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Item No 04:-

17/01419/FUL (CT.8950/E)

**Clay Meadow
Cirencester Road
South Cerney
Cirencester
Gloucestershire
GL7 6HU**

Item No 04:-

Variation of Condition 3 (agricultural occupancy) of permission 15/00655/FUL to enable approved dwelling to be occupied in connection with equestrian activities in addition to agriculture at Clay Meadow Cirencester Road South Cerney Gloucestershire GL7 6HU

Full Application 17/01419/FUL	
Applicant:	Mrs Helen Kendall Smith
Agent:	
Case Officer:	Martin Perks
Ward Member(s):	Councillor Shaun Parsons
Committee Date:	14th June 2017
RECOMMENDATION:	PERMIT

Main Issues:

(a) Essential Need for a Rural Worker's Dwelling

Reasons for Referral:

This application, along with application 17/01420/FUL, has been referred to Planning and Licensing Committee at the request of Cllr S Parsons on the following grounds;

'The planning reason for this is the size of the barn is disproportionate to the extent of the land holding'.

1. Site Description:

This application relates to a parcel of agricultural land measuring approximately 9.8 hectares (24.5 acres) in size located approximately 200m to the north of South Cerney Development Boundary. The site lies approximately 800m from the centre of the aforementioned village. Access to the site is via an existing field/site entrance opening onto the main road linking South Cerney with the A419 just to the south east of Cirencester. The application site is located outside the Cotswolds Area of Outstanding Natural Beauty.

A Public Footpath (BSC1) runs parallel to the northern edge of the applicant's lane. It extends alongside the route of a former canal and lies outside the application site. A second footpath (BSC3) extends in a roughly north south direction through the centre of the applicant's land. It is located approximately 210m to the west of the proposed dwelling.

2. Relevant Planning History:

CT.7622/A Creation of car park and use of land for education (rural interpretation) Granted 1996

12/04205/FUL Use of land as a site for a log cabin as a temporary farm dwelling and the permanent construction of farm buildings and related development to include a hardcore access track and turning head Granted 2012

14/04592/FUL Use of land for the siting of two yurts for holiday lets associated with existing Alpaca farm and creation of decking Withdrawn 2014

14/04593/FUL Erection of farm building and related development to include hardcore access track and turning head Granted 2014

15/00655/FUL Erection of an agricultural worker's dwelling. Granted 2015

16/00213/OPANOT Notification under Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class Q for change of use of existing agricultural building to a dwellinghouse. Refused 2016

17/01420/FUL Change of use of parcel of land from agricultural to equestrian, the erection of a stable building and associated groundworks. Pending decision

3. Planning Policies:

LPR31 Equestrian Related Development
 NPPF National Planning Policy Framework
 LPR19 Develop outside Development Boundaries
 LPR27 Diversification of Farms & Agric Estates

4. Observations of Consultees:

None

5. View of Town/Parish Council:

Object -see attached correspondence

6. Other Representations:

Four letters of support received.

i) 'I write in support of the above American Barn and a variation of the Agricultural Condition to permit the keeping of horses and ponies.

I purchased lead rein ponies for our twin daughters from Mrs Kendall Smith 16 years ago who, at that time, bred show ponies. When they were older, Mrs Kendall Smith had Riding Holidays at her property at St Leonards Farm, Lower Blunsdon where our twins stayed in Farm Cottage and were taught to ride on cobs that she broke in and trained herself.

Mrs Kendall Smith taught children of a variety of ages and physical abilities and our daughters were welcomed as family and taught safely, staying on several different occasions. Not only were they taught to ride but also how to groom, handle, feed and care for the horses.

Our twins also made friends with many other children staying there, also being taught to ride.

Mrs Kendall Smith gave them confidence and courage on safe feathered cobs, in particular one coloured mare called "Lucy".'

ii) 'We fully support both of these applications and have lived in the village of South Cerney all our married lives, having raised our daughters here. It is nice to see this land being used again as a livestock farm.

I have recently visited Kensmyth and I have had the wonderful opportunity of being able to bottle feed a Wensleydale lamb and at the same time have an Alpaca experience with these wonderful, gentle creatures.

There are so many different colours of Alpaca on site to see when you visit and it is nice to be able to see generations of Mothers, daughters and grandmas amongst them.

Having visited, I can genuinely say that the American barn would be in keeping with the other barns on site already as well as the wooden field shelters clearly visible in each field.

I take great pleasure in seeing these beautiful and different animals in the fields, the animals at Clay Meadow are happy, healthy in well-tended and fenced fields with plenty of water and shelter. There are Goats in Cerney Wick and in the village of South Cerney and few people realise how much happiness seeing any livestock in the countryside brings.

The addition of a handful of horses or ponies overall to be stabled in the American Barn at differing times of the year and the breeding of Rare Breed ponies not only assists a Rare Breed but also will give visitors so much pleasure whilst bringing more business to South Cerney village itself.

From reading the report on the website from Kernon it is absolutely clear that horses and ponies can be kept on the land under the current Agricultural Occupancy condition regardless - if just grazed and using the Field shelters already there.

It is obvious that "Clay" Meadow refers to the ground type on this farm and so stabling is essential - this application should be granted without further ado and should not be going to Planning Committee to be decided.

Tourism is a key part of the Cotswolds itself and especially the Water Parks, there is plenty of room for all.'

iii) I have visited the farm and seen the layout and remarkable conditions the alpaca and sheep are kept in which is a credit to the applicant. I have purchased ewes and lambs in superb condition and am sure that Mrs Kendall Smith would keep any horses or ponies in a similar manner both for her visitors and for breeding purposes. I support rare breeds by breeding Wensleydales and understand the need for others to support all species of livestock in the UK - or they will be gone.

iv) One letter attached.

7. Applicant's Supporting Information:

Supporting Statement

8. Officer's Assessment:

a) Essential Need for a Rural Worker's Dwelling

Planning permission was granted in 2015 for the erection of an agricultural worker's dwelling on the site (15/00655/FUL). Permission was granted in order to meet the essential needs of the applicant who runs an alpaca business. Condition 3 of the permission restricted the occupancy of the dwelling to persons solely or mainly employed in agriculture or forestry. The approved dwelling also included space for Bed and Breakfast accommodation. The applicants have yet to construct the dwelling. However, they are continuing to develop their business through the introduction of rare breed sheep (Wensleydales). They are also seeking to diversify the business into equestrian activities. The proposed equestrian activities can run alongside the alpaca business without a risk of cross contamination. The introduction of horses and ponies onto the site would not represent a bio-security risk as would be the case with cattle. The equestrian use will remain a subsidiary element of the overall business which will still primarily be focused on alpaca.

The applicant's intention is to have one rare breed equine for children to handle and a rare breed mare for breeding foals (which will be sold). The rear breeds would take the form of an Exmoor and a cob. They also wish to provide a serviced livery for up to 3 horses and stabling for horses belonging to guests who stay in the B & B accommodation. An application for a new stable building has been submitted under reference 17/01420/FUL and is being considered alongside this application. The applicant currently offers a number of activities on site including alpaca walking and corporate/team building days in addition to the breeding of alpaca. Their business

has now been operating for 10 years and has recently appeared in an article in Daily Mail and as an item on ITV's 'This Morning'.

Condition 3 states;

'The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working or last working in the locality in agriculture or forestry activities, or a widow or widower of such a person and to any resident dependants.

Reason: The site is located in a rural area wherein there is a presumption against new build open market residential development. In accordance with Cotswold District Local Plan Policy 19 and guidance set out in Paragraph 55 of the National Planning Policy Framework permission is granted only because the accommodation is required to house a person employed in an agricultural business where there is a demonstrated essential need.'

The current wording of Condition 3 would not prevent the occupation of the dwelling by a person undertaking ancillary equestrian activities. However, it is considered that the proposed equestrian use would represent more than an ancillary activity and such there is a requirement to amend the wording of the condition.

The permission granted in 2015 established the need for a worker's dwelling on the site. Since 2015 the business has continued to develop. The current proposal for an equestrian use represents a diversification of the agricultural business.

Local Plan Policy 27 offers support for farm diversification schemes so long as;

- a) they do not cause conflict with the existing farming operation including severance or disruption to the agricultural holding that would prejudice its continued viable operation;
- b) the scale and design of the development harmonises with the character and appearance of the area; and
- c) suitable vacant buildings on the farm or estate are utilised before considering new buildings unless compelling reasons are advanced for doing otherwise.

The proposal to introduce horses onto the site will also allow the applicant to utilise parts of the land which are currently unsuitable for the alpaca. The northern part of the site lies in close proximity to known badger activity and as such is not suitable for use by the alpaca. In contrast, horses can use the land without risk of catching TB. The proposal will therefore allow for the more efficient use of land without compromising the existing alpaca operation. The proposed equestrian use would also provide an additional attraction to guests who would be able to stable horses on the site. The applicant has experience of looking after horses and has previously operated riding for the disabled activities.

It is considered that the proposed equestrian activities would complement the existing alpaca business without undermining its viability. The equestrian element is also relatively modest and would not be out of character or appearance with the existing activities already undertaken on the site. The equestrian and alpaca elements can operate alongside one another and as such there will be no severance or disruption of the holding. The proposal is considered to accord with Local Plan Policy 27.

9. Conclusion:

The amended condition will ensure that future occupation is restricted to agricultural, equestrian or forestry workers and as such the dwelling will not be able to be occupied as unrestricted residential accommodation. It is considered that the proposed change of wording will still result in the dwelling being restricted to a rural worker in accordance with Paragraph 55 of the NPPF.

10. Proposed conditions:

1. The development shall be started by the 11th June 2018.

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 implemented in accordance with the following drawing number(s): 15-005-P-E01, 15-005-P-GF01, 15-005-P-FF01, 15-005-P-SP01 A, 15-005-E-SP01 A

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

3. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working or last working in the locality in agriculture, equestrian or forestry activities, or a widow or widower of such a person and to any resident dependants.

Reason: The site is located in a rural area wherein there is a presumption against new build open market residential development. In accordance with Cotswold District Local Plan Policy 19 and guidance set out in Paragraph 55 of the National Planning Policy Framework permission is granted only because the accommodation is required to house a person employed in an agricultural business where there is a demonstrated essential need.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other statutory instrument amending or replacing it, no extensions or outbuilding shall be erected, constructed or sited in the application site other than those permitted by this Decision Notice.

Reason: To ensure that the dwelling remains of a size commensurate with the essential needs of the business and affordable to an agricultural worker. This condition is attached having regard to Local Plan Policies 19 and 42 and guidance in the NPPF, in particular Paragraphs 17 and 55.

5. Prior to the erection of any external walls 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 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

6. Prior to the erection of any external walls of the development hereby approved a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

7. No bargeboards, eaves fascias or exposed rafter feet shall be used in the proposed development.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42

8. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

9. Prior to, or within one month of, their installation all windows shall be finished in a colour that has first been agreed in writing by the Local Planning Authority and the windows shall be retained in the approved colour thereafter unless a similar alternative is first agreed in writing by the Local Planning Authority.

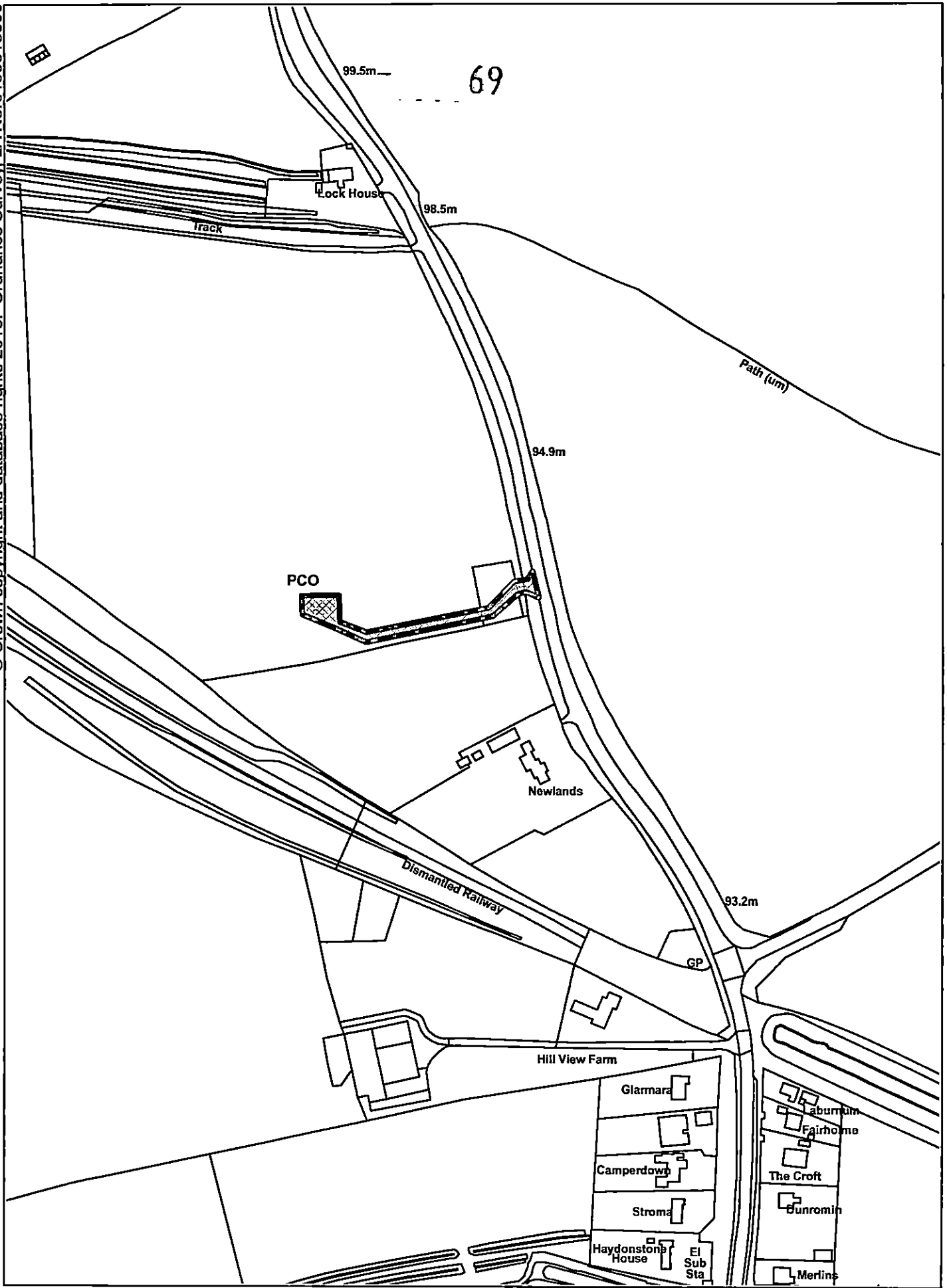
Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

10. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity in accordance with Local Plan Policy 5

11. Within one month of the first occupation of the dwelling hereby approved the existing log cabin shall be permanently removed from the site.

Reason: Permission is granted for the dwelling to meet the essential needs of the existing business. There is no justification for the presence of two dwellings on the site and it is therefore important that the existing log cabin is removed following the first occupation of the new dwelling having regard to Local Plan Policy 19 and guidance in the National Planning Policy Framework, in particular Paragraph 55.



Clay Meadow Cirencester Road South Cerney

Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 26/05/2017



COTSWOLD
DISTRICT COUNCIL



17/01419/FUL - Variation of Condition 3 (agricultural occupancy) of permission 15/00655/FUL to enable approved dwelling to be occupied in connection with equestrian activities in addition to agriculture at Clay Meadow, Cirencester Road, South Cerney, GL7 6HU

17/01420/FUL - Change of use of parcel of land from agricultural to equestrian, the erection of a stable building and associated ground works at Clay Meadow, Cirencester Road, South Cerney, GL7 6HU

South Cerney Parish Council strongly objects to these associated applications, for the following reasons.

NPPL para 55 states that, "*local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, ..such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.*" The applicant fails to show any such essential need in relation to the proposed equestrian business.

Planning permission 15/00655/FUL was for a permanent dwelling in open countryside, limited to a person solely or mainly working in agriculture. It was granted on the premise that it was entirely justified by the applicant's proposed alpaca breeding business. It was accompanied by a supporting statement – written by the applicant – asserting that the alpaca breeding would be a viable business. That statement made absolutely no reference to any future 'diversification' from that business.

It is therefore now rather surprising to see the same applicant apparently needs to diversify into an entirely different business – equine livery. There is a notable absence of any business plan or extrinsic evidence to show how such an equine livery business would be viable. There would need to be capital investment to build the large stable building, but there is no business plan or other evidence showing how that capital expenditure forms part of a viable business. There are no bridleways accessible from the application site, and there is already a long established livery yard 300 metres to the north of Clay Meadow which would be in direct competition.

There is further concern that if permission were granted for equine 'diversification' then the agricultural use might very well be entirely taken over by equine use of the whole area. Such equine use was certainly not why the large dwelling associated with this application was permitted.

Under the planning permission granted, the dwelling should only be occupied by person employed in agriculture. If the applicant now needs to diversify because that occupation is not able to be sustained by agriculture, there must now be genuine concern that condition 3 of the current planning permission is no longer able to be satisfied.

The applicant also asserts that the proposed 18.3m x 12.2m stable building is, "*in keeping with existing farm buildings and surroundings*". That is not correct. A building of that size is not in keeping with the size of agricultural buildings on meadow land in the immediate locality. Moreover, it must be carefully noted the proposed building would have a ridge height of nearly six metres, and as the proposed site of this building is at a particularly elevated position, it would therefore a would be extremely prominent from a wide surrounding area.

For these planning policy reasons, the Parish Council believes that both these planning applications should be refused.

South Cerney Parish Council

Hill Farm Stables
Swalcliffe
Banbury
Oxfordshire
OX15 5EN

11th May 2017

FAO: Planning Officer, Cotswold District Council: Martin Perks

17/01420/FUL and 17/01419/FUL

I write in support of the above Planning Applications at Clay Meadow.

I am a Professional International Dressage rider, who represented Great Britain this year and I was asked to consider the practicalities of the American Barn.

We have horses of varying heights and weights here at Livery and competing. The stables used here for a 16.2hh plus horse are a minimum of 17ft x 12ft and are for use of one horse only.

In order to add space for this or a horse foaling, I would say that the 24ft x 15ft is just enough but I would not personally want to go smaller.

The smaller stables are average size but wheelchair access should be fine if used for ponies.

The corridor is essential for the safety of both the handlers and livestock when moving the horses and ponies into and out of their stables with or without leaders with physical disabilities.

It also gives adequate turning space for the larger horses which avoids back injury long term. Entrances at both ends of the barn is a good idea and not something I have seen before.

I note that the Tack Room and Feed Room are going to be a little tight once wheelbarrows, brooms, rakes, skips have been added but should be enough for the number of stables if kept tidy.

The Wash Room is a little tight but if larger horses are reversed into it and tied up, again it will be enough. I would suggest a shelf for grooming kit to be kept separate for use only on wet horses too.

I would also suggest fire extinguishers and a first aid kit at both ends of the barn.

In conclusion I think this has been well thought out, the size is appropriate for the proposed small equine enterprise and I support this application.

Best regards

Rebecca Cowderoy
International Dressage Rider and Trainer