
APPLICATION NO.	P08/E0098/RET
APPLICATION TYPE	Full, Retrospective
REGISTERED	31 January 2008
PARISH	Bix
WARD MEMBER(S)	Mr M Newland
APPLICANT	Mr and Mrs Properjohn
SITE	Witness Farm, Lower Assendon
PROPOSAL	Formation of manege.
AMENDMENTS	As amended by agent's email dated 20 March 2008
GRID REFERENCE	474310/184984
OFFICER	Susan P Spencer

1.0 **INTRODUCTION**

- 1.1 This application has been referred to Planning Committee for determination because the views of the Parish Council differ from the officer's recommendation.
- 1.2 Witness Farm is a relatively small area of land measuring 0.235 hectares that has permission for use for equestrian purposes. The site has a 100m frontage to the B480 and is screened from it by hedging. The site comprises stables, an open barn, a yard area plus a pole barn and exercise area that has been laid out as a manege.
- 1.3 The site lies within the open countryside in the Chilterns Area of Outstanding Natural Beauty. To the north of the site is a residential dwelling known as Chiltern Cottage. To the east and south is open countryside. Beyond the B480 is another residential property, Long Cottage.
- 1.4 This application for retrospective planning permission has been submitted following an investigation into alleged breaches of planning control on the site. A retrospective application for an extension to the stable block has been refused planning permission under delegated powers and is now the subject of enforcement action. Enforcement action has also been authorised to secure the removal of an unlawful pole barn. There remain a number of other alleged breaches of planning control at Witness Farm that are currently under investigation
- 1.5 The site is identified on the Ordnance Survey extract **attached** as Appendix A.

2.0 **PROPOSAL**

- 2.2 This application seeks planning permission for the manege. (A pole barn was originally included in the application but this element has been withdrawn by the applicant). The design and access statement makes it clear that it is for personal recreational use, in which case it would be more properly described as an exercise area rather than a manege which is a riding school. The exercise area is 20m by 40m, a size apparently recommended by equestrian authorities such as The British Horse Society. The exercise area has been levelled and formed utilising bark mixture. It is edged with 200mm high boarding with mounding approximately 600mm -1m high between the manege and pole barn and manege and road. A hedgerow of Hazel and Hawthorn has been planted between the site and the open countryside. A further hedge of leylandii has been planted on the northern boundary of the site. Plans of the development are **attached** as Appendix B.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 **Bix and Assendon Parish Council: Objection**

- Pole barn is large and appears to be larger than that refused under application P02/S0161 on the basis that it would be prominent and visually intrusive. Barn is higher and in no way traditional for an AONB. It is clearly visible when native planting is not in leaf. The Parish would challenge the need for all this equipment for the keeping of 3 horses. Height of barn is incorrectly shown.
- There is an oak tree not marked on the plans and the Parish request that a tree preservation order be put in place.
- The manege is a large area of hardstanding in the AONB and changes the character of the green valley. Also concern that the development is unneighbourly as the noise from instruction would impact on the enjoyment of the neighbouring property. If it is for private use why is there a large sign advertising Pimms?

3.2 **Chilterns Conservation Board:**

- The Council is required under Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The Council is also given power, in accordance with Section 84 of the same act to 'take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB.'
- The Board object for the following reasons:
- The pole barn is clearly visible in the wider landscape and represents a discordant feature when taken with other developments that have taken place and has a detrimental impact upon the landscape. In seeking to hide much of what has been done significant and inappropriate landscaping in the form of leylandii has been planted and the banks along the western edge raised by about a metre.
- The Board consider that the unauthorised developments neither conserve nor enhance the natural beauty of the Chilterns AONB and planning permission should be refused and enforcement action taken to secure their removal.

3.3 **Local Residents – 1 letter of objection**

- Open sided barn: An application for a smaller barn was refused and there have been no significant changes in the valley landscape. Doesn't see the need for the barn.
- The manege: The siting and regular use of the manege is causing an issue with noise. Can hear all the instruction sometimes up to 7 times a week and lasting anywhere between 30 minutes to an hour. The lessons are intrusive. The manege should be moved further away. Permitting the structure would facilitate further and increased use in an unneighbourly way.
- The landscaping planted is leylandii, which is not indigenous and is allowed to grow unchecked.
- Overall concern that the use of the land is changing from the keeping of horses and allowing for grazing to being land used as a recreational facility and the increase in number of buildings over the area that have changed the nature of the plot. There are only 3 horses kept on the site and there is enough space to stable 5 with additional facilities. What are the rest being used for.

Local Residents – 2 letters of support

- The proposed development seems to be precisely what one should expect and want in a small community situated in an AONB, entirely in keeping with the rural traditions of the valley. No objections.
- I have no objections to building of any of the developments mentioned

4.0 RELEVANT PLANNING HISTORY

- 4.1 P97/S0156 : Planning permission granted on 17 March 1997 for the erection of stables and tack room.
- 4.2 P98/S0857 : Planning permission granted on 4 February 1999 for a new access
- 4.3 P99/S0220 : Planning permission granted for the erection of a wooden barn for storage of hay and straw and change of use from agricultural to land for the keeping of horses. Permission was granted subject to condition that land be for the private keeping of horses and must not be used for any commercial or business activity whatsoever. A further condition also restricted use of the majority of land for the grazing of horses only, in order to safeguard the character of the area and to protect local amenities.
- 4.4 P02/S0161 : An application for a building to provide two foaling boxes, toilet, feed room/utility. Barn for storage of equipment. Permission was refused by reason of the scale and mass of the building and their impact on the Chilterns Area of Outstanding Natural Beauty
- 4.5 P02/S0703. An application comprising two stables, utility room and toilet was refused on 7 November 2002 due to impact of the buildings on AONB. A subsequent appeal was dismissed. The Inspector concurred that the mass, height and scale of the proposed building would have a very serious adverse effect on the landscape, the openness of the area and the character and appearance of the AONB.
- 4.6 P04/E0339. Planning permission was granted on 17 May 2004 for the erection of single stable to extend off existing stable block to accommodate a utility room/feed room and w.c. The development has not been built in accordance with the approved plans. The building is higher and deeper. There are two velux windows in the rear elevation, the materials do not match. The internal layout is not as shown on the application and it is not used for the purposes planning permission was granted.

5.0 POLICY & GUIDANCE

5.1 National Guidance:

Planning Policy Statement 1 'Delivering Sustainable Development'
Planning Policy Statement 7 'Sustainable Development in Rural Areas'
Planning Policy Guidance 18 'Enforcing Planning Control'

5.2 The Development Plan:

Oxfordshire Structure Plan:

EN1 – the nature, size, location or cumulative effects of a development should not have an unacceptable environmental impact.

EN2 – environmental measures will be sought to minimise the effects of development and to maintain and enhance the landscape.

EN4 – the natural beauty of Areas of Outstanding Natural Beauty will be conserved to reflect their national importance.

South Oxfordshire Local Plan

G2 – protection and enhancement of the environment

G4 – development in the countryside and on the edge of settlements

- G6 – promoting good design
- C1 – landscape character
- C2 – areas of outstanding natural beauty
- C9 – landscape features
- EP2 – noise and vibrations
- D1 – good design and local distinctiveness
- R10 – keeping of horses

5.3 Supplementary Planning Guidance:

- South Oxfordshire Design Guide
- Chiltern's Building Design Guide
- South Oxfordshire Landscape Assessment

6.0 PLANNING ISSUES

6.1 The main planning considerations in respect of this application are:

1. The effect of the development on the character, special landscape value and visual amenity of the Chilterns Area of Outstanding Natural Beauty.
2. The effect of the development on neighbouring amenity.
3. Other material considerations

The effect of the development on the character, special landscape value and visual amenity of the Chilterns Area of Outstanding Natural Beauty

6.2 The construction of the manege has been achieved by the levelling of the site and laying of bark chippings. The site lies at the bottom of the valley floor and was already relatively flat. Officers consider that the formal means by which it has been levelled approximately 100mm lower than the surrounding grassland, to have resulted in an adverse impact on the landscape. Mounding has been included in the landscaping of the site on the boundaries between the manege, the road and the pole barn. The relatively limited height, between 600mm and 1m, set against the backdrop of existing boundary treatment means that it is unobtrusive. The newly planted hedgerows do result in the forming of an enclosure in an otherwise relatively open area and I accept that the hedgerows have probably only been planted as a result of the overall works on the site, but they do not require planning permission.

6.3 Your officers consider that the construction of the manege does not adversely affect the Chilterns Area of Outstanding Natural Beauty, the general landscape or the rural character of the location. Whilst the exercise area does have a formal appearance it is a facility that is not of place in the countryside, particularly having regard to the use of natural surfacing materials

The effect of the development on neighbouring amenity

6.4 I do not consider that any resulting noise from the use of the manege as a private schooling facility is sufficiently harmful to justify refusal of planning permission. It is alleged that it is used by the applicant to give horse riding lessons, and it is argued that granting planning permission allows for such a use to continue. However, the applicant's agent denies that the manege is used in this way. However officers consider it reasonable that someone may wish to exercise their horses on a regular basis and that the manege allows for that. Your officers do not think a refusal on the basis that the manege may be used in an unauthorised fashion could be defended on appeal, particularly as a condition to restrict its use should be enforceable.

Other material considerations

6.5 In 1999 when planning permission was granted for the erection of the storage barn a condition was attached to the planning permission stating that the majority of the site, including the area now occupied by the manege, should only be used for the grazing of

horses. The area of the site where it was permitted to keep horses, rather than just graze them, was restricted to the immediate area of the stables and storage barn. The condition was attached in order to safeguard the character of the area and protect local amenities. This does not mean that the use of the land cannot be changed but that to do so requires the consent of the Council.

- 6.6 As has been explained in paragraphs 6.2 and 6.3 above officers consider that the manege can be accommodated on this site without causing significant harm to the character and appearance of the area and that provided it is used for private recreational purposes only, without harming the amenities of local residents. In these circumstances the existence of the condition does preclude the Council from granting planning permission.

7.0 **ENFORCEMENT**

- 7.1 Government advice in PPG18 indicates that enforcement action should only be taken where planning harm is identified and where action is necessary in the public interest. Any such action should be proportionate to the breach of planning control, balancing the right of the owner to peacefully enjoy the property with the general public interest to prevent development that is harmful to other legitimate interests

- 7.2 Officers have to consider whether the development can be made acceptable by the imposition of planning conditions. In this case a condition restricting the use of the manege to private recreational use for the exercising of horses and the training of horses and riders should protect the amenities of the adjacent residential property and it is on this basis that officers are not recommending enforcement action.

8.0 **CONCLUSION**

- 8.1 That the proposed manege is an appropriate use in the countryside and its construction is acceptable in terms of its impact on the character, special landscape value and visual amenity of the Chilterns Area of Outstanding Natural Beauty and. Subject to a condition restricting the use to private recreational purposes, the impact on the amenities of the immediate neighbours is considered acceptable As such the development is in accordance with the provisions of the Development Plan, particularly policies G2, C2, EP2 and R10 of the South Oxfordshire Local Plan 2011 adopted in 2006.

9.0 **RECOMMENDATION**

- 9.1 **That planning permission be granted subject to the following condition.**

- 1. That the manege shall be used by the owners of Witness Farm for the private recreational purposes for the exercising of horses and training of riders and horses and shall not be used in connection with any trade or business whatsoever.**

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