

**Item No 04:-**

**17/04377/FUL**

**Stables At Aylworth Manor  
Aylworth  
Naunton  
Cheltenham  
Gloucestershire  
GL54 3AH**

## Item No 04:-

**Use of part of stables as grooms accommodation (retrospective) at Stables At Aylworth Manor Aylworth Naunton Gloucestershire GL54 3AH**

<b>Full Application 17/04377/FUL</b>	
Applicant:	Mrs Joanna Ireland
Agent:	LPC (Trull) Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Richard Keeling
Committee Date:	14th February 2018
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**Main Issues:**

- (a) Need for a residential accommodation
- (b) Landscape impact
- (c) Setting of listed building

**Reasons for Referral:**

N/A

**1. Site Description:**

The site lies within the Cotswold Area of Outstanding Natural Beauty (AONB), to the west of Aylworth Manor which is a Grade II listed building, which is accessed off Aylworth Lane in the parish of Naunton. There are a range of outbuildings at the site which are also listed.

The stable block within which the groom's accommodation has been created is approximately 85 metres from the dwelling.

**2. Relevant Planning History:**

07/01939/FUL: Erection of a replacement stable block. Granted 10.09.2007

17/02308/FUL: Use of part of stables as grooms accommodation (Retrospective). Refused 24.08.2017

**3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR05 Pollution and Safety  
 LPR19 Develop outside Development Boundaries  
 LPR31 Equestrian Related Development  
 LPR38 Accessibility to & within New Develop  
 LPR42 Cotswold Design Code

**4. Observations of Consultees:**

None

## **5. View of Town/Parish Council:**

Naunton Parish Council has no objections to this development as it is although it has reservations about the need for this further accommodation and whether the site could be developed further as a consequence. The current groom is very satisfied with her accommodation as it is. Please see letter from the groom in a second comment form.

## **6. Other Representations:**

1 representation in support has been received, raising the following points: -

- the building was granted with full services being provided
- if a person is happy to live in the building this is preferable to a caravan being sited in the AONB

## **7. Applicant's Supporting Information:**

Supporting statement

## **8. Officer's Assessment:**

### **(a) Need for a residential accommodation**

The application is retrospective for the retention of residential accommodation that has been provided within part of the existing stable block to the west of Aylworth Manor. The accommodation, which includes 1 bedroom, a living / kitchen area, and bathroom, is occupied by a groom employed by the applicant to look after their horses.

The stable block as built contains 8 loose boxes, and it is stated that the accommodation has been used since 2010 without the benefit of planning permission. The applicant's family own Aylworth Manor which includes the Manor, various buildings and conversions and 165 acres of land.

The applicant's family presently own 8 horses which Officers understand are mainly used for riding out by the family, and employs one full time groom to look after the horses. The Manor itself is partially given over to a successful B&B business in addition to self-catering accommodation.

Paragraph 28 of the National Planning Policy Framework states that local planning policy should, in future, promote the development and diversification of agricultural and other land based rural businesses. However, local planning authorities should in accordance with paragraph 55 of this framework promote sustainable development in rural areas with regard to housing but 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.

Notwithstanding the status of the NPPF, Annex A of PPS7 provided clear assessment criteria to assess the essential need for a dwelling, whilst post the publication of the NPPF, Cotswold District Council produced the Informal Guidance on Agricultural/Occupational Dwellings in the Countryside, which largely reflects Annex A to PPS7, namely that such a temporary dwelling would need to be justified as essential based on such matters as a functional need and financial tests.

The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night. The majority of duties associated with horses as with any livestock, will largely be routine, but naturally there would be times as with most livestock enterprises where urgent action might be necessary for welfare reasons.

When horses are boxed for example they are potentially vulnerable to getting cast in the stable if suffering from an onset of colic which can occur out of normal working hours. This can lead to death unless quick action is taken. In addition is noted that a public bridleway runs close the stables and so there are inevitable security concerns.

In the spirit of paragraph 28 of the NPPF, a dwelling is not normally considered essential unless the proposed accommodation relates to an enterprise or business, and the enterprise on which the proposed essential need is based, being likely to continue into the foreseeable future.

The continuance of such an enterprise is naturally reliant on the enterprise being able to survive financially, with a minimum requirement to meet the cost of a full time worker, to justify an on-site presence.

This is reflected in Policy 31 of the Local Plan which specifically excludes non-commercial equestrian activity and requires there to be a well-established and economically viable equestrian enterprise when considering dwellings.

It is accepted that paragraph 55 of the NPPF permits a flexible approach when considering essential need for a rural worker, however in the light of paragraph 28 and Policy 31, it is difficult to escape the view that such consideration should relate solely to a sustainable business. In this case it is clear that the keeping of the horses at Aylworth Manor is purely for the pleasure of the applicant and family and the groom is privately funded.

Paragraph 8 of Annex A to PPS7 does imply that authorities can take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned, and it is considered that this is an enterprise where such an approach should be taken.

From a functional need point of view there does not appear to be any established accommodation readily available within immediate access of the stables. Aylworth Manor and other traditional structures are within 100m of the stables, and it is noted that information has been provided with this application to demonstrate that there are no other buildings within the applicant's control that could be converted to provide this accommodation.

#### **(b) Landscape impact**

The accommodation has been provided within an existing stable block, constructed with external timber boarding.

In these circumstances, it is considered that the proposal would not have a harmful impact upon the character and appearance of the AONB, in accordance with paragraph 115 of the NPPF.

#### **(c) Setting of Listed Buildings**

Aylworth Manor and its outbuildings are Grade II listed. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, in accordance with Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

The stable block is approximately 83 metres from the nearest listed building, whereas that part of the building converted into residential accommodation is an additional 18 metres distant. Considering that the proposal relates to the conversion of part of an approved building, with minimal alteration to the external appearance, it is not considered that there would be any material impact upon the setting of any nearby listed building.

## 9. Conclusion:

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There would appear to be no essential need for the residential accommodation, which is not required in connection with any business use of the site. The application is considered to be contrary to Cotswold District Local Plan Policies 19 and 31, in addition to paragraph 55 of the National Planning Policy Framework.

The recommendation is for planning permission to be refused and for enforcement action to be commenced on the following basis: -

(i) That enforcement action is taken under Section 172 of The Town and Country Planning Act 1990 as amended to ensure that the unauthorised residential use of the stables on the land permanently ceases.

(ii) Within 6 months of the date of the Enforcement Notice coming into effect the unauthorised residential use of the stables on the land shall permanently cease.

(iii) Within 7 months of the date of the Enforcement Notice coming into effect the following items which facilitate the unauthorised use shall be permanently removed:

(a) The kitchen in Box 2 (Box 2 shown of the approved drawing for the stables Decision Notice 07/01939/FUL, drawing Ref LE-6558-A)

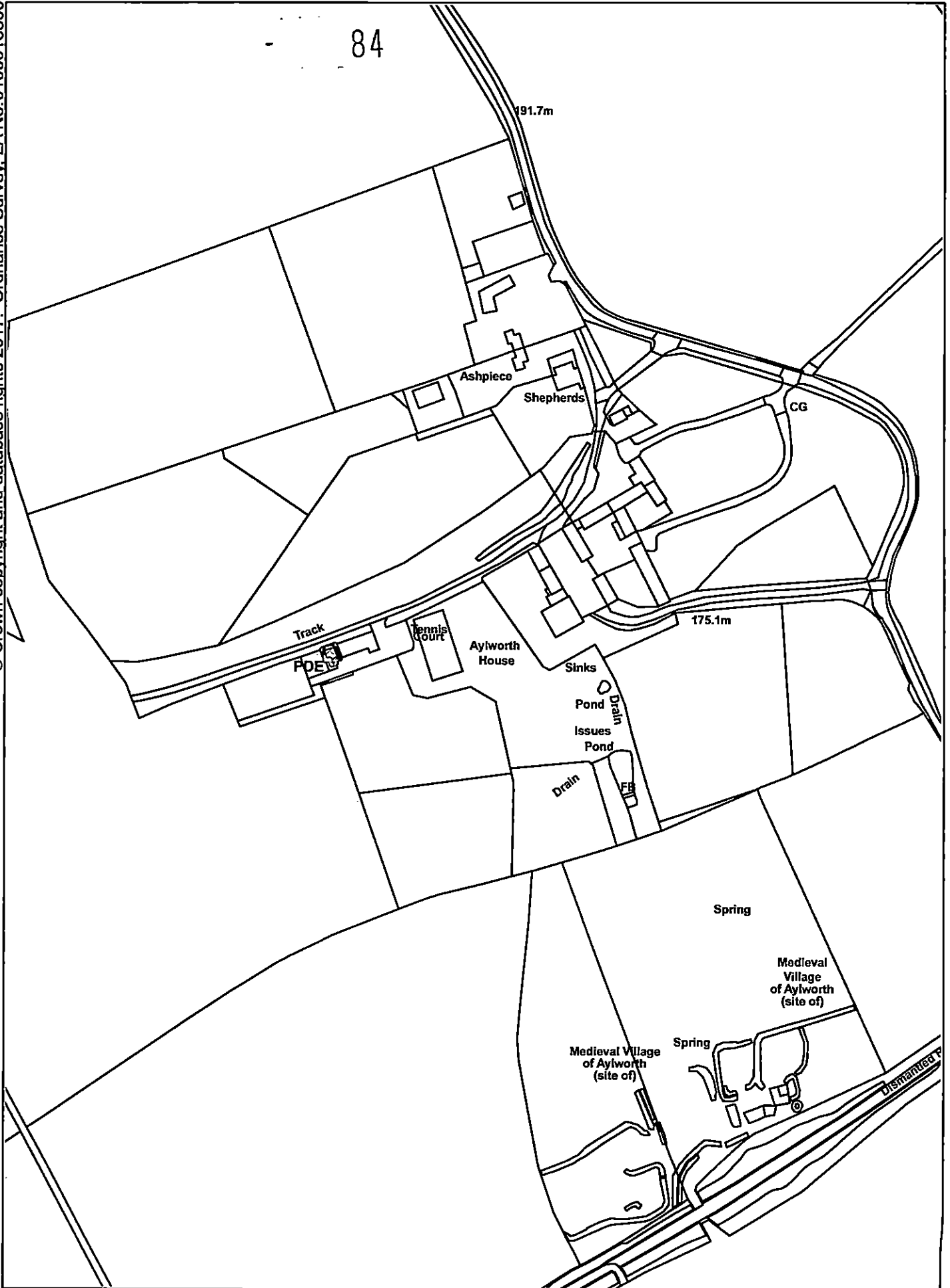
(b) The stud walls shown marked in blue on the attached drawing (Ref: CD1/2017) which formed part of the information submitted in respect of the refused planning application 17/02308/FUL

(c) The residential type front door fitted to Box 2 referred to above

## 10. Reason for Refusal:

The application site is located in an area of open countryside outside any designated Development Boundary in the Local Plan. Proposals for residential accommodation in such locations are only permitted where the functional need for such accommodation has been clearly demonstrated. In this instance, the residential accommodation is not required in connection with any business use of the site, with no information therefore being provided regarding financial viability. The proposal is therefore contrary to Cotswold District Local Plan Policies 19 and 31, Policy H5 of the emerging Cotswold District Local Plan 2011-2031, and Central Government guidance contained in paragraph 55 of the NPPF.

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**COTSWOLD**  
DISTRICT COUNCIL

**STABLES AT AYLWORTH MANOR AYLWORTH NAUNTON**

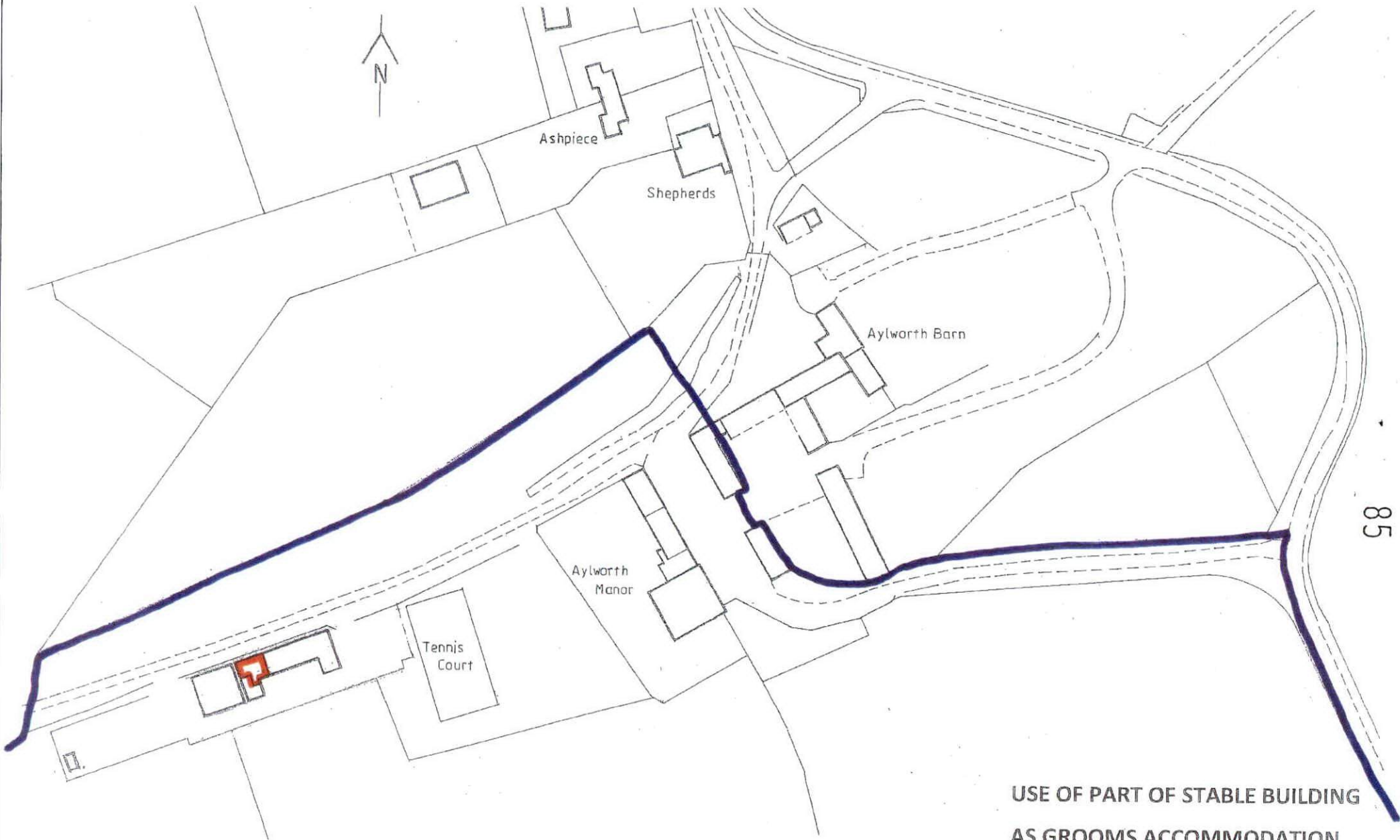
Organisation: Cotswold District Council

Department:

Date: 01/02/2018

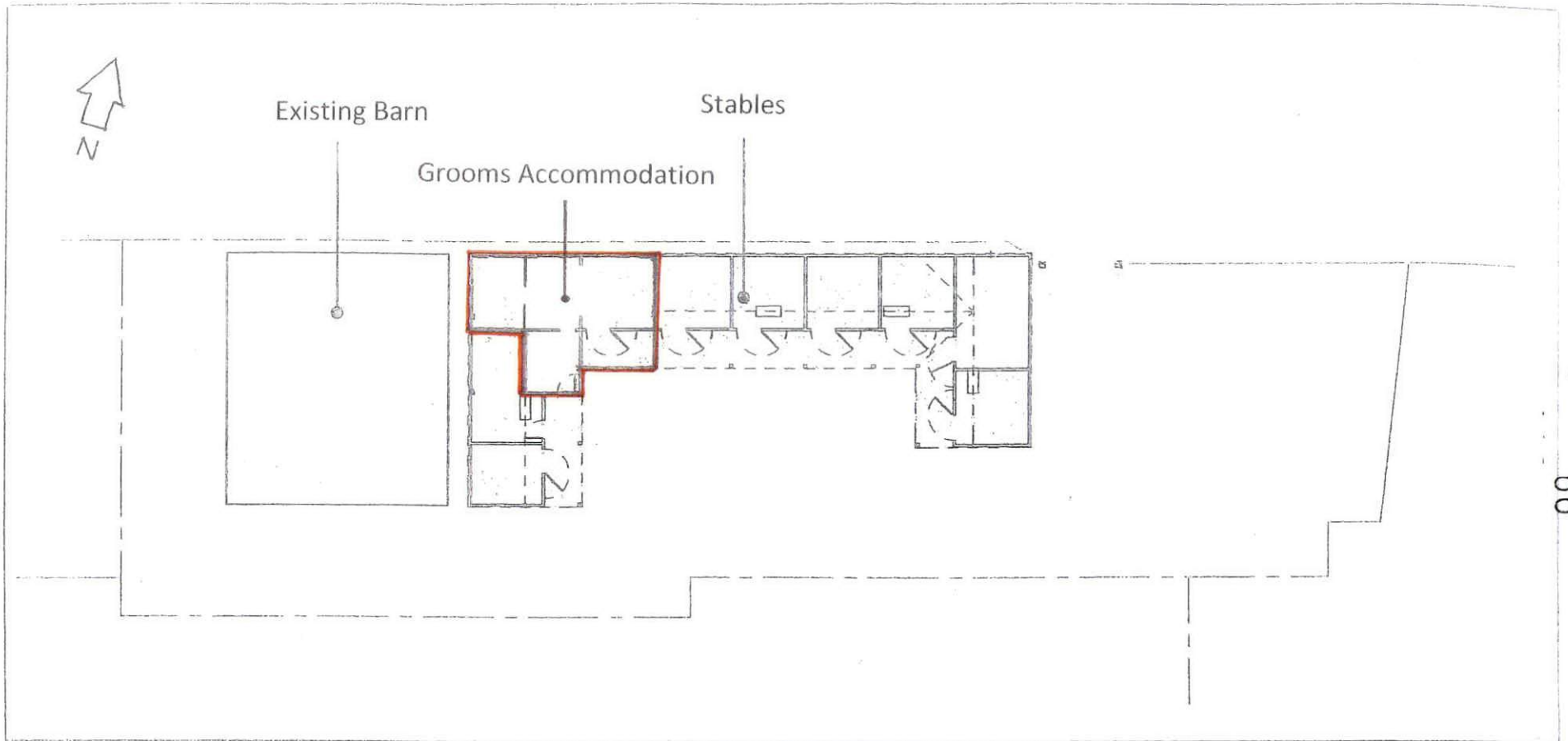
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Location Plan  
Scale 1:1250 @ A4

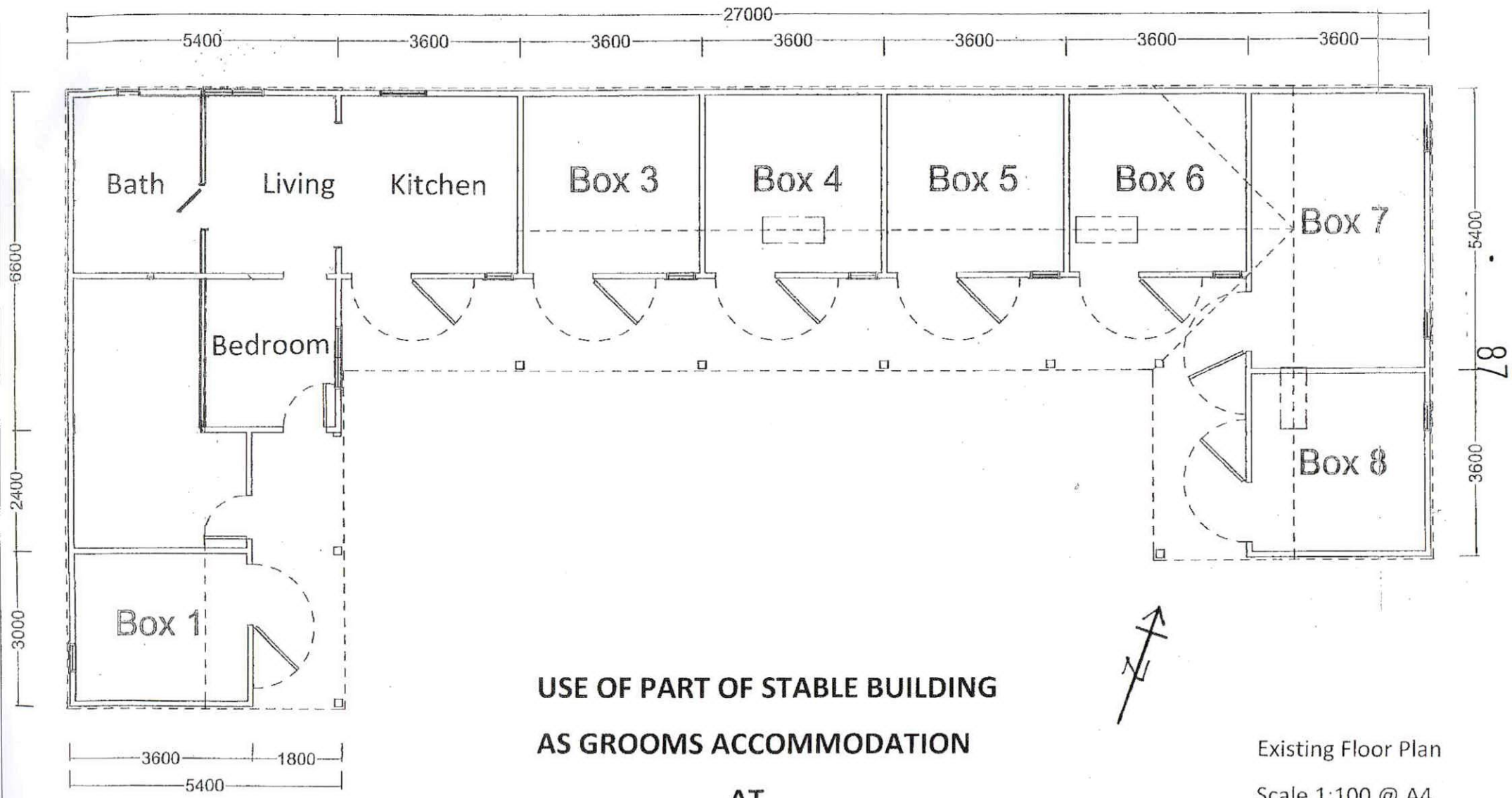
USE OF PART OF STABLE BUILDING  
AS GROOMS ACCOMMODATION  
AT  
AYLWORTH MANOR, AYLWORTH



Use of Part of Stable Building  
as Grooms Accommodation  
at  
Aylworth Manor, Aylworth

Site Plan  
Scale 1:200 @ A3

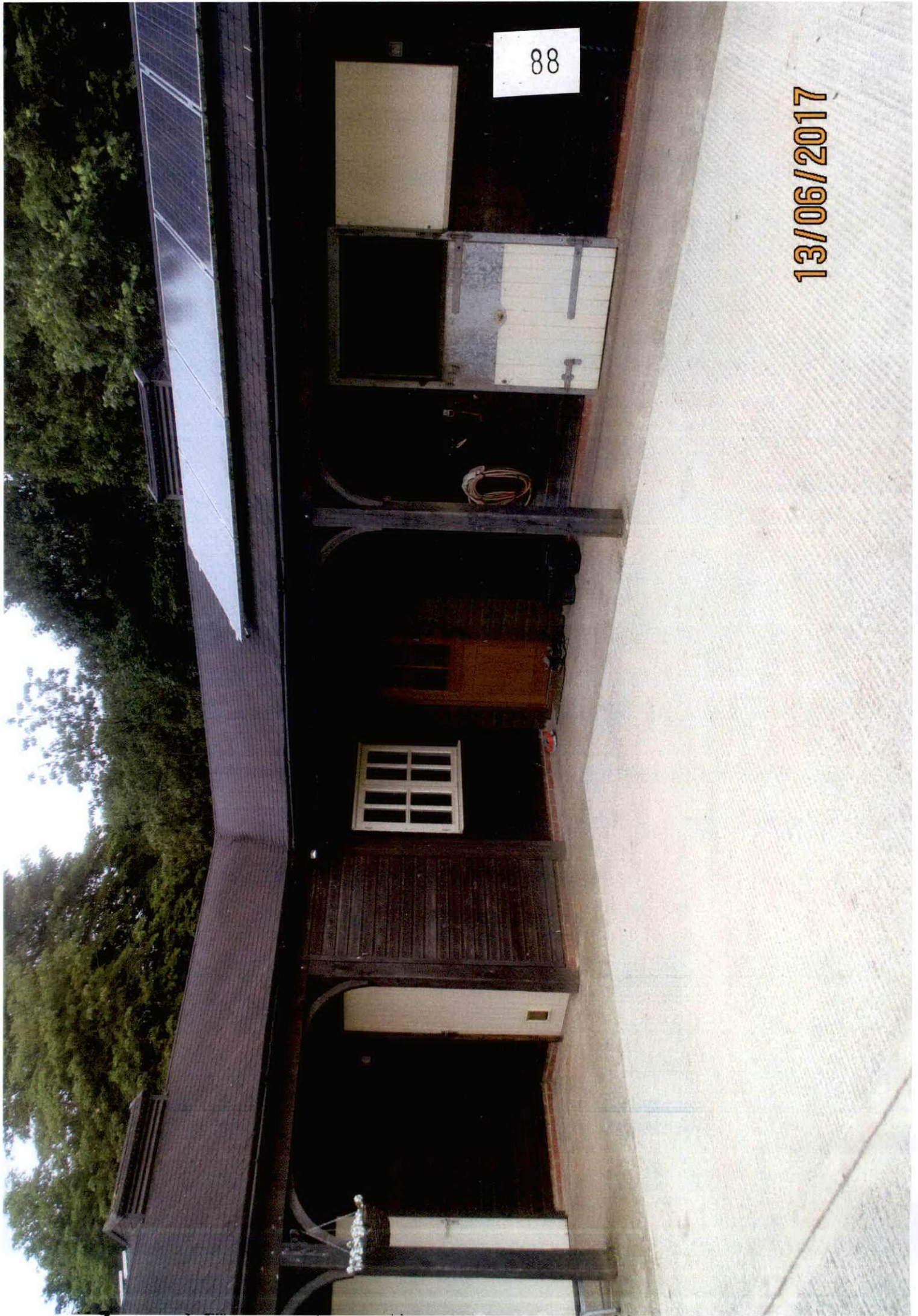




**USE OF PART OF STABLE BUILDING  
AS GROOMS ACCOMMODATION  
AT  
AYLWORTH MANOR, AYLWORTH**

Existing Floor Plan  
Scale 1:100 @ A4





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13/06/2017



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