered to be a material planning consideration.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN4 seeks to protect wider natural and historic landscapes, restricting development which would have a significant detrimental impact on the natural and historic landscape taking into account landscape, historic landscape, visual quality and local distinctiveness.

Local Plan Policy EN5 relates specifically to the Cotswold AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 127 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

The proposal is for two stable buildings, one being 'L-shaped' and containing 4 horse boxes either side of a tack / feed store, the other being rectangular in form and containing 4 horse boxes. The buildings would be sited within a field to the east of the lane, and to the south-west of the applicant's property, with external materials to include weatherboarding attached to an oak frame, oak doors, and a slate roof. The stable block would also be provided with a new yard accessed by way of a new gateway onto the lane. Amended plans have been received that reduce the roof pitch to 30-degrees, which in turn reduces the height of the proposed buildings.

The position of the buildings is such that it would be partially screened by the remaining hedgerow from the lane and Public Right Of Way, but is upon lower ground compared to the dwelling and the agricultural land also included within the application.

Given that the wider visual impact is limited and the buildings would have an agricultural appearance, on balance, it is considered that the impact upon the general landscape character of the surroundings would be acceptable. Therefore,

the proposed design, scale, form and use of materials would be appropriate given the intrinsic open rural landscape character of the Cotswolds AONB.

The change of use of the agricultural land to equestrian use would not materially impact upon the landscape character of the area. Given its sloping and uneven topography, it is unlikely that this could be used for purposes other than grazing. The proposal has been amended to remove an area from the application, which was to the north-eastern corner, due to concerns regarding to the loss of historic field boundaries.

The proposed stable building therefore is considered to accord with the objectives of Cotswold District Local Plan Policies EN2, EN4 and EN5, the design and landscape considerations contained in the NPPF.

(b) Setting of the Conservation Area

The boundary to the Little Rissington Conservation Area runs along the western boundary of the application site, and therefore the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Policy EN1 of the Local Plan covers the Built, Natural and Historic Environment and states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.

Policy EN2 covers the Design of the Built and Natural Environment and states that development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality.

Policy EN10 covers the Historic Environment: Designated Heritage Assets. It states that in considering proposals that affect a designated heritage asset or its setting, great weight shall be given to the asset's conservation, and that the more important the asset, the greater the weight should be. It also states that development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Finally it states that proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm, and that any such assessment will take account of the importance of the asset, the scale of harm, and the nature and level of the public benefit.

Policy EN11 covers the Historic Environment: Designated Heritage Assets (Conservation Areas). It states that development proposals that would affect

conservation areas and their settings will be permitted provided they: preserve and where appropriate enhance the special character and appearance of the conservation area, in terms of siting, scale, form, proportions, design, materials and retention of positive features; include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the conservation area; will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and appearance, and/or allow important views into or out of the conservation area; and do not include any internally illuminated advertisement signage unless the signage does not have an adverse impact on the conservation area or its setting.

Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 12 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning decisions should ensure that developments: function well and add to the overall quality of an area; are visually attractive as a result of good architecture and layout; are sympathetic to local character and history; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.

Having regard to the design of the proposed stable buildings, their siting and the screening afforded by the hedgerow to be retained, it is considered that the impact upon the setting of the conservation area would be acceptable. As stated above, the buildings would be constructed from weatherboarding to an oak frame, with oak doors and a slate roof, and would not therefore be out of keeping with the surrounding rural environment. As such, the proposal accords with Policies EN2, EN10 and EN11 of the Local Plan, in addition to Section 16 of the NPPF.

(c) Residential Amenity

Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 127 (f) of the NPPF.

Policy EN15 of the Local Plan states that development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through either pollution of the air, land, surface water,

or ground water sources; and / or generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

The nearest residential property outside the applicant's control is approximately 40 metres to the south, whereas the barn approximately 50 metres to the north-west has an extant planning permission for conversion into 4 dwellings. With regard to odour, it is considered that the distance between the proposed stable buildings and these building is sufficiently far enough away for there to be no material impact upon the amenities of existing or future occupants.

(d) Other Matters

The comments made by the Parish Council are noted. The proposed stables are, however, stated to be for the applicant's private use and not for any commercial purposes. As has been stated previously, the applicants are understood to own 10 horses.

The traffic generated by the proposal would, therefore, be considered not to be such that there would be any impact upon highway safety arising from the proposal. A condition limiting the use is recommended.

9. Conclusion:

The proposed change of use and new buildings would be acceptable, and in accordance with the policies within the Development Plan and the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for planning permission to be granted.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements 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 approved shall be carried out in accordance with the following drawing numbers: 43257-01A and 02; AC/PD/271020/01; 02 and 03.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. The stable yard hereby approved shall only be used for private equestrian use and shall at no time be used for any other commercial or DIY livery, riding school, or other form of commercial equestrian business without the prior approval in writing of the Local Planning Authority.

Reason: The site is located in an attractive rural location where the introduction of a commercial operation could have an adverse impact on the character and appearance of the landscape resulting in increased vehicle movements to and from the site, contrary to national and local sustainable development objectives that would be contrary to Cotswold District Local Plan Policies EN2 and INF4.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no wall, fences, jumps or related equestrian development shall be erected, constructed or sited on the site.

Reason: To ensure the development is completed and maintained in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN4.

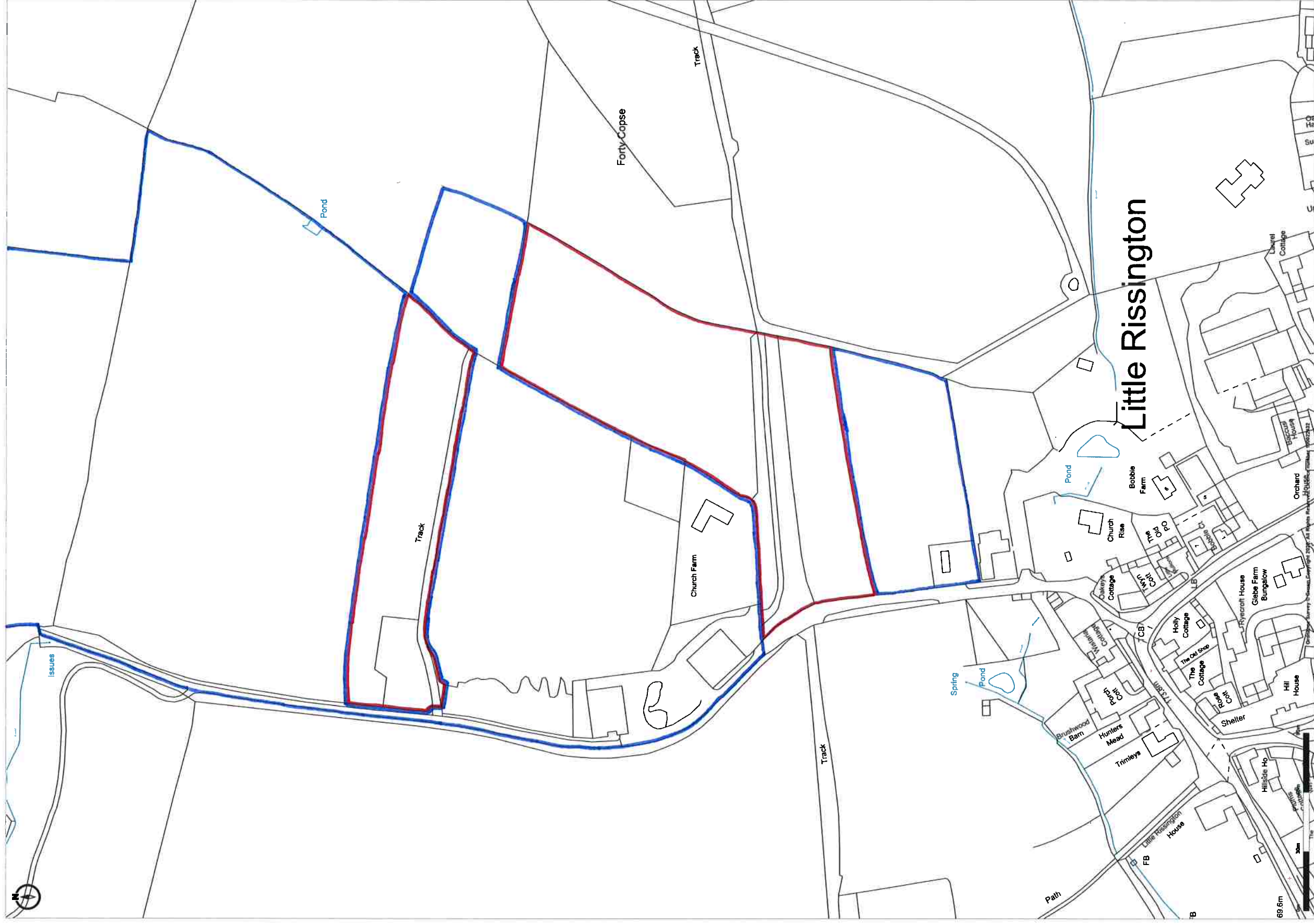
6. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

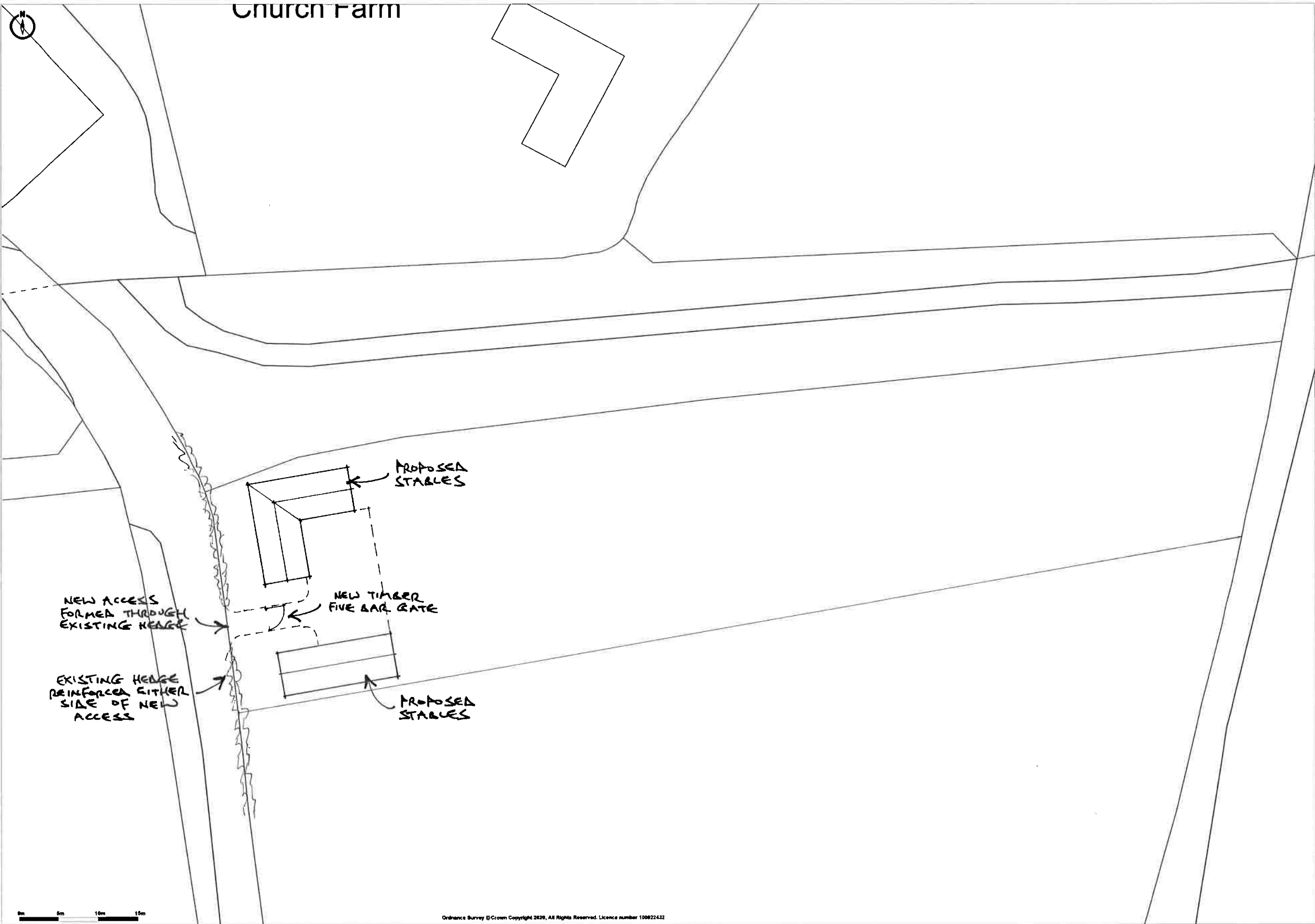
Informative:

There is a low risk that great crested newts (GCN) may be present at the application site. Cotswold District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within a red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence. Any trenches left overnight should be

covered or provided with ramps to prevent GCN from becoming trapped. Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.



Church Farm



PROPOSED STABLES

NEW ACCESS FORMED THROUGH EXISTING HEDGE

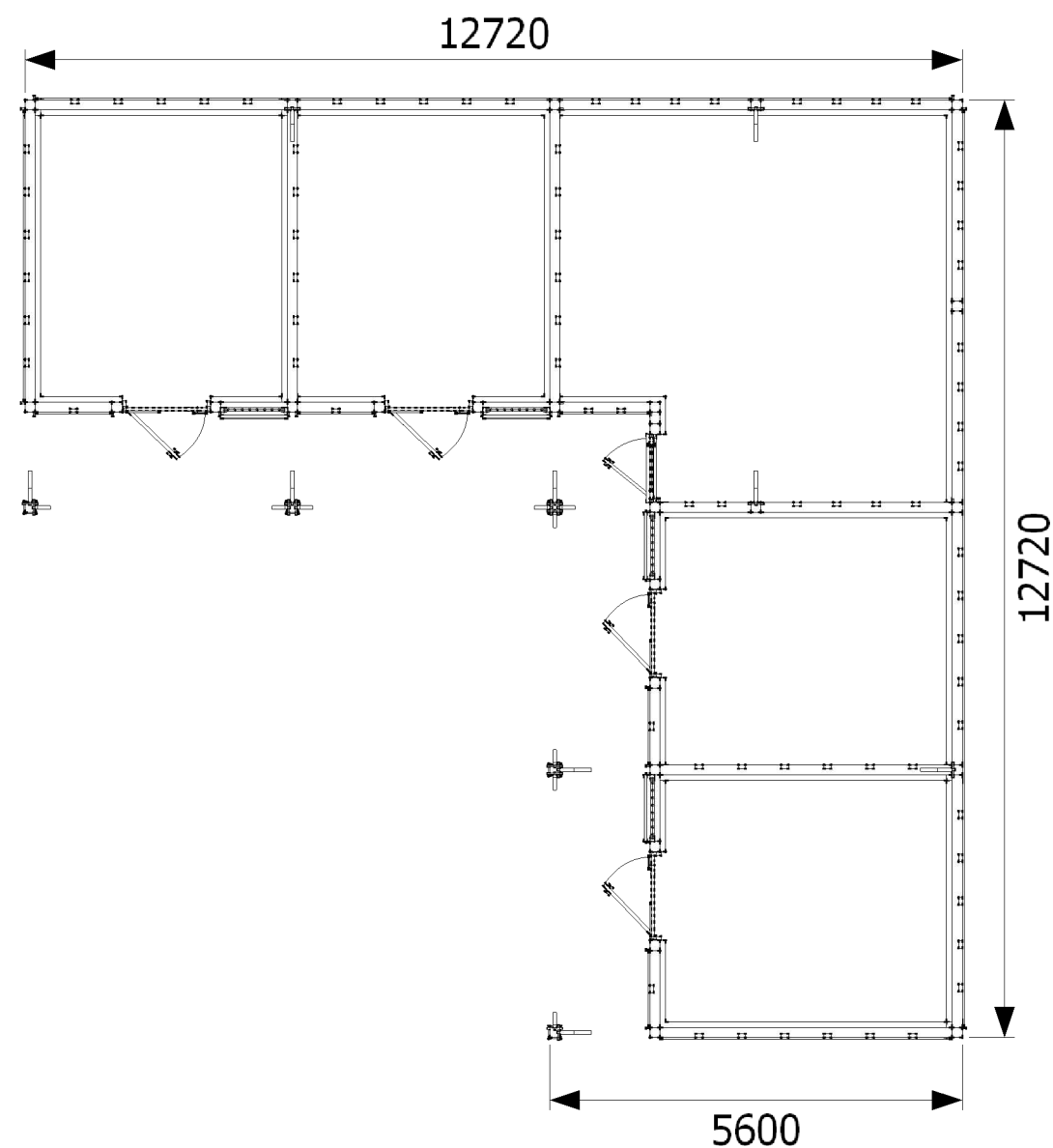
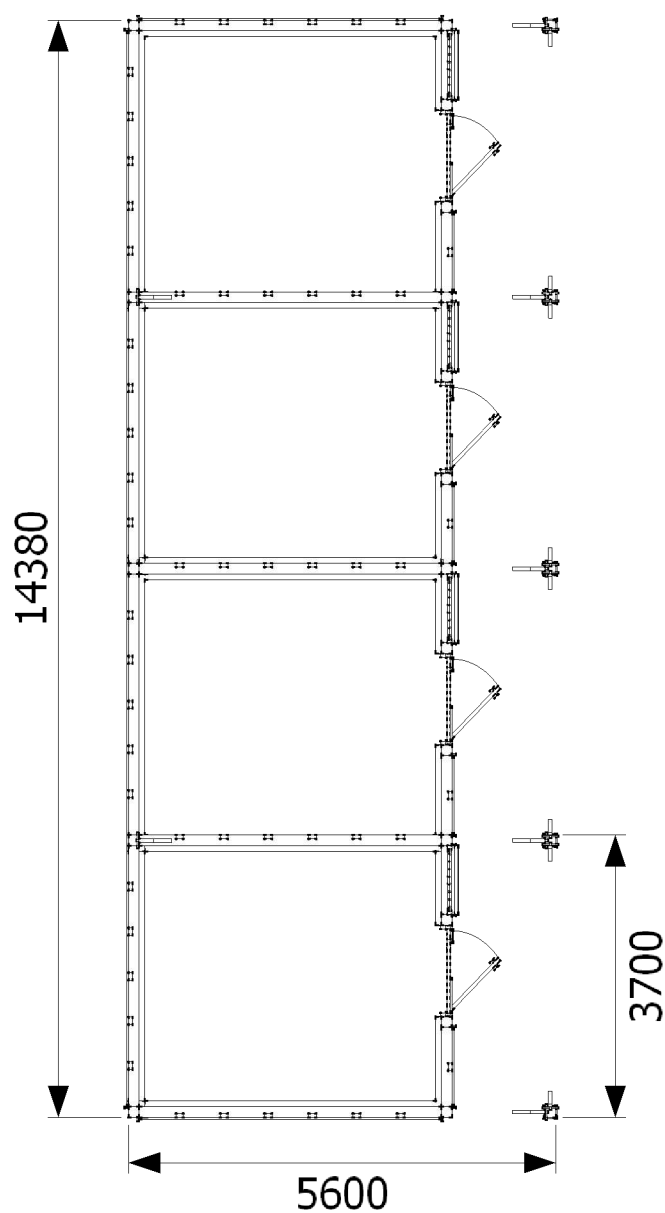
EXISTING HEDGE REINFORCED EITHER SIDE OF NEW ACCESS

NEW TIMBER FIVE BAR GATE

PROPOSED STABLES

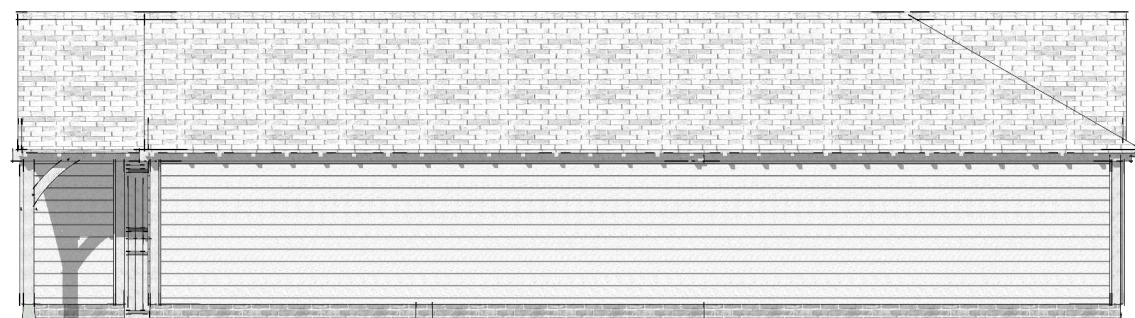


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Proposed

Mr & Mrs Firth
Oak Framed Stables - 1:100 Date:27/10/20 - AC/PD/271020/01 - PLN P



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24/07/2020



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