

Planning Committee:

27 April 2010

Application No: W 10 / 0034

Registration Date: 02/03/10

Town/Parish Council:

Rowington

Case Officer:

Penny Butler

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Sandall House Farm, Narrow Lane, Lowsonford, Solihull

Construction of horse exercise pen FOR Ms Saber

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Object. Detailed reasons for rejection have already been submitted on behalf of residents by Lowsonford Conservation Society and this letter must be read in conjunction with their comments.

The over development of Sandall House Farm has been raised on a number of previous occasions due to its obtrusive nature and rather ugly development adjacent to surrounding housing, particularly when located in Warwickshire Green Belt and the designated 'Arden Special Landscape Area'. RPC feel that the proposal is totally unsympathetic in nature and design.

The latest applications are an attempt to develop further unsympathetic uses of the land and to over rule previous specific conditions of use imposed when the gallop horse exercise track, in particular, was first requested. The previous conditions of use which the current owners of Sandall House Farm are seeking to overturn were specifically imposed in order to limit use of the gallop track to its very specific and specialist use for racehorse training.

The current development is already obtrusive and the further developments requested simply make this even more unsatisfactory and are furthermore potentially damaging to the entire character and vista of the village.

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RPC feel that the proposed pen is a hideous intrusion to local residents as it fully impacts on the privacy of their houses and gardens. Walkers of the adjacent public footpath may also feel intimidated by the close proximity and height of the pen in what is a very scenic landscape. The prospect of large horses exercising close to this footpath is a potential and could be, serious, hazard to children, adults and dogs. In wet weather this footpath will become untidy i.e. muddy and unwalkable as has happened to other footpaths in the area.

RPC request that until the footpath running alongside Sandall House Farm is fully reinstated to its correct location, as detailed and requested by Mr Paul Williams, Countryside Access Team then all planning considerations should be halted.

Once the footpath has been reinstated in its correct location any decisions relating to the requested pen and the current accompanying horse walker, can then be considered by all parties concerned.

Familiarity with horses will reveal that the proposed pen is in fact not an essential requirement of the business and in fact, could be sited anywhere on

the land – essentially not close to domestic landowners where the noise and mess might also cause a problem. For this reason alone this application should be rejected.

The Parish Council firmly believe that two facilities should in fact be located closer to the existing premises known as Sandall House Farm (which now has ample space for their re-siting) and screened from the road such that the vista of local houses and walkers is not damaged as would be the case with its current proposed location.

No proposals have been made for landscaping the site on all sides with mature trees and no requests were made from WDC for such attention to detail re the last development requests made in 2009.

Any further changes MUST take the provision of landscaping of the premises with mature trees into account in any event.

We strongly urge you for all of the reasons given to date, to refuse both of these application numbers No W/ 10/ 0034 and Application No W/ 10/ 0035.

Public response: Nine objections received. Most of the surrounding road network is single track which would lead to unacceptable congestion. The existing site is overdeveloped, and the proposed pen would be a further step along the way to securing a large scale commercial use of the site. The application makes it clear that this large structure is required for commercial use and therefore represents a material change of use of the site. Until now new development has been approved on the basis that it was for the private use of resident owners, but this is no longer the case.

The applicant already has a very large indoor riding arena which should be perfectly adequate for breaking and schooling horses, and many people break horses without the aid of an exercise pen. Is the applicant intending to put a roof over the pen so horses will not be frightened by birds?

The application should not be considered prior to an application being lodged for a change of use of the site from agriculture to commercial equestrian use, and determining this application prior to a complete investigation into the use would be prejudicial to the view of objectors, since it would add to an applicant's case for such a change of use. If this application is approved it will set a precedent for the commercial use of the entire site with complete loss of control over the size and scope of the operation which has already created a large and ugly blot upon the Arden Special Landscape Area. Recent developments and the current applications form part of an incremental and piecemeal approach to turning the site into a major commercial equestrian enterprise with attendant disruption to local residents. The site makes the route into Shrewley look like an industrial estate. Any further lighting would be to the detriment of all. The neighbour at The Paddocks experiences water and debris run off from flash flooding of the brook so any run off from the pens riding surface would add to this. The pen would also obstruct the flood plain, impacting on downstream properties.

Lowsonford Conservation Society: Object. The use of Sandall House Farm has been restricted to live stock farming and equestrian use in connection with the residents owners' profession. Over the past two years residents have become increasingly concerned about the gradual build up of 'operational development' and infrastructure at the Farm, all purporting to be part of the established livestock farm use and equestrian use in connection with the residents owners' profession. Recent financial investment, the planning statement submitted with this application, their website and other information,

reinforces residents fears that the owner is attempting to achieve an incremental change of use to a large scale commercial equestrian centre by building up 'operational' development consents under the existing non-commercial use. The existing use of the site does not justify need for an additional exercise pen. The proposal conflicts with Green Belt and Arden Special Landscape Area policies, and no very special circumstances exist to support this application. The proposal does affect openness. Operational development on the site in recent years is threatening the Green Belt and Special Landscape Area in this small village and this part of Lawsonford is starting to take on the appearance of 'sprawl', more akin to that associated with an urban industrial trading estate. When travelling from Shrewley direction the site is becoming a 'blot' on the landscape. It is clear the intention is to intensify the equestrian use of the site to that of a large scale commercial equestrian business and under the existing use the proposal exerciser amounts to over development. As there is so much at stake for Lawsonford residents the application should be refused outright and a full planning review carried out, since any further 'operational' development will make the situation worse/even more intractable.

WCC Ecology: Recommend nesting bird, bat and badger notes.

Environment Agency: The proposal is within Flood Zone 3, however, after careful consideration they conclude this is water compatible development and as such would be allowed to flood in extreme events. No objection subject to a condition requiring no raising of ground levels within the development.

Ramblers: No objection since, while the red line includes the public footpath, the structure will not affect it.

WCC Countryside Access: Object as the proposal would obstruct the legal line of public footpath W31. The legal line of W31 is not immediately adjacent to the south-western boundary of this field but some distance away and is also obstructed by the hexagonal building immediately to the south of the proposal. Either exercise pen should be repositioned further to the north east or public footpath W31 should be diverted to correlate with its current line on the ground. If permitted, a condition is recommended preventing development commencing until a public path diversion order has been submitted to the District Council. Such an order could simultaneously regularise the current obstruction caused by the hexagonal building.

RELEVANT POLICIES

- DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP10 - Flooding (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- Warwickshire Landscape Guidelines SPG

PLANNING HISTORY

The site has a long and complex history, starting in 1965, with a large number of applications for agricultural buildings, equestrian buildings, residential extensions to the house and staff accommodation. The planning history from 1996 is provided below:

W96/1267 gave retrospective consent for a cantering track, which was extended under W04/0098 and conditions were attached to match those on W98/1384. W98/1384 gave consent for a wood fibre surfaced exercise track with conditions, which form the subject of this application.

W99/0825 was allowed at appeal, for the alteration of condition 2 of W98/1384, to allow use of the exercise track by the owners of Sandall House Farm.

W99/1562 allowed the change of use of outbuildings to form grooms accommodation (to be used in association with the existing equestrian yard), with the following condition applied:(4) The occupation of the dwelling shall be limited to a person solely or mainly working at the adjoining equestrian enterprise known as Sandall House Farm.

Between 2001 and 2005, 6 wooden loose boxes, a horse shelter and 10 stables were approved.

W06/0001 for the erection of car ports and workshop with accommodation over and demolition of existing car port and workshop was refused, as there was insufficient evidence to prove the need for additional groom's accommodation.

W2008/1679 allowed a new stable block, access drive, bridge, staircase and enlargement of domestic curtilage.

W2008/1678 is currently under consideration for a certificate of existing lawful use of part of the stables for grooms accommodation (4 bedrooms) ancillary to the equestrian business.

KEY ISSUES

The Site and its Location

Sandall House Farm is sited midway along a narrow country lane, between Santan Farm and Sanbrook Farm, within the Green Belt and Arden Ancient Landscape Area. It is a substantial equestrian establishment with a range of buildings of various ages and designs. The main complex lies adjacent to the lane, with paddocks lying behind on rising land. The proposed horse exercise pen would be located in a small paddock outside the existing built up complex of buildings, behind an existing smaller enclosed horse walker.

Details of the Development

The proposed pen is sited 6m from the site boundary along which the public footpath runs, which is separated from the paddock by an electric fence. The pen is circular with a diameter of 15.3m, and surfaced with a porous sand and rubber compound. The side walls are clad with rubber panels to a height of 1.83m, with a wire mesh panel above, and slightly higher doors to a total height of 2.6m. The application site lies within a Flood Zone 3.

The applicant considers that the proposal does not constitute inappropriate development within the Green Belt, as it has no volume and no roof, and therefore maintains openness and does not conflict with the purposes of including land in the Green Belt. The pen is sited as close as possible to the stables for safety reasons to minimise stress to the horses and give them comfort of being in close proximity to others and enable easy communication with other staff members in case of problems. Siting the pen near the road would not be acceptable as noises could agitate the horses. The applicant has submitted a letter from the British Horse Society which supports the application and have suggested they would accept a condition limiting use of the pen to horses stabled at Sandall House Farm only.

Assessment

Proposals within the Green Belt must comply with one of the criteria of Policy DAP1, otherwise they are inappropriate development for which very special circumstance must be demonstrated. These criteria reflect the national guidance on Green Belts in PPG2. It is considered that the proposal does affect openness, as it clearly encloses an area, despite not having a roof. However, it is

considered that the proposal is an essential facility for outdoor sport and the high specification training of horses that occurs at the site, as the pen would provide an enclosed safe area for exercise which can be essential for novice or spoiled horses. On this basis, I do not consider that the applicant is required to demonstrate very special circumstances as the development is appropriate in a Green Belt context.

The visual impact of the proposal on the nearest property is considered not significant, since it is set several metres away from their boundary which is at least 80m from their house, on the other side of the public footpath, further away than the adjacent existing horse walker and behind some boundary screening. The visual impact on the surrounding countryside is considered acceptable as the location is close to the developed part of the site, on the level part before the land starts rising to the north. I do not consider that additional landscaping is required, since there is already boundary screening to the south-west along the neighbours boundary. The proximity of the pen to the footpath would not in my opinion have such an overbearing visual impact on walkers that refusal could be justified.

The Council's Enforcement Team is currently considering the issue of the overall use of the site and whether the current use represents a material change of use in planning land use terms, and I do not consider that the approval of this proposal would affect its outcome. Applications are required to be determined as submitted and on their own merits. I see no reason why this application for a modest additional facility on this established equestrian site cannot be determined in the normal way.

I consider the suggested condition limiting use to horses stabled at the Farm to be reasonable and necessary, since allowing use by horses from off site may significantly increase large vehicle movements to the site.

It is proposed to deal with the comments of the Footpaths Officer by adding a note to a consent advising the applicant of the need to apply to divert the path, as the existing physical line is not the legal line.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (5407-103; 5407-205B; 5407-403), and specification contained therein, submitted on 2 March 2010 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 There shall be no raising of existing ground levels within the development. **REASON**: To reduce the impact of flooding on the proposed development and future occupants, in accordance with Policy

DP10 of the Warwick District Local Plan 1996-2011.

- 4 The horse exercise pen hereby permitted shall be used only by horses permanently stabled at Sandall House Farm. **REASON:** To ensure there is no increase in vehicle movements to the site in this rural location, in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development does not prejudice the openness and rural character of this green belt area, would not cause serious harm to the amenity of nearby residents and is considered to comply with the policies listed.
