

<b>APPLICATION NO.</b>	<a href="#">P18/S1555/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	8.5.2018
<b>PARISH</b>	BRIGHTWELL BALDWIN
<b>WARD MEMBER(S)</b>	David Turner
<b>APPLICANT</b>	Mrs A Hendriks
<b>SITE</b>	Field adjacent to the rear of 5 The Row, Brightwell Baldwin, OX49 5NZ
<b>PROPOSAL</b>	Erection of a replacement stable block
<b>OFFICER</b>	Will Darlison

**1.0 INTRODUCTION**

- 1.1 The application is referred to planning committee because the Officer's recommendation for approval conflicts with that of Brightwell Baldwin Parish Council.
- 1.2 The application site is an area of grazing land located to the West of the domestic garden land of number 5 The Row, which is a Grade II listed building. Approximately 4 acres in size, it runs from North East to South West between the aforementioned garden and a lane to the East. It is split into 4 smaller paddocks.
- 1.2 Located in the North-Eastern end of the application site lies an existing stable building, none of the land included in the red edged area falls within either an Area of Outstanding Natural Beauty or a Conservation Area. A plan identifying the site can be found at **Appendix 1** to this report.

**2.0 PROPOSAL**

- 2.1 The application seeks planning permission for the erection of a replacement stable block located beyond the far end of the domestic rear garden of number 5 The Row in the North-Eastern area of the application site in approximately the same position as the building being replaced.
- 2.2 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the Council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Brightwell Baldwin Parish Council** – Objection. Concerns expressed over the following matters;
  - The size of the replacement stabling facilities.
  - Its location when considered from the point of view of the next door neighbour and for the delivery, storage and removal of straw or waste.

**Contaminated Land** - No objection

**Neighbour Representations** - Neighbour Object x (1)

- It would be a visually intrusive and dominant feature visible from all neighbouring properties adjacent to the South East and North West and to all garden areas and land North-North East of the proposed site.
- Not justified as there are no stables in the vicinity on adjacent fields.

- Contrary to Policy R10 criterion (ii) and G6 in that the development conflicts with the permissible grounds to enable an open and rural character of the land.
- Increase in traffic across the applicant's field.
- Blocking of natural light to the detrimental effect of the hedgerow along the West-South-West boundary.
- The proposal will overshadow the orchard area reducing fertility of the land in contravention of SOLP Policy D4.
- Does not incorporate enough design features in relation to security and community safety
- The size of the proposal and its significant roof area and capture of rain water will easily exceed the capacity of the proposed water butts and the soakaways, exacerbating the season flooding situation in the area caused by heavy rain through the removal of essential permeable surfaces to minimise the risk.
- Poses a fire risk to neighbouring properties.
- Identical paragraphs in the planning statement indicates a copy and paste approach.

#### 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P92/N0539](#) - Approved (27/01/1993)  
Erection of stable block and creation of an access.

#### 5.0 **POLICY & GUIDANCE**

##### 5.1 **South Oxfordshire Core Strategy 2027 (SOCS) policies:**

CSEN3 - Historic environment  
CSQ3 - Design

##### 5.2 **South Oxfordshire Local Plan 2011 (SOLP) policies:**

C9 – Landscape features  
CON5 – Setting of listed buildings  
D1 - Principles of good design  
D6 – Community safety  
EP6 – Sustainable drainage  
G2 - Protect district from adverse development  
G4 – Protection of countryside  
R10 - Proposals involving the keeping of horses  
T1 - Safe, convenient and adequate highway network for all users  
T2 - Unloading, turning and parking for all highway users

##### 5.3 **South Oxfordshire Design Guide 2016 (SODG)**

**National Planning Policy Framework (NPPF)**  
**National Planning Policy Framework Planning Practice Guidance (NPPG)**

#### 6.0 **PLANNING CONSIDERATIONS**

- 6.1 The issues to be considered in relation to this proposal are;

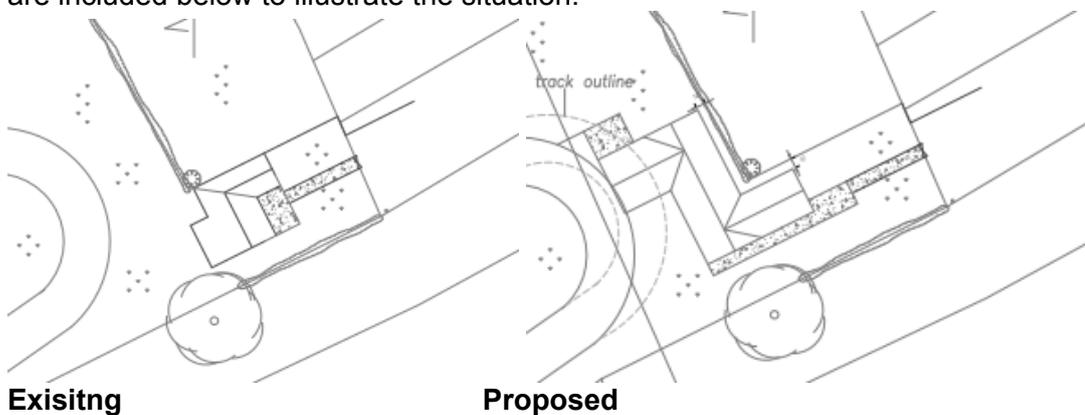
- **The principle of development.**
- **Siting, design and appearance.**
- **Impact on amenities.**
- **Impact on drainage.**
- **Community Infrastructure Levy.**
- **Other issues.**

- 6.2 **The principle of development.** Policy R10 of the SOLP sets out that proposals connected with the keeping of horses will be permitted provided that they would not:

*“(i) be visually intrusive or damage the appearance and character of the area and the landscape;  
(ii) conflict with the overriding objective in the Green Belt to maintain the open nature and rural character of the land; or  
(iii) damage the amenities of the area in terms of traffic, excessive bridleway use, noise, smell or other disturbance.”*

- 6.3 The proposal is therefore an acceptable one in principle. Criteria (i) and (iii) shall be discussed in the sections of this report beginning with paragraphs 6.4 and 6.11 respectively. It should be noted that criterion (ii) is not relevant to this proposed development as none of the application site is located within the Oxford Green Belt.

- 6.4 **Siting, design and appearance.** The proposed replacement stable block would be located along the boundaries shared with the area of orchard at the end of the rear garden of number 4 The Row. Extracts from both the existing and proposed block plans are included below to illustrate the situation.



- 6.5 The siting of the proposed stable in the same part of the site as the existing is in my view compliant with criterion (i) of Policy R10. A stable, albeit a smaller one is an established characteristic of this part of the site and the character of the wider area is one where stable buildings are part of the rural vernacular. This location, close to the rear garden of number 5 The Row and the adjacent area of orchard rather than being sited elsewhere in the field would also make the built-form significantly less prominent within the wider landscape given that as you go South West the field becomes wider, more open and would be at a higher level. I am therefore satisfied that the building would not be visually intrusive or damaging to the character of the area by virtue of its siting.
- 6.6 It would employ a design that would be entirely within the established vernacular for a rural stable building. External materials would comprise of timber weatherboarding on the walls with profile metal sheeting on the roof. Whilst it is larger than the building it is replacing I am satisfied that the design would not make the stable an incongruous or damaging feature in the landscape of the area.
- 6.7 An objection received made a number of specific references to Policy G6 of the SOLP, which related to not granting planning permission for *‘proposals which are not of a high quality and inclusive design, which fail to protect and reinforce local distinctiveness, or which are of a scale or type that is inappropriate to the site and its surrounding’*.

- 6.8 This policy no longer forms part of the development plan as it has been superseded by Policy CSQ3 of the SOCS. As previously mentioned the size, whilst larger than the existing is not excessive and the design and appearance is entirely in line with a rural stable vernacular. As such it is my professional opinion that it is not contrary to Policy CSQ3. It would not be out of keeping with the rural character and appearance of the area, the established equestrian use of the site and not an inappropriate feature to the site or its surroundings.
- 6.9 Policy CON5 of the SOLP sets out that ‘proposals for development which would adversely affect the setting of a listed building will be refused’. The Row located to the North East of the existing and the proposed stables are Grade II listed buildings, therefore consideration has to be given to the effect that the replacement stables would have on their character and setting.
- 6.10 The proposed stables would be located outside of the domestic garden land of number 5 The Row as is the case with the existing stable. The proposed additional built form of the replacement stable would be located further away from the listed building into the field extending to the South West. This arrangement in conjunction with the simple traditional visual appearance of the proposed stable is such that there would be a neutral impact upon the setting of listed building that is not materially greater than the existing situation in my view.
- 6.11 **Impact on amenities.** The proposed development is for a single stable block, which could house three horses. This is not an excessive number of horses given the size of the associated field divided into paddocks that extends to the South West.
- 6.12 The proposed stable would wrap around, the South East and South West boundaries of an orchard owned by number 4 The Row. The orchard is located beyond the end of their domestic garden land. It does not have an established lawful use as domestic garden land. Therefore, notwithstanding the acknowledged level of connection to the rear garden of number 4 The Row it in my view can be afforded limited weight in terms of the impact upon light, outlook and privacy when compared to the established garden land of this neighbouring property.
- 6.13 The South-Eastern boundary of this orchard area is already notable for the presence of the existing stable block located along it. The replacement stable would be larger than the existing and would wrap around the South West shared boundary, therefore concerns raised with regards to noise, smell and associated disturbances are noted but have to be viewed in the context of established character of this part of the application site. In my professional opinion activities which could result in a materially comparable level of impact upon this area of orchard could be undertaken currently. Furthermore, there are no distances set within the development plan for stables with regards to residential properties. It is worth noting that there exists under separate legislation the mechanisms for matters of odour, noise, dust and smoke problems to be reported to the Council if or when they arise and investigate accordingly.
- 6.14 The separation that this orchard area would provide from the domestic garden of number 4 The Row is to an extent that the additional built form of the replacement stable along its South-Western boundary would not constitute material harm to the light, outlook and privacy of this neighbouring garden. In addition, it should be noted that views across land that does not fall under your own private ownership is not a form of amenity that is a material planning consideration.

- 6.15 In terms of the impact upon the area of orchard itself, the proposed eaves height of the stable would be 2.18 metres with an overall ridge height of 3 metres. This would result in a vertical wall materially comparable in height to that of a wall or fence that could be erected under permitted development. The roof would slope up and away from the two sections of shared boundary. Whilst it is acknowledged that it would have an enclosing impact and result in a greater level of overshadowing than the existing building, it would not in my view result in an unacceptable level of harm upon this area of land that would compromise the ability for it to be used and enjoyed for small scale agricultural purposes.
- 6.16 Neighbour comments have made reference to SOLP Policy D4 with regard to the impact that the additional overshadowing would have on the orchard. It should be noted that policy D4 is specifically to ensure a reasonable degree of privacy and avoid unacceptable harm to neighbouring amenities for new residential dwellings. As such it is not relevant here and the impact on amenities has been assessed under Policy R10 criterion (iii) of the SOLP.
- 6.17 Matters of privacy to the orchard have been raised by a neighbour. The 0.75 metre gap to the South East shared boundary and 0.9 metre gap to the South West shared boundary that the proposed stable would employ would not materially harm the privacy of the area in question in my opinion. This would be on the basis that no openings are proposed in the sections of the stable facing inwards towards the orchard. I therefore view this gap as providing the ability to perform maintenance to the building and not as a regularly used access space affording direct unneighbourly views into the orchard area.
- 6.18 There is a stable present already on the site and notwithstanding what is being proposed being larger in size it would still not be operated on a commercial basis. There are not any restrictions with regard to vehicles entering and leaving the site presently in connection with its established equestrian use and the proposed development, affording stabling for 3 horses is not a disproportion a number for the size of the site. Therefore, any increase in the level of traffic movements in connection with the proposed development would not in my opinion be likely to constitute material harm to the amenities of the area.
- 6.19 **Impact on drainage.** The application site and Upperton do not fall within any Environment Agency designated Flood Zones. Details of 3 proposed soakaways to serve the proposed replacement stable building have been provided as well as a written description within the submitted Design and Access Statement that water from the downspouts of the new stable would be harvested for the watering of the animals. This level of drainage detail is considered to be an adequate arrangement and the additional built form of the proposed stables and its associated concrete yard area is not of a size and scale that would require the submission of any more detailed or comprehensive mitigation measures.
- 6.20 **Community Infrastructure Levy.** The Council's CIL charging schedule has been adopted and will apply to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area and is primarily calculated on the increase in footprint created as a result of the development. In this case CIL is not liable as the proposed development is not a liable form of development as set out in the CIL Charging Schedule.

- 6.21 **Other issues.** Objections from the neighbouring property have referenced policies of a different local planning authority with regard to the siting of stables in relation to the point of access onto the site. Whilst noted this policy does not form part of the development plan of South Oxfordshire District Council and as such cannot be given weight in the formation of my recommendation.
- 6.22 Concerns have been raised with regard to the fire risk that the timber stable building would have, with particular reference to its proximity to neighbouring properties. This is not a matter that falls within the scope of the planning system and matters of this nature should be the subject of discussions with the Health and Safety Executive.
- 6.23 Policy D6 of SOLP sets out that the design and layout of development be encouraged in ways that would reduce opportunity for crime and promote ways of improving the security of premises. Matters pertaining to security and community safety were raised in objections from a neighbour and whilst noted, I do not view that there is anything in the proposed stables, which would warrant its refusal on security or community safety grounds.

7.0 **CONCLUSION**

- 7.1 Officers recommend that planning permission is granted because the proposed development would replace an existing stable and whilst of a greater size would not cause any material harm to the landscape character or the setting of any listed buildings. Its design would be an appropriate one for a stable block. The proposals would not cause any harm to highway safety or local amenity beyond the existing situation. In conjunction with the attached conditions the proposal accords with development plan policies.

8.0 **RECOMMENDATION**

- 8.1 **To grant planning permission subject to the following conditions:**

- 1 : Commencement three years - full planning permission.**
- 2 : Approved plans.**
- 3 : Materials as on plan.**

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