

Item No 05:-

19/02890/FUL

**Cherry Orchard
Fosse Cross
Chedworth
Cheltenham
Gloucestershire
GL54 4NP**

Item No 05:-

Erection of indoor riding arena at Cherry Orchard Fosse Cross Chedworth Gloucestershire GL54 4NP

| Full Application 19/02890/FUL | |
|--|------------------------|
| Applicant: | Sally Morgan |
| Agent: | Prime Meridian |
| Case Officer: | Hannah Rose |
| Ward Member(s): | Councillor Jenny Forde |
| Committee Date: | 13th November 2019 |
| RECOMMENDATION: | REFUSE |

Main Issues:

- (a) Landscape Impact
- (b) Character and Appearance
- (c) Residential Amenity

Reasons for Referral:

This application has been brought to the Planning and Licensing Committee at the request of the Ward Member, Cllr Forde for the following reason:

"The proposed arena is for the training throughout the winter season of a very promising member of the Junior GB dressage squad, hoping to eventually make her way to the Olympics. I would like the committee to consider the actual harm, visibility of the site and the positive contribution such an arena would make to the rural community of Fosse Cross, The Cotswolds and potentially Great Britain."

1. Site Description:

The application site comprises a parcel of land to the rear (south) of Cherry Orchard, a residential property accessed via a private lane in Fosse Cross in the Parish of Chedworth, which connects directly to the Fosse Way. There is a Public Right of Way (PRoW) running along the lane. The site is located in the Cotswold Area of Outstanding Natural Beauty (AONB).

The site is grassed and bordered with a mixture of hedgerow planting and stone walling and is accessed via a grassed track to the north-west corner of the site. Planning permission was granted to change the use of the land from agricultural to equestrian, and the construction of a stable building and outdoor riding arena in March 2019. The permission has now been implemented.

To the north of the site there is a block of deciduous woodland planting which is classified as a Priority Habitat and in the ownership of the applicant. To the south-east there is another parcel of grassed agricultural land in the ownership of the applicant and a public house and hotel (formerly Hare & Hounds) beyond this. To the south and west is open countryside outside of the applicant's ownership.

2. Relevant Planning History:

19/01681/FUL - Variation of Condition No 2 of 18/04956/FUL (approved plans) to relocate previously approved outdoor riding arena. Permitted 27/06/2019

18/04955/FUL - Indoor riding arena and relocation of outdoor riding arena approved under 18/04956/FUL. Refused 25/05/2019

18/04956/FUL - Change of use of land from agricultural to equestrian for personal use and erection of outdoor riding arena, stables and manure pit. Permitted 01/03/2019

3. Planning Policies:

NPPF National Planning Policy Framework
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN15 Pollution & Contaminated Land

4. Observations of Consultees:

Landscape Officer: Views incorporated within the Officer's Report.

5. View of Town/Parish Council:

Chedworth Parish Council have raised no objection.

6. Other Representations:

Four representations have been received from residents in the lane, all of which do not object to the scheme, but raise concerns that the development could be used for commercial purposes in the future which would increase traffic on the lane is a narrow, single track private road. Residents request a condition is imposed to ensure it remains for personal use and that the landscape mitigation strategy is fully adopted.

7. Applicant's Supporting Information:

Design and Access Statement
Landscape and Visual Impact Assessment
Supporting Statement

8. Officer's Assessment:

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 Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF).

Proposal and Background

Planning permission was granted in March 2019 for the change of use of the land from agricultural to equestrian and for the installation of an outdoor riding arena in the western corner of the site and a stable building and manure heap centrally within the site. Permission was

granted to relocate the outdoor arena. It appears from visiting the site recently that development has commenced under this permission

Planning permission was refused in May 2019 for the erection of an indoor riding arena measuring 40 by 20 metres on the site. During the course of this application, the arena was reduced in size from 60 by 20 metres and repositioned from a central position within the site to the north-eastern corner in an attempt to appear less prominent. The floor level was also sunken at the eastern end into the ground by 1200mm.

This application seeks planning permission for an indoor riding arena measuring 60 by 20 metres in the north-eastern corner of the site. The proposed site sections show that the floor level would be sunken 800mm into the ground on the eastern end.

The proposed development is for personal use only and not for commercial purposes. Aside from employing local farriers, vets etc. the proposed development is considered not to provide a material public benefit to the rural economy. As such, the proposal should be assessed on its merits and with regard to its impact on the landscape, appearance and amenity.

(a) Character, Appearance and Landscape Impact

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 EN1 seeks where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment. Local Plan Policy EN2 states that 'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

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.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states that, 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Section 15 of the NPPF seeks to conserve and enhance the natural environment. Paragraph 170 requires decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and by recognising the intrinsic character and beauty of the countryside.

Paragraph 172 dictates that great weight should be given to conserving and enhancing 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 these issues. The scale and extent of development within these designated areas should be limited. Paragraph 180 of the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The site is located within the character area 9D High Wold Dip Slope: Cotswold High Wold Dip-Slope as defined in the Landscape Strategy and Guidelines for the Cotswolds AONB. The Strategies and Guidelines section of the Landscape Character Assessment make the following recommendations in relation to new equestrian establishments;

- A concentration of horse paddocks and associated structures in any one area can have a cumulative harmful impact on landscape character and should be avoided;
- Take into account proximity of bridleways etc.;
- New structures should be carefully sited and designed to minimize their impact on the landscape. Wherever possible they should be located close to existing buildings. They should be constructed from appropriate vernacular materials and should follow the form of the landscape, avoiding prominent skyline sites and slopes;
- Any lighting should be designed to minimise light pollution, e.g. low level and directed downwards and fitted with timers;
- Historic field boundaries, such as hedges, walls and fences should be maintained or extended, and new boundaries should match the local vernacular wherever possible;
- Existing gates and access points should be retained if possible, and new gates should match the local vernacular.

The scheme comprises an indoor riding arena measuring 60m by 20m and 4.6m high to the eaves and 6.4m high to the ridge. The building would be clad with green finished vertical timber boarding above a stone plinth, under a grey corrugated fibre cement panelled roof. With regard to materials, the use of timber cladding and grey corrugated fibre cement panel roofing would have a functional agricultural character and would be acceptable in this location.

The site is located to the rear of the property at Cherry Orchard and the building would be located behind a block of woodland planting, also within the applicant's ownership. There is no direct public access to the site. The site is accessed via a grassed path from a single track private lane.

While previously agricultural in character, Officers recognise that the site now has an equestrian character, following the implementation of permission 19/01681/FUL. The change of use, outdoor arena and stable building were permitted because its low profile scale and massing was considered not to adversely affect the rural character of the landscape to the extent to warrant refusing the application.

The proposal is for an arena building of the same design and scale originally proposed in application 18/04955/FUL. The building was reduced in scale following negotiation with the Landscape Officer, but it was still considered harmful and was refused by virtue of the harmful landscape impact. The Landscape Officer considers that, over and above the increased scale of the building, that there are no significant changes to the scheme and her previous comments from 18/04955/FUL still stand.

As a part of this application the agent has submitted a Landscape and Visual Impact Assessment (LVIA) dated July 2019. The LVIA states that the impact on the landscape would be negligible and visual impacts range from negligible to moderate adverse. The Landscape Officer considers that the sensitivity of the landscape is 'High' and that its value is demonstrated by its location in the AONB. It is considered that the magnitude of effect would be 'Medium', as there would be a partial loss of or alteration to key characteristics of the baseline landscape. This would result in a 'Major/ Moderate Adverse' effect.

It is of note that the agent has assessed the impact on views based on the appearance of the site as it was pre-March 2019. Officers visited the site in January 2019 and observed a native tree line along the south-east boundary of the land. On receipt of revised plans relocating the proposed arena, officers re-visited the site in March 2019 and observed that this boundary had been removed and open views of the site were available from the lane to the north. The agent has therefore failed to assess the impact of the proposal within the current landscape. The LVIA has also made its assessment based on outdated photographs, as shown in Appendix 6 of the LVIA, and therefore carries little weight.

In terms of the visual impact, the Landscape Officer considers that the greatest impact would be from local views from the lane/Footpath 71, north of the application site; the LVIA correctly identifies the visual sensitivity as 'High; however, the Landscape Officer considers that the Magnitude of Change would be 'Medium' which would result in a 'Major/Moderate Adverse' effect. It is agreed that the impact on views to the south would be less significant, by virtue of the existing conifer belt. However, one cannot be completely reliant on planting for screening and if removed, the building would be highly prominent from here.

The proposed building is industrial in its scale and would appear as a large built form in the landscape. It is considered that the south-eastern gable end would be seen in views from the lane/Chedworth Footpath 71 to the north and east across the open paddock and glimpsed views are available through the woodland and that the proposed arena would form a negative feature from these views, by virtue of the scale and massing of the building.

It is recognised that the existing conifer belt would help to provide screening from the south; however, it must not be reliant on planting to provide screening for a development to be acceptable, as it would be difficult to control the future management and/or long term retention of this planting. This is particularly pertinent as the conifer belt is alien and not typical of the rural landscape and should not be encouraged. It is also recognised that supplementary woodland planting is proposed which would, in time, provide further enclosure of the site, but this would take time to establish and, as above, the Council could not easily control the long term management and retention of this planting.

One of the key characteristics and special qualities of the Cotswolds AONB is that of intrinsically dark skies. The Cotswold Conservation Board Position Statement (2010) notes at paragraph 19 that, "The Board will oppose any development proposals which will lead to a significant increase in noise pollution, light pollution or other loss of tranquillity, either individually or cumulatively, particularly within areas identified as being most tranquil or dark...". The arena is proposed with large windows in the north-east elevation as well as 40 translucent panels on each roof slope. The agent, in the Supporting Statement, compares the impact on light spill to that of the stable. The stable includes five translucent panels within the south facing roof slope at a lower height. The impact of light spill from the stable is considerably lower than that of the proposed arena which would have 40 translucent panels on each roof slope at a taller height. It is considered that the size and number of windows has the potential to result in excessive light spill and would fail to minimise light pollution and protect dark skies.

The agent's Supporting Statement compares the proposal to the Talland School of Equitation in Barnsley. This site comprises several large indoor arenas and is located in the AONB, however permission was granted for the centre in 2005 and comprises a commercial development that contributes to the rural economy. The agent does not comment on the visual impact of the development at this site, however, any low level of visual harm can be offset against the public benefit of providing employment development that contributes to the rural economy. The proposed riding arena would provide a limited contribution to the rural economy through the employment of supporting services, such as farriers, but is primarily for private use, so that the applicant's daughter can train. This is considered insufficient justification for an industrial sized building in this location, particularly considering there are commercial equestrian facilities available locally, including Talland School just 3.8 miles away from the property.

Similarly, comparison is made to the possibility of erecting large agricultural buildings up to 1000sqm in footprint under the prior notification process. This, however, is only applicable to buildings that are reasonably necessary for the purposes of agriculture or forestry in connection with a business. The proposal is for private use and its public benefit is considered not to override the harm caused to the AONB.

Overall, Officers consider that the proposed scale, massing and design of the proposed building would not respect the character and appearance of the Cotswolds AONB. The arena would have a considerable visual impact in local views and the impact of lighting would also be perceived from the wider context. As such the proposal would be contrary to Section 85 of the Countryside

and Rights of Way (CROW) Act 2000, Cotswold District Local Plan Policies EN2, EN4 and EN5 and NPPF paragraph 170 and 172.

(b) Amenity

The Design Code (Appendix D) referred to in Policy EN2 of the Local Plan also sets out guidance with regard to residential amenity. Section 12 of the NPPF seeks to achieve well-designed places. In part, paragraph 127 of the NPPF ensures that development has a high standard of amenity for existing and future users. Paragraph 180 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Local Plan Policy EN15 states that development will be permitted that will not result in an unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through: the pollution of the air, land, surface water or ground water sources; and/or the generation of noise or light levels, or other disturbances such as spillage, flicker, vibration, dust or smell.

The proposed development is located a sufficient distance away to avoid impinging the residential amenity of neighbouring properties in the lane, having regard to loss of light or overlooking. The exercising of horses on the land, which has been granted an equestrian use, is not considered to give rise to an unacceptable level of noise or disruption. The proposed development is therefore considered to accord with the objectives of Cotswold District Local Plan Policies EN2 and EN15 and the amenity considerations contained in paragraphs 127 and 180 of the NPPF.

(c) Biodiversity

Local Plan Policy EN8 states that, 'Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.'

Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of ecological value and minimising impacts on and providing net gains for biodiversity.

Paragraph 175 states that local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The Council's Biodiversity Officer was consulted on the previous application and raised no objection to the scheme considering that a series of biodiversity enhancements were incorporated into the scheme in the form of native tree and shrub planting within the existing hedgerows; the creation of wildflower meadow areas (e.g. strip alongside northern field edge to woodland); bird

and bat boxes built-in to the new indoor arena building, and a barn owl box in a suitable mature tree in the northern boundary, in accordance with the Biodiversity Officers' recommendations.

Neither the wildflower meadow areas, bird or bat boxes have been incorporated into this proposal, however, these could be implemented through a condition requiring an ecological enhancement plan to be submitted prior to the commencement of the development if the application were to be approved. As such, in this case, the absence of ecological enhancement measures will not form a reason to refuse the application.

9. Conclusion:

Overall, Officers consider that the proposed scale, massing and design of the proposed building would not respect the character and appearance of the Cotswolds AONB. The arena would have a considerable visual impact in local views and the impact of lighting would also be perceived from the wider context. The proposal would be for private use and would not contribute to the rural economy with the exception of the employment of supporting services and therefore provides very little public benefit that would not outweigh the harm that would be caused to the AONB. As such the proposal would be contrary to Section 85 of the Countryside and Rights of Way (CROW) Act 2000, Cotswold District Local Plan Policies EN2, EN4, EN5 and EN15 and NPPF paragraph 170 and 172.

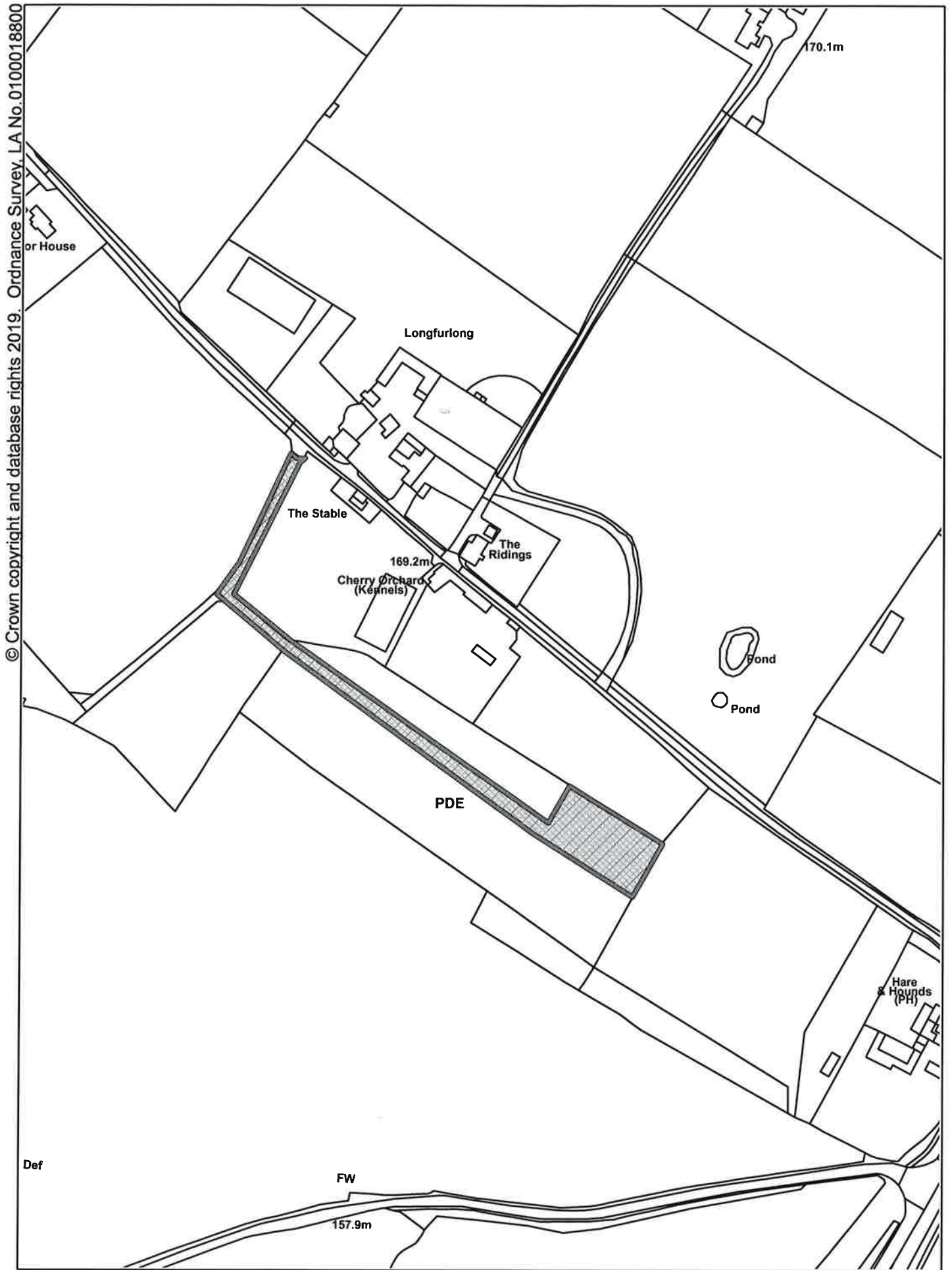
10. Reason for Refusal:

1. The application site is located within the Cotswolds Area of Outstanding Natural Beauty wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The site is located in a rural location and reads as part of the wider rural landscape. The proposal would cause harm to the character and appearance of the landscape by virtue of the scale and massing of the proposed industrial sized arena building and the associated light spill from the large sized windows and large volume of rooflights. The development would be highly prominent from a number of important local viewpoints, particularly in the event that the non-native coniferous trees bounding the site were removed. As such the proposal is contrary to Section 85 of the Countryside and Rights of Way (CROW) Act 2000, Cotswold District Local Plan Policies EN2, EN4, EN5 and EN15 and paragraphs 170, 172 and 180 of the National Planning Policy Framework.

Informatives:

Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted.

Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.



© Crown copyright and database rights 2019. Ordnance Survey. LA No. 0100018800



COTSWOLD
DISTRICT COUNCIL

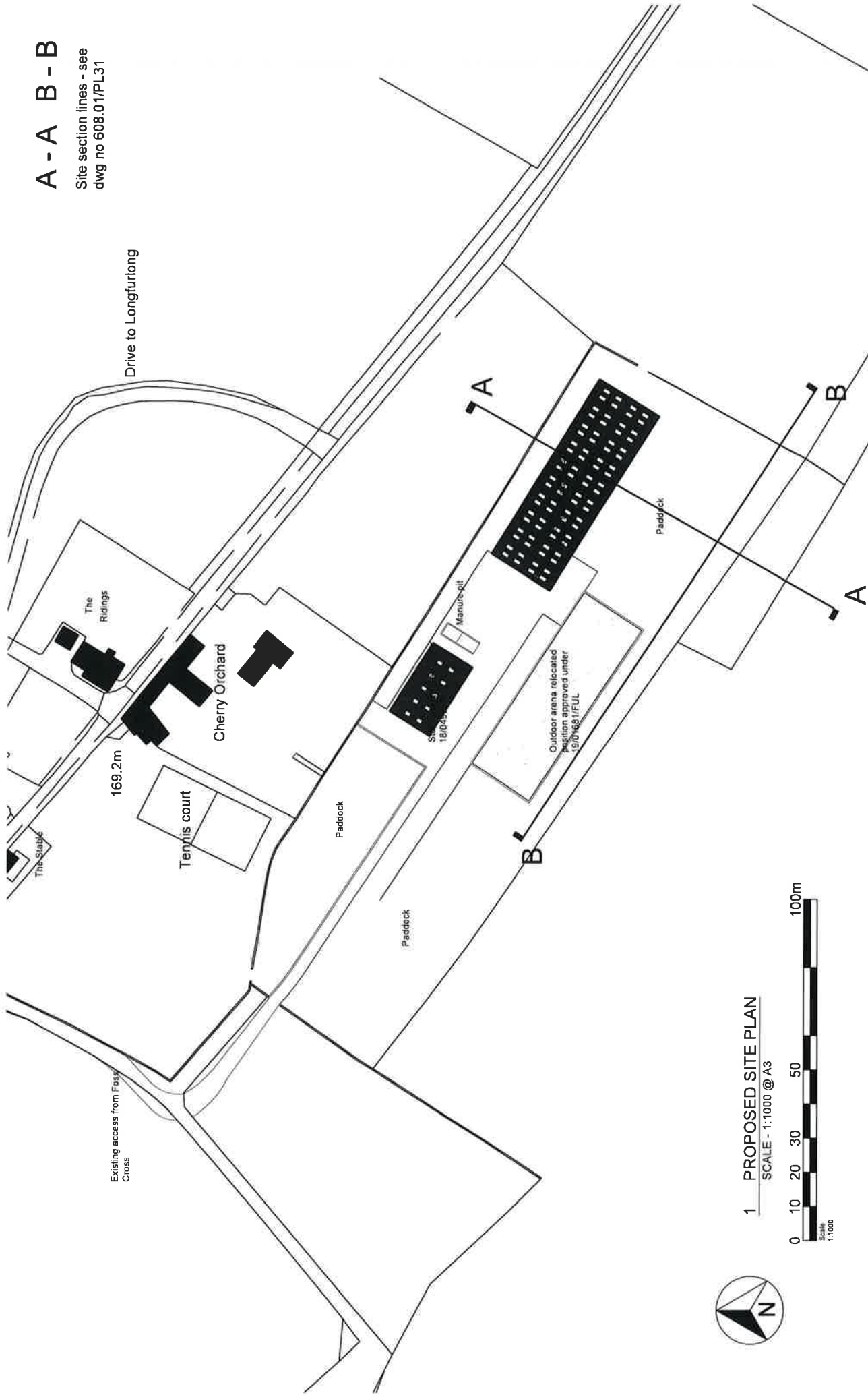
CHERRY ORCHARD FOSS CROSS CHEDWORTH

Organisation: Cotswold District Council
Department:
Date: 31/10/2019

Scale: 1:2500



A - A B - B
 Site section lines - see
 dwg no 608.01/PL31



1 PROPOSED SITE PLAN
 SCALE - 1:1000 @ A3



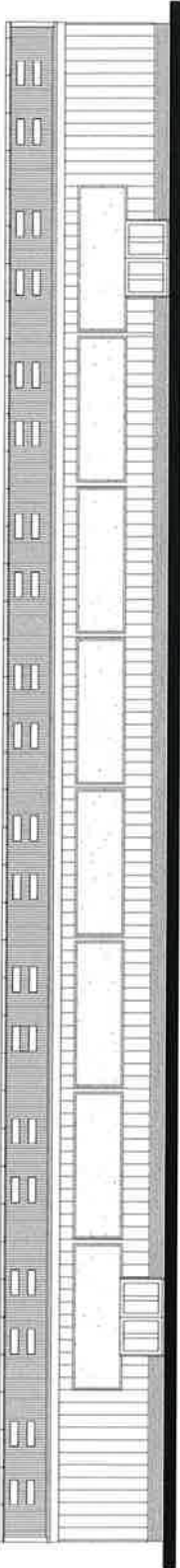
Second Floor T 020 7484 3522
 26A Church Street F 020 7484 3553
 London W1F 7GZ
 info@prime-meridian.co.uk

The Priory, Draycott Rd T 01749 34 66 99
 Shepton Mallet F 01749 34 66 77
 Somerset BA1 5HS
 www.primem-meridian.co.uk

| | | | |
|--------------------------------------|---------------------------------------|---|------------------|
| <input type="checkbox"/> Preliminary | <input type="checkbox"/> Tender | Drawn: DM | Created: |
| <input type="checkbox"/> Planning | <input type="checkbox"/> Contract | Checked: | Plot Date: |
| <input type="checkbox"/> Information | <input type="checkbox"/> Construction | Scale: 1:1000 @ A3 | |
| Client: GL54 4NP | | Project: Cherry Orchard Chedworth, GL14 4NP | |
| | | Title: Proposed Site Plan Stables / Outdoor Arena | |
| | | No.: 608.01/PL30 | |

| Rev | Description | Date | Initial |
|-----|-------------|------|---------|
| | | | |
| | | | |
| | | | |

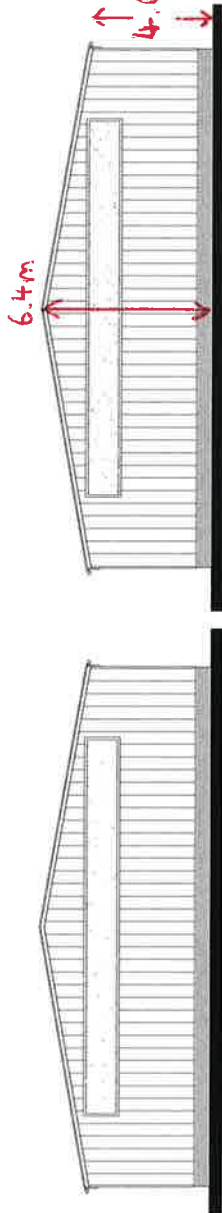
THIS DOCUMENT IS THE PROPERTY OF PRIME MERIDIAN ARCHITECTS AND ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PRIME MERIDIAN ARCHITECTS AND ENGINEERS. THIS DOCUMENT IS NOT VALID FOR ANY OTHER PROJECT OR SITE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES.



1. PROPOSED SOUTH WEST ELEVATION
SCALE: 1:100 @ A1

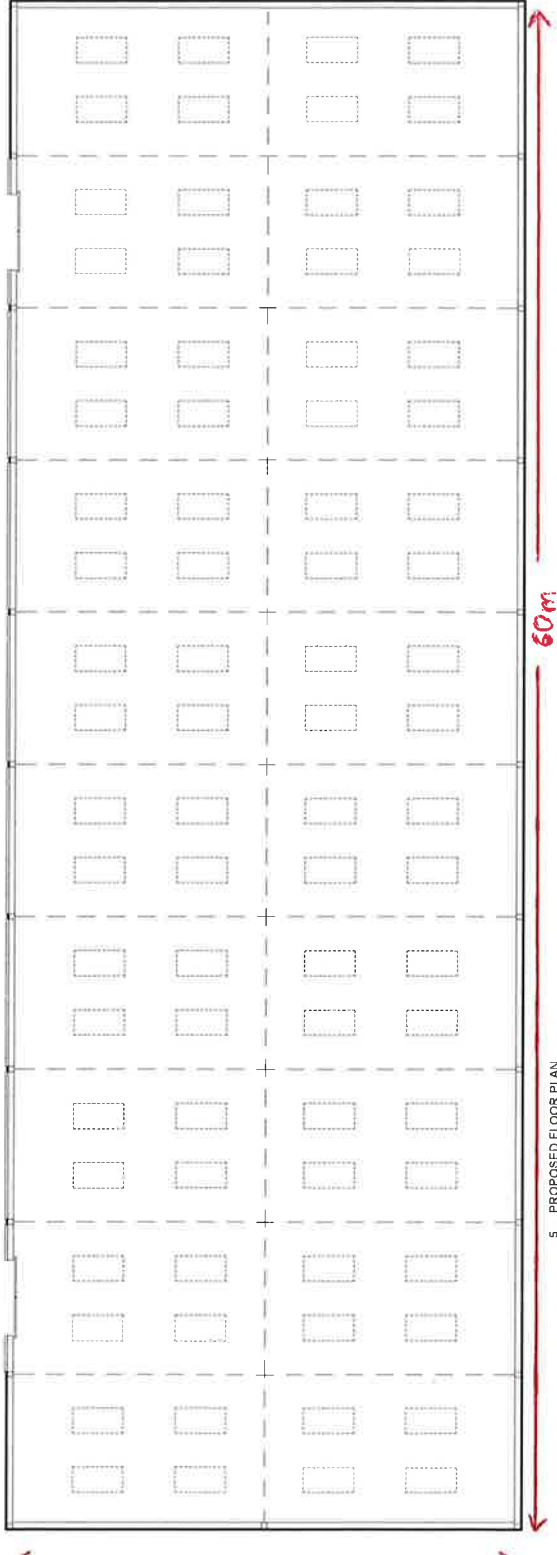


2. PROPOSED NORTH EAST ELEVATION
SCALE: 1:100 @ A1



3. PROPOSED NORTH WEST ELEVATION
SCALE: 1:100 @ A1

4. PROPOSED SOUTH EAST ELEVATION
SCALE: 1:100 @ A1

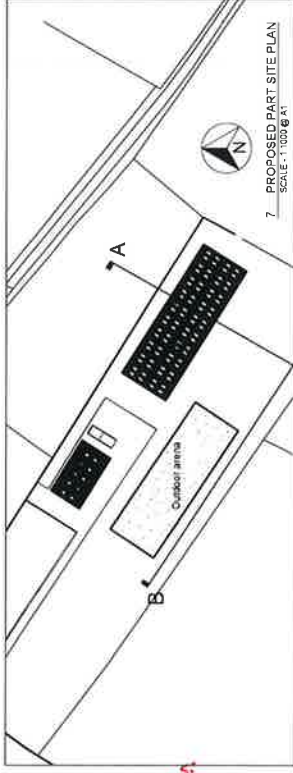


5. PROPOSED FLOOR PLAN
SCALE: 1:100 @ A1

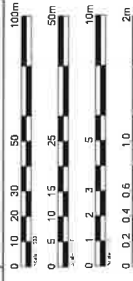
Road with corrugated transparent roof panels



6. PROPOSED ROOF PLAN
SCALE: 1:500 @ A1



7. PROPOSED PART SITE PLAN
SCALE: 1:1000 @ A1



Indoor arena materials:
Walls of timber boarding with a green finish (12 C 37) on low masonry plinth
Roof of grey corrugated fibre cement (12 C 2011) with corrugated roof lights
Doors of timber boarding with green finish (12 C 37)

PRIME MERIDIAN
ARCHITECTS AND ENGINEERS

Registered No. 1 589 188 (Pty) Ltd
1100 Pine Hill
Somerset West, Cape
Provincial Division, South Africa
1000 900 000
www.pmeridian.co.za

Client: SALLY MORGAN

Project: CHERRY ORCHARD
CHEDWORTH, GL54 4NP

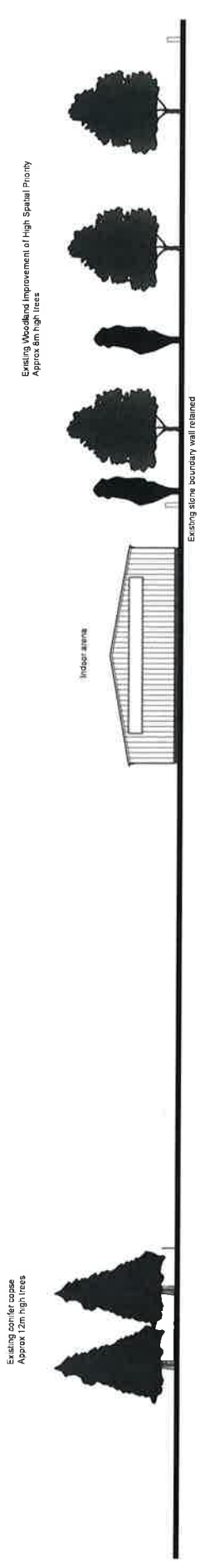
Title: PROPOSED INDOOR
ARENA

Date: 04.02.2018
Drawing No: 608.01/PL32

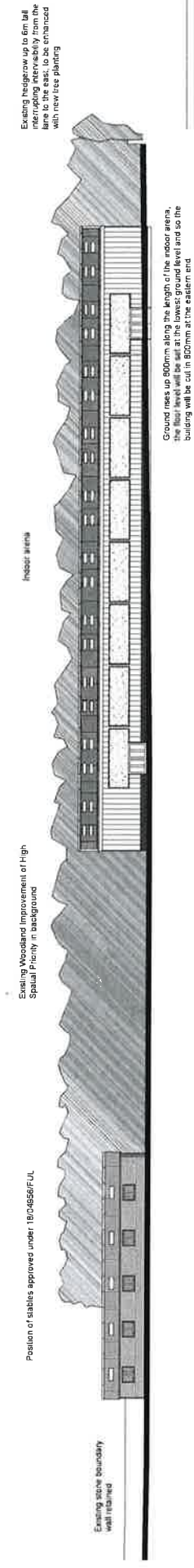
No. 608.01/PL32

NOTE: THIS PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THIS PLAN AND ANY INFORMATION PROVIDED TO THE ARCHITECT.

Do not scale except for planning application



1. SITE SECTION NORTH EAST/SOUTH WEST - SECTION A - A
SCALE: 1:300 @ A1



2. SITE SECTION NORTH WEST/SOUTH EAST - SECTION B - B
SCALE: 1:300 @ A1

| NO. | DESCRIPTION | DATE | TOTAL |
|-----|-------------|------|-------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PRIME MERIDIAN
ARCHITECTS & INTERIORS

200 High Street
Cherry Orchard
Bristol, Avon
BS10 4JH
01454 888999
www.primemeridian.co.uk

Client: **SALLY MORGAN**

Project: **CHERRY ORCHARD
CHEDWORTH, GL54 4NP**

Title: **PROPOSED SITE
SECTIONS
INDOOR ARENA**

No. **608.01/PL31**

