
SUBJECT **DEVELOPMENT APPLICATION REPORTS** **ITEM 9**
REPORT OF Head of Planning & Building Control

APPLICATION NO. P07/W0790/RET
APPLICATION TYPE Minor
REGISTERED 28 June 2007
PARISH Elsfield
WARD Anne Purse
MEMBER(S)
APPLICANT Martin and Richard Brown
SITE Home Farm, Elsfield
PROPOSAL All weather manège plus change of use of existing farm buildings to equestrian. Change of use of agricultural land to mixed agricultural and equestrian use (retrospective).
AMENDMENTS
GRID 454214/210427
REFERENCE
OFFICER Susannah Mangion

1.0 INTRODUCTION

- 1.1 The application is before the Planning Committee as the Officer's recommendation conflicts with the views of the Parish Council.
- 1.2 The site lies within the Oxford Green Belt and the southern and western extent of the site lies within the Elsfield Conservation Area. The Conservation Area extends beyond the site to the south and west. The site is located centrally within the village of Elsfield and is within the Landscape Character Area, 'Oxford Heights' which is characterised by its attractive and unspoilt rural character. The location of the site is shown on the **attached** location plan at Appendix 1.
- 1.3 The Home Farm complex consists of a group of agricultural buildings and a yard. The Home Farm site is accessed via a concrete track. The track is taken from the minor road running through Elsfield. The manège is located to the north of the agricultural buildings and is surrounded by post and rail fencing. Areas for vehicle parking areas are provided within the yard. Grazing/paddock land is located beyond the manège to the north of the Home Farm complex.

- 1.4 The proposal area is situated on a sloping site with land levels rising from the village of Elsfield up towards the east.
- 1.5 Home Farm is part of the Elsfield Estate which is centred on the village of Elsfield. The farms of the Elsfield Estate comprise Home Farm, Forest Farm, Hill Farm, Church Farm and Sescut Farm. The applicants farm the entirety of the Elsfield Estate. Recent reorganisation of the Estate has included the sale of Home Farmhouse (now Dove House) along with the stable block adjacent to Home Farmhouse and some grazing land.

2.0 PROPOSAL

2.1 The retrospective proposal seeks planning permission for a number of elements:

- the retention of 9.63 hectares of land for mixed agricultural and equestrian use
- the retention of an outdoor manège for horses with associated drainage and changes to surface treatment
- the retention of eight stables with small tack/storage sheds within an existing 1940s style Dutch barn
- the retention of a stone barn with five stables, a tack room and toilet facilities
- the retention of an open-ended mono-pitch building used as a feed store
- the retention of existing car parking areas within the yard and a proposed additional area for car and trailer parking.

2.2 The proposed plans are **attached** as Appendix 2.

2.3 The proposal relates to equestrian activity linked to the livery business, 'Drift Equestrian'. The business provides 13 stables and there are understood to currently be 23 horses in livery.

2.4 The fencing associated with the manage and that associated with fencing of the 9.63 hectares of land proposed for mixed agricultural and equestrian use falls within the limitations of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

2.4 Home Farm is part of an ongoing agricultural enterprise. The Home Farm buildings are the main centre for the arable enterprise on the Estate and provide drying and storage facilities for 1500 tonnes of grain, plus further fertiliser storage and workshop facilities. Both the ongoing agricultural use and the use associated with the Drift Equestrian business generate traffic movements. Details of associated traffic movements are outlined in the applicant's traffic statement which is **attached** as Appendix 3.

2.5 There are currently three external lights associated with the stables and attached to the Dutch barn, two to the yard side of the barn (south elevation) and one which lights the manège, positioned on the north-east corner of the barn.

2.6 Public dressage shows are held in connection with Drift Equestrian's use of the site. The applicant has advised these are held approximately once per month from April to September.

2.7 The applicants' summary of the key elements of the proposal is **attached** as Appendix 4.

3.0 CONSULTATIONS & REPRESENTATIONS

3.1 Elsfield Parish Meeting:

Traffic - The proposal may result in an undesirable and damaging growth in traffic through the village, particularly as a result of the public events usually held at weekends.

Visual impact – The site detracts from the character and appearance of the Elsfield Conservation Area. The visual impact of the manège harms the natural contours of the landscape.

Noise and pollution – Residents are affected by noise caused by the motorised paddock cleaner, from increased traffic movements and staff instructing pupils. Further environmental impact arises from the associated lighting, flies and the odour of manure.

Green Belt – The proposal represents inappropriate development in the Green Belt.

A Parish Meeting's précis of comments relating to the proposal is **attached** as Appendix 5.

3.2 Environmental Health:

Noise – As a result of a complaint made to the Environmental Protection team, there is an informal agreement that the motorised paddock cleaner should only be used between 09:00 and 12:00 on Monday, Wednesday and Friday mornings in the fields close to the residential properties. The Environmental Protection team is satisfied with the actions of the operators and will not be taking further action unless the noise situation worsens considerably.

Lighting - The glare and spill caused by external lighting to the barn/stables could be resolved if the angle of the lights was dropped closer to the horizontal. A planning condition is recommended to deal with this issue.

3.3 Conservation and Design:

No objection.

3.4 Monson Engineering:

The drainage details of the manège should be submitted to and approved by the Local Planning Authority and should be implemented in accordance with these details.

3.5 OCC Highways:

The required visibility splays are achieved at the site's access point and the construction and width of the vehicle access is acceptable for large vehicles associated with farm and equestrian use. The number of potential vehicle movements associated with the equestrian use is generally low in terms of traffic movements over a 24 hour period.

No objection subject to planning conditions i) restricting the number of equestrian events held at Home Farm and ii) controlling parking and turning arrangements.

A full copy of comments is **attached** as Appendix 6.

3.6 OCC Footpaths Officer:

No objection.

3.7 Oxford Green Belt Network:

Objection – The proposal represents inappropriate development in the Green Belt. Whilst an equestrian centre is a suitable activity within a rural area, Home Farm is not a suitable location. The amount of parking proposed suggests the equestrian activities are likely to generate a growth in traffic including cars, horse boxes, trailers and service vehicles. Elsfield village is served by a single-track, winding road and the village suffers from use as a 'rat-run'. The proposal may also give rise to a noise problem, particularly from associated cleansing works.

3.8 National Farmers Union:

Horses have been a part of the Brown's farming enterprise for many years. The current horse enterprise represents a valuable diversification which provides an alternative source of income to the Browns and allows them to continue to farm and look after the surrounding landscape. The landscape that forms the bulk of the Green Belt around Elsfield is a result of the Browns efforts to manage the land: the Browns are members of the Entry Level Land Management Scheme which encourages farmers to farm in an environmentally sensitive way and over the past seven years the applicants have planted 3.5 miles of trees and hedges and 18 acres of woodland. The current CAP reform package moves subsidy away from production and farmers are encouraged to supplement their incomes from 'non-farming' activities. Grassland tracks have been put in around the farm to allow horse owners to exercise their animals without having to rely on roads and public bridleways which indicates that the applicants are prepared to contain the use on their own land in an attempt to minimise its impact on others. The proposal provides a healthy recreational activity for a number of local people and allows people to enjoy the countryside whilst not detracting from the rural character and landscape of the area and makes good use of existing agricultural structures that otherwise could be regarded as redundant.

3.9 Savills (L&P) Limited:

Horses have always been present on the Elsfield Estate. As a result of Estate reorganisation including some sales off the Estate by Christ Church the applicants lost some existing stables and grazing. The proposed use of the land for grazing replaces various parcels of land that were sold as part of the Estate re-

organisation. The manège allows horses to be exercised and schooled safely in all weather, particularly in winter, which helps the applicants comply with the Single Payment Scheme Cross Compliance Regulations.

3.10 Supporters (10):

The 'off-road' riding provided benefits the road safety of riders and road users. The yard is well-managed and quiet and the equestrian use blends quietly into the surrounding countryside. The proposal provides an invaluable and conveniently located facility: some owners' cycle and others visit on the journey to/from work or the school-run. The events held at the six annual dressage shows are staggered throughout the day and this prevents an influx of people and vehicles at any one time.

3.11 Objectors (5):

The scale and type of the development is inappropriate to the location which is in the Green Belt, adjacent to the Elsfield Conservation Area, next to two public footpaths, close to dwellinghouses and accessible only by a single track road. The proposal is a significant new business with landscape, noise, light, highways and amenity impacts. The noise generated by the motorised paddock cleaner is very intrusive. The smell of manure is unpleasant. The light pollution is not compatible with the rural location and proximity to dwellings. The traffic generated by the proposal results in unacceptable car and larger vehicle movements on narrow, residential roads and causes road safety hazards, particularly as a result of additional vehicular movements linked with the business at the weekend. The manège and associated structures break up the open land aspect and create an eyesore, particularly as a result of the electric fencing. The proposed additional car parking is visually intrusive and incompatible with the rural location. There are concerns that the business will expand.

4.0 RELEVANT PLANNING HISTORY

- 4.1 In November 2006 an allegation was received that there had been a change of use of land at Home Farm from agriculture to equestrian. Following a planning enforcement investigation the applicant submitted planning application reference P07/W0322/RET to seek to address the breach of planning control. The application sought retention of the all weather manège plus a change of use of an existing farm building to equestrian use.
- 4.2 In June 2007 planning application P07/W0322/RET was withdrawn following advice from officers that the application did not address the full extent of the unauthorised activity on site.
- 4.3 In September 2006 planning permission was refused under reference P06/W0834 for an application at Home Farm (area behind 1 Manor Cottages) which sought the erection of a timber building to be used as cattery plus a change of use of land from agricultural (as amended by site location plan and drawing no.3 received 14 August 2006.)
- 4.3 In August 2001 planning permission was granted under application reference P01/N0330 for a new concrete track to form a new access to Home Farm.

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Local Plan 2011 policies:

- G2 – Protection and enhancement of the environment
- G4 – Development in the countryside and on the edge of settlements
- C1 – Landscape character
- C5 – Protection of agricultural land
- GB2 – New buildings in the Green Belt
- GB3 – The use of land in the Green Belt
- GB4 – Visual amenity
- CON 7 – Proposals affecting a conservation area
- EP1 – Prevention of polluting emissions
- EP2 – Noise and vibrations
- EP3 – Light pollution
- EP6 – Surface water protection
- R8 – Public rights-of-way
- R10 – The keeping of horses
- E3 – The rural areas
- E8 – Re-use of agricultural buildings
- A3 – Farm diversification
- T1 & T2 – Transport requirements for new developments
- T3 - Transport assessments and travel plans
- T10 – Lorries and freight distribution depots

5.2 Government Guidance:

- Planning Policy Guidance 2: Greenbelts
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning Policy Guidance 13: Transport
- Planning Policy Guidance 18: Enforcement

5.3 South Oxfordshire Landscape Assessment

6.0 PLANNING CONSIDERATIONS

6.1 The main issues that are relevant to this case are:

- Oxford Green Belt
- impact on the landscape setting
- highways and parking
- amenity of neighbouring residents
- Elsfeld Conservation Area
- footpaths and bridleways
- supporting the rural/local economy

- other material planning considerations

Green Belt issues

- 6.2 The retrospective proposal does not involve any new buildings. The proposal does not therefore conflict with policy GB2 of SOLP 2011 which seeks to restrict new buildings in the Green Belt.
- 6.3 Planning permission is required for the engineering operations involved in the construction of the manège and for the change of use of the 9.63 hectares agricultural land to mixed use grazing sheep and the keeping of horses.
- 6.4 Policy GB3 of SOLP 2011 allows for engineering operations where the openness of the Green Belt is maintained and there is no conflict with the purpose of including the land within it. The openness of the Green Belt would be maintained under this proposal which consists of a change of surface treatment surrounded by open, 1.4 metre high timber post and rail fences.
- 6.5 The retrospective proposal does not conflict with policy GB4 of SOLP 2011 which seeks to prevent new development that would adversely affect the open nature, rural character and visual amenity of the Green Belt. The proposed change of use of agricultural land to mixed agricultural/equestrian use retains the rural character of the area: the only obvious physical manifestations of the proposed change of use arise from fencing of the paddocks and the provision of field shelters.

Impact on landscape setting

- 6.6 Policy C1 of SOLP 2011 indicates that the conservation and, where possible, enhancement of the landscape of the district will be sought and that development that adversely affects the distinctive features of the landscape character areas will not be permitted.
- 6.7 The site lies within the Oxford Heights character area of the South Oxfordshire Landscape Assessment. The area occupies the northerly part of a belt of low limestone hills that surround Oxford which have historically been suited to growing arable crops. The area is characterised by a comparatively homogenous landscape of farmed hills and valleys. Its key characteristics include a predominantly rural character, the rolling landform of the hills and valleys and large-scale farmland which is mostly in arable cultivation.
- 6.8 The proposed development's impact on the landscape relates to the manège and associated fencing and the change of use of the agricultural land to mixed agricultural/equestrian use. The proposal is visible from the public footpaths ELS FP08 (which passes through the site area) and ELS FP09 which runs to the east of the site.
- 6.9 The manège is located adjacent to the existing farm buildings. The additional fencing associated with the proposal fall within the limitations of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The visual impact of the associated fencing could be lessened by some planting in the area between the access track and the manège. The imposition of a planning condition requiring a landscape scheme for the grassed area between the access track and manège will adequately address this issue.

- 6.10 The re-use of existing farm buildings and the existing and proposed parking areas sited within the yard are not considered to materially affect the landscape character of the area. As such, the retrospective proposal is considered to conform with policy C1.

Highway safety and parking provision

- 6.11 The application site which lies within Elsfield village is accessed via a narrow, winding road with traffic calming measures currently in place. The route through the village is known locally as a 'rat-run' and there is local concern that increased traffic movements may damage the road banks and verges on the approach to, and through the village. In places the road is too narrow for vehicles to pass and 'Unsuitable for HGVs' signs have been erected at either end of the road through the village. There is no public footway throughout the majority of the village, as is typical of many rural villages.
- 6.12 Home Farm is part of a working farm enterprise and farm traffic uses the site on a daily basis, with peaks and troughs throughout the farming calendar. Additional daily traffic is generated as a result of the equestrian business use as a result of staff and owners visiting the site, animal movements, deliveries and visits by the vet. There are currently 15 parking spaces provided within the yard and the application proposes the provision of an additional area given over to parking for trailers, horse boxes and car parking. The parking provision is ample for the current daily usage which includes small scale storage of clients' horse box trailers. The proposed parking area also allows adequate parking facilities for the additional parking needed at the public dressage shows, such that there will be no necessity for any parking on the public highway.
- 6.13 PPG13 Transport aims to ensure that local authorities integrate land use and transport policies in ways which reduce the need to travel and promote accessibility by walking or cycling. This is reflected in policies T1 and T3 of the South Oxfordshire Local Plan 2011. The traffic statement provided by the applicant describes the traffic movements associated with the site. There are currently 9 horse owners and 1 member of staff connected with the equestrian livery business, some of whom are understood to cycle to the site and others to link the journey to existing traffic movements. The Local Highway Authority estimates that the proposal is likely to generate relatively low traffic movements over any given 24 hour period but acknowledges that traffic movements may increase, particularly over weekends and as a result of the public dressage events. It is understood that the events held at the dressage shows are staggered throughout the day which may serve to prevent an influx of vehicles at any particular time of the day.
- 6.14 As suggested by the Local Highway Authority, it is appropriate to limit additional traffic generated by public events on the weekend by the imposition of condition 6 restricting the number of dressage events hosted by the equestrian facility.

Impact on neighbouring residents

- 6.15 Neighbouring residents have identified intrusive lighting, noise from the motorised paddock cleaner, an increased number of flies and unpleasant smelling manure as key issues affecting their amenity.

6.16 Policy EP3 of SOLP 2011 seeks, amongst other things, to protect the rural character of the countryside and does not allow proposals for floodlighting so as to restrict light pollution. There are currently three external lights linked to the proposal, two of which light the yard and one which provides light to the manège. Floodlighting of the manège is not acceptable at this isolated rural site within the Greenbelt and a condition to prohibit floodlighting of the manège area is considered necessary. However limited lighting of the yard and field gates adjacent to the yard area during normal working hours is acceptable so that DIY livery activities can be undertaken during the darker winter months. It is considered that planning conditions 3, 4 and 5 are required to control lighting at the site. A condition to prohibit floodlighting of the manège area is necessary and a further condition is suggested to require a scheme for lighting the yard and field gates adjacent to the yard area, such that glare and spill lighting is reduced.

66.17 The pasture land proposed for mixed use keeping of horses and agricultural use lies to the east of a number of residential properties within Elsfield, behind their rear gardens. Policies EP1 and EP2 of SOLP seek to prevent proposals that would have an adverse effect on people as a result of noise or smell. The current arrangement in place to deal with cleaning the paddocks involves the use of a motorised paddock cleaner used between 9 am and 12 am on Monday, Wednesday and Friday mornings. Suggested planning condition 8 requires the specifications of any motorised paddock cleaner used for cleaning the paddocks to be submitted to and approved by the LPA to ensure that there is no unreasonable noise disturbance resulting from the cleaning of the paddocks. Satisfactory cleaning arrangements for the paddocks should prevent unreasonable smells or flies associated with the use over and above those which may arise through the permitted agricultural use of the land.

Character and appearance of the Elsfield Conservation Area

66.18 Policy CON 7 prevents development which would harm the character or appearance of a conservation area. The stone barn and open sided feed store which are located within the Elsfield Conservation Area do not have any significant external physical alterations as a result of the retrospective development. The existing and proposed car parking areas which are located on the edge of the Elsfield Conservation Area are relatively discrete, low key uses. A planning condition should require the submission of a scheme for the surface treatment of the proposed car and trailer parking area to ensure that the car and horse box parking arrangements remain unobtrusive and discrete as at present.

6.19 The proposal is not considered to harm the character and appearance of the Conservation Area.

Impact on Footpaths and bridleways:

6.20 The 'off-road' riding which is offered along routes on the applicants' agricultural land is likely to serve to prevent the over-use of public bridleways.

6.21 Policy R8 of SOLP 2011 specifies that existing public rights of way will be retained and protected. Policy T1 of SOLP 2011 requires that all development will allow for safe routes for pedestrians. The public footpath ELS FP08 the crosses the application site and footpath ELS FP09 runs close to the site. However, it is not considered that the proposal adversely affects the ability of members of the public to use these routes: the footpaths are clearly marked,

there is no obstruction of the footpaths and the fencing that is in place adequately restricts animals.

Supporting the local/rural economy

- 6.22 Policy A3 of SOLP 2011 reflects paragraph 30 of PPS 7, criteria ii and iii). The Government recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. Local authorities are urged to be supportive of diversification schemes which help to sustain the agricultural enterprises and are consistent with their rural location.
- 6.23 The proposal accords with the aims of policy A3 of SOLP 2011 and benefits economic activity whilst maintaining the open, rural quality of the environment and not giving rise to additional buildings.
- 6.24 Policy E8 indicates that re-use of rural buildings will be permitted, subject to a number of restrictions. The proposal is considered to conform with criteria i) to iii) of the policy as there have been no significant alterations to the exterior of the agricultural buildings and the essential character of these substantial buildings has been maintained. Whilst the buildings are within the Green Belt the proposed equestrian use does not have a materially greater impact on the openness of the Green Belt than the previous agricultural use. Amenity, environmental and highway issues are addressed separately within this report. Criterion v) of policy E3 of SOLP 2011 states that business use which involves the re-use of rural buildings in rural areas in accordance with policy E8 is acceptable.
- 6.25 Policy R10 of SOLP 2011 states that proposals connected with the keeping of horses will be permitted provided that the development does not harm:
- the appearance and character of the area and landscape
 - conflict with Green Belt objectives
 - damage the amenities of the area in terms of traffic, excessive bridleway use, noise, smell or other disturbance.
- 6.26 Having addressed the above criteria within the report, it is considered that the retrospective proposal does not conflict with the policy.

Other material planning considerations

- 6.27 Policy C5 of SOLP 2011 seeks to retain the best quality agricultural land unless other sustainability criteria outweigh the need to protect high-quality agricultural land. The site constitutes high grade land, classified as grade 2. The current proposal which has arisen due to economic pressures on the applicant to diversify is for a mixed agricultural/equestrian use and retains a partial agricultural use of the land. In the circumstances the proposed change of use of the agricultural land to a mixed agricultural /equestrian use is considered acceptable: a partial agricultural use of the land is maintained and the return of the land to an entirely agricultural use in the future, should the economic circumstances of the applicant change, would be straightforward.

7.0 ENFORCEMENT CONSIDERATIONS

- 7.1 As this application is retrospective, the refusal of planning permission will result in consideration being given to pursuing formal enforcement action. The decision as to whether or not to take enforcement action is delegated to officers. PPG 18 encourages local authorities to pursue enforcement action where it is expedient and planning harm is identified. Action should be proportionate to the breach of planning control and should take account of the general public interest in preventing inappropriate development.

8.0 CONCLUSION

- 8.1 The retrospective proposal complies with the relevant development plan policies. Subject to planning conditions, the development would support the rural economy whilst not adversely affecting the openness and rural character of the Green Belt, the landscape character of the area, the character and appearance of the Elsfield Conservation Area, the amenity of neighbouring residents or the accessibility of the public rights-of-way network. The retrospective proposal does not give rise to highway safety issues and offers adequate parking provision facilities.

9.0 RECOMMENDATION

- 9.1 **It is recommended that planning permission should be granted subject to the following conditions:**

- 1. drainage details to manège: scheme within 1 month and implementation within 3 months**
- 2. landscape scheme for area between manège and access track: scheme to be submitted and implemented in accordance with approved scheme**
- 3. no floodlighting to manège**
- 4. external lighting scheme to be submitted within 1 month and implementation of scheme within 3 months**
- 5. restricted hours for external lighting to between 7am and 7pm**
- 6. restrict number of dressage events to six events of no more than 10 hours duration within any twelve month period**
- 7. specification of layout and surface detail to proposed parking area and implementation in accordance with approved details**
- 8. specification of paddock cleaner to be submitted and used in accordance with approved details**
- 9. restrict hours of use of paddock cleaner on the land adjacent to residential properties to between the hours of 9-12 am Monday, Wednesday and Friday**
- 10. equestrian use hereby permitted at Home Farm may only be as a livery yard and not a riding school**
- 11. the equestrian services provided at Home Farm may only be used by those with a horse in livery at Home Farm, except as permitted under condition 6**

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