

PLANNING AND LICENSING COMMITTEE

14th FEBRUARY 2018

ADDITIONAL PAGES UPDATE

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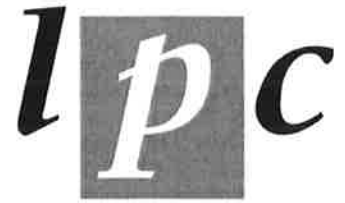
**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 1 - 9

ADDITIONAL PAGES ON SCHEDULE ITEMS

| Item | Ref. No | Content |
|------|--------------|---|
| 01 | 17/00842/FUL | <p>Six third party objections have been received raising the following matters: -</p> <ul style="list-style-type: none"> • No objection in principle to residential redevelopment but concerned about the impact upon highway safety • Requires proper pavements and speed restrictions • The development would damage the approach to the town and be another step in the creeping sprawl of and change to the rural character of Moreton-in-Marsh • Moreton is suffering from pressures on infrastructure with congestion and lack of parking • Not an appropriate place for housing on a busy road |
| 02 | 17/03045/FUL | <p>Application description amended to:</p> <p><i>Mobile home for temporary accommodation for a rural worker (Retrospective).</i></p> <p>Recommended refusal reason amended to:</p> <p><i>The application site is located in an area of open countryside outside a designated Development Boundary. Proposals for new rural workers accommodation in such locations are only permitted where the functional need for such accommodation has been clearly demonstrated. In this instance it has not been demonstrated that the rural enterprise justifies the siting a new permanent residential mobile home on the site in addition to the existing accommodation at Staple Farm. The proposal is therefore contrary to Cotswold District Local Plan Policy 19, Policy H5 of the emerging Cotswold District Local Plan, and Central Government guidance contained in paragraph 55 of the NPPF.</i></p> |
| 04 | 17/04377/FUL | <p>Supporting Information from Agent - see attached letter dated 20th October 2017</p> <p>Ward Member Referral Reason: <i>"In view of the representations made on behalf of the applicant by Andrew Miles of LPC and the views of the Parish Council and others I cannot endorse your recommendation and would like the application to be referred to the Planning Committee for their consideration"</i></p> <p>Update from Agent – see attached letter dated 13th February 2018</p> |



TOWN AND
COUNTRY
PLANNING
DEVELOPMENT
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20th October 2017

Our Ref: ADM.LPC4169

Your Ref: 17/02308/FUL

Mr A Moody, Senior Planning Officer
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

Dear Mr Moody

Re: Use of part of stables as groom's accommodation (Retrospective)
at Aylworth Manor, Aylworth, Naunton GL54 3AH

Further to our recent telephone conversation in respect of the above, when you stated that you would accept a further application provided that it was different to the previous one and agreed that if we addressed the refusal reasons that would be sufficient, I have pleasure in attaching a new application on this basis. No fee is submitted as this application is made within 12 months of the previous decision.

A further potential difference (and one that we did not discuss) is that this application could be accompanied by a Unilateral Undertaking, which the applicant is prepared to sign, in which she will limit the occupancy of the relevant part of the stable building to a groom employed at Aylworth Manor only, which will be more restrictive than the wider ranging equestrian or agricultural occupancy condition in the locality, thus ensuring that it will be suitable for someone residing at their place of work, in line with the contents of paragraph 55 of the National Planning Policy Framework. However, a draft is not submitted as the matter could be controlled by the imposition of a condition of planning permission but if you consider that such an undertaking or a legal agreement to the same effect would be preferable, please do not hesitate to contact me.

The previous application was accompanied by a letter from myself dated 11th May 2017 and I append this letter as it contains information relevant to this application and I do not wish to repeat its contents in this submission. The Council consulted its equestrian consultant on the previous application and he prepared a report, dated 11th August 2017, which I responded to and a copy of my letter dated 18th August 2017 is also appended as part of this application. It is pertinent to mention that Mr Fox, the external consultant,

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stated that there may be other planning matters for consideration in this case and it is hoped that the matters contained within this submission will be sufficient to overcome the previous reason for refusal.

The previous application was refused for the following reason:

"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.

Furthermore, there are other buildings within the applicant's control that could be converted to provide accommodation for a groom. The proposal is therefore contrary to Cotswold District Local Plan Policies 19 and 31, and Central Government guidance contained in paragraph 55 of the NPPF".

I propose to analyse this refusal reason and show how each component is addressed.

(a) Proposals for residential accommodation in open countryside locations outside designated development boundaries are only permitted where the functional need has clearly been demonstrated.

This is not a clear representation of the situation as Local Plan Policy 28 is permissive of the conversion of traditional, historic or modern buildings in the countryside to unrestricted residential accommodation subject to compliance with criteria such as not harming the living conditions of the occupants of nearby residential properties; not causing harm to the operation of the highway network and not leading to a dispersal of activity on such a scale as to prejudice town and village vitality. None of these criteria apply in this instance.

So far as the functional need is concerned, the Council's equestrian consultant acknowledged previously that with up to 8 horses 'in work' then there would be functional a need for there to be an experienced equestrian person with close access to those horses be they boxed or in nearby paddocks. Accordingly, there is a functional need for accommodation for a groom to be available here.

(b) Residential accommodation not required in connection with a business use and no information being provided regarding financial viability.

It was accepted when submitting the previous application that the use was not part of a business operation as such a use would be in conflict with the condition of planning permission for the building, which stated that the building was for use incidental to the residential enjoyment of Aylworth Manor and not in connection with any trade, business or commercial use. Accordingly, the horses are for private use for riding by the applicant's family and by her groom and no information regarding financial viability could be submitted as we are applying to reuse part of a building for a residential use rather than in connection with an equestrian business.

(c) Other buildings within the applicant's control could be converted to provide grooms accommodation

The above comment appears to imply that other buildings would be appropriate for such re-use but these, again, would be located in an area of open countryside outside a designated Development Boundary and would therefore conflict with the first part of the refusal reason on the previous application.

The response to Mr Fox's report suggested why the buildings within the existing complex are not suitable and attached as part of this application submission is a plan showing the buildings within the ownership of the applicant and her husband and I can refer to each building as follows:

Aylworth House

This is the applicant's family home that also provides bed and breakfast accommodation for visitors to the Cotswold, thereby making an important contribution to the local, rural economy. There is only one kitchen within the house and no separate area where a groom could be accommodated.

The Granary



This is a single storey building to the north east of Aylworth Manor that is used as a holiday let for up to four visitors. It is let by English Country Cottages and provides self-catering accommodation. Whilst it would be possible for this building to be occupied by the groom, it would mean loss of accommodation that is a benefit to the local, rural economy and would mean that the groom would not be within sight or sound of the stables as there is another building in between and due to the fact that is located some 90m away.

The Coach House



This is another single storey building that is located to the east of Aylworth House, near the entrance to the property. It is used for keeping all the agricultural and garden equipment associated with the landholding and also contains the biomass boiler that serves the residential accommodation. There is no space within this building for a staff flat and, again, this building would be further from the stables with the main house in between.

The Open Fronted Cart Sheds



This building is located at the north west corner of the complex and comprises form cart sheds that are now used for keeping cars under cover. This building is not suitable for conversion into staff accommodation, irrespective of it being part of a Listed Building and the need to obtain the necessary Listed Building Consent and planning permission. The cart sheds are at the lowest part of the complex and regularly flood as a result of the surface water running downhill into them, which has written off 3 cars due to flood damage. Their conversion into staff accommodation would result in a change to their appearance and could, perhaps, harm the setting of the Listed Building and would mean that more cars would have to park in the yard. Again, they are distance from the horses that the groom cares for.

In view of the above, there is no other building within the applicant's ownership or control that could immediately be occupied by the groom as planning permission and Listed Building Consent would be required before conversion works could be undertaken. However, even if the necessary consents were forthcoming, the buildings would be poorly located for the groom to care for the animals and the applicant questions why the approach being adopted is for the groom to be resident in one of the buildings in the existing complex when there is adequate accommodation within the same building as the horses, without causing any harm.

The nearest of the buildings above referred to are some 90 metres away from the stables and the applicant considers that this is too far from the horses for the groom to hear if any were in difficulty during the night, especially when compared to residing in the same building. There is also a greater security benefit by having a groom close to the horses, especially as there have been

many instances of theft and harm from unattended equestrian buildings in the Cotswolds.

For the above reasons, I consider that the refusal reason is not sound and request that it is given further consideration and looked at positively, as set out in the NPPF. This is very much a rare case and, in order to prevent the building being used as a precedent for any further cases, the applicant is happy to submit a Unilateral Undertaking or enter into a legal agreement restricting the occupancy of the building to a much greater extent than would be the case if a planning condition was imposed. Such an Undertaking would limit the occupancy to a groom employed at Aylworth Manor whose duties are for the care of horses occupying the stables and land and for no other purposes.

Conclusions

In view of the above, the accommodation that is the subject of this application complies with the relevant policies of the Development Plan, especially the one concerning the reuse of buildings for residential purposes. The occupant of the accommodation is employed to care for the horses and is, therefore, close to her place of work, as referred to in paragraph 55 of the NPPF. There is no other available accommodation within Aylworth House in which the groom can live as all the bedrooms are used as part of the Bed & Breakfast business with an outbuilding used as a holiday let, uses which attract visitors to the Cotswolds and therefore make an important contribution to the rural economy.

The groom would be within sight and sound of the animals in her care and would be able to hear if any of the horses became distressed, which so often happens within the night and the living accommodation also acts as a security measure preventing theft and harm to the animals.

I trust that the above information demonstrates that the living accommodation within the stable block is an appropriate use of land and that you will reconsider your previous decision and will recommend that planning permission be granted subject to an appropriate occupancy condition and perhaps, the signing of a legal undertaking.

Should you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

Andrew Miles
Director



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13th February 2018

Our Ref: ADM.LPC4169

Your Ref: 17/04377/FUL

Mr A Moody, Senior Planning Officer
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

Dear Mr Moody

**Re: Use of part of stables as groom's accommodation
at Aylworth Manor, Aylworth, Naunton GL54 3AH
Item No 04, Planning Committee Agenda, 14th February 2018**

I am writing with regard to the content of the Committee report to, hopefully, clarify some of the matters and to assist you and the Members of the Committee in the decision making process.

The report states that the accommodation has been used since 2010 without the benefit of planning permission. This is not correct as the application form submitted with this and the previous application both stated that such use had taken place since 1st December 2007, this being upon completion of the erection of the building. The correspondence from which this reference to 2010 appears to have come, sets out the sequence of the occupancy and that it was the groom that was occupying the building in May 2017 who had lived there since 2010. There were three different grooms resident within the building from December 2007 to March 2010.

The above dates are significant in that approximately 70% of the groom's accommodation would, effectively, be immune from Enforcement action. I recognise that this does not apply to the whole of the accommodation, as Box 2 was incorporated into residential use in 2016.

This application has demonstrated that the second of the previous refusal reasons has been overcome as there is no alternative accommodation available elsewhere. In this regard, the suggestion was that an existing building be used – exactly what is taking place here.

The Council's equestrian consultant considered that there was a functional need for residential accommodation associated with the number of horses

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stabled here and it has been accepted throughout this and the previous application that the horses do not represent part of a business, as that was precluded within the condition permitting the stable building.

Reference is made on page 82 to the spirit of paragraph 28 of the NPPF. The first sentence of this paragraph says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The accommodation means that one person can be employed in caring for the horses, and this has the knock on effect of providing further employment and rural tourism opportunities at Aylworth Manor.

This accommodation is for a rural worker to live permanently at their place of work in the countryside, as specifically referred to within paragraph 55 of the NPPF and, in the circumstances of this case, the application should not turn on the absence of the equestrian use not being a commercial operation. Instead, dealt with on the merits of this case and bearing in mind the length of time that the majority of the accommodation has been used as groom's accommodation, planning permission should be granted, subject to the imposition of appropriate conditions, one specifically relating the accommodation to employment at Aylworth Manor having been suggested as part of the application.

Yours sincerely

Andrew Miles
Director