

Planning Committee:

27 April 2010

Application No: W 10 / 0035

Registration Date: 02/03/10

Town/Parish Council:

Rowington

Case Officer:

Penny Butler

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Sandall House Farm, Narrow Lane, Lowsonford, Solihull, B95 5HN

Variation and deletion of conditions imposed on planning permission W98/1384 (construction of exercise track). Condition 2 to read "The use of the exercise track shall be carried on only by the owners of Sandall House Farm and shall be restricted to horses permanently stabled at the premises". Condition 3 to be deleted (The use of the track shall be for private purposes only and not related to any commercial activity). Condition 4 to read "The use of the exercise track for the purposes hereby permitted shall be restricted to the hours of 0800 to 1900 Monday to Saturday and at no time on Sundays" 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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Rowington Parish Council share the concerns of residents and other local small businesses whose own established homes and land will become threatened by the proposed requested changes of condition.

Sandall House Farm was purchased by the current owners with very specific conditions of use attached. Like any other business venture, it is up to the owners of Sandall House Farm to ensure that their purchase meets their proposed business objectives and longer term requirements. However, it now appears that they wish to totally flaunt the conditions attached to the land that were imposed by the Planning Department when granting permission in 1998 and reinforced by the Planning Inspectorate in 2000, at the cost of the, very

local, residents and homeowners. The Parish Council considers this to be unreasonable and totally unacceptable.

If the conditions do not now meet their business requirements then like any other business they need to seek premises and land which do meet their needs.

The requested lifting of conditions particularly the times of use and specific conditions of use of the exercise track is totally unacceptable to local residents who will certainly not benefit from the constant noise and pollution created by horses. Consideration should also be given to the fact that the well used footpath crosses the gallop which will again be a hazard to children, adults, dogs and horse riders themselves as detailed by the Conservation Society. This should be taken into particular consideration re any requests for changes of conditions requesting their extension of use to weekends and evenings which should be rejected for this reason.

Rowington Parish Council representatives would like to suggest that a joint meeting takes place on site with the owners of Sandall House Farm and representatives of WDC Planning Department in order to view and discuss the proposals re Application No W/ 10/ 0034 and Application No W/ 10/ 0035 in conjunction with the points being made by the Parish Council on behalf of owners and residents of the local area. RPC does understand that WDC have already made a site visit but would request that another is made which does involve RPC, as we feel it would be beneficial to talk through the proposal on mutual ground and potentially allow all parties to understand the situation more fully.

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: One comment of support received from the Fleur De Lys public house in Lawsonford.

Nine objections received. There is already noise and disturbance from the current use of the track, allowing longer hours would increase this. Allowing until 1900 would necessitate lighting in winter months which would ruin the rural landscape and character of the area. Privacy is already infringed regularly by workers mending the track, with vehicles driving along it with their lights on, many times at night and in the early hours of the morning. Any commercial use would lead to a significant increase in frequency of use, and necessitate an increase in maintenance, further reducing privacy, increasing noise and disturbance and more traffic from cars, people and maintenance vehicles. Most of the surrounding road network is single track which would lead to unacceptable congestion.

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. There is no need to change the existing conditions until such time as a material change of use for the whole site is applied for and approved with appropriate conditions applied. 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 deletion of condition

3 would conflict with condition 2 imposed by the Inspector. The site makes the route into Shrewley look like an industrial estate.

Mr Skelton ran Sandall House Farm as a farm, not an equestrian property as the Cottage was built for farm workers. Mr Raymond Tooth ran Raymond Tooth Racing as a private concern not a public one. When Ms Saber bought the property there was a restriction of no commercial use, which as far as we know has not been removed. The details of the sale also stated it was a farm and as such, the Single Payment Scheme will still be in existence. There are restrictions on the cantering track.

The neighbour at The Paddocks is extremely concerned about the impact on his horses in his adjacent field as they have a clear view up and down the track and this would cause them to bolt when the track is used. Hours the track is in use are hours he cannot graze or ride his horses on his land for safety reasons.

Lowsonford Conservation Society: Object. The application is in complete conflict with the Inspectors 2000 appeal decision giving consent for the track. In paragraph 11 he raised concerns about pressure for future development, and on this basis considered it reasonable to restrict use to owners of the farm. This current application is the 'further development' referred to. Later in paragraph 11 the Inspector found the proposal not unacceptable, subject to the amended condition, 'and the retention of other conditions imposed on W981384'. Any deletion, variation or addition to any of these conditions would be in direct conflict with the Inspectors decision and be contrary to the principle to 'retain, protect and enhance the rural character of the Green Belt. 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 of the site 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, and attempting to 'unpick' the conditions of this established and equitable planning permission.

The deletion of condition 3 would create a precedent of lawful commercial use for an exercise track sited on land where there is no commercial use at all. The deletion of condition 3 would make it almost impossible to defend a subsequent application for a commercial equestrian change of use of the whole site. This application is believed to be a strategic attempt to destabilise the existing non-commercial use of the whole site and should be refused on these grounds alone. Residents dispute any previous commercial equestrian use at the Farm, and the absence of an application for a certificate of existing lawful use illustrates this. If there had been evidence of a commercial use then this would have been investigated by the Council and any necessary enforcement action taken.

Over the past 12 years the exercise track has been used, apart from the recent persistent contravention, within the permitted lawful hours, and since the use of the Farm has not changed in this time, there should be no need to alter the conditions 2, 3 and 4. The conditions were imposed by the Council and Inspector to protect the Green Belt and amenity (privacy, noise, disturbance) of residents bordering the site, while providing the owners opportunity to exercise their horses until 12 noon daily. This situation strikes a good balance and is in the absolute spirit of the Green Belt.

The deletion of condition 3 would conflict with existing condition 2, imposed by the Inspector, as the applicant has stated the track will be used by people other than the owners, and this matter would be reported to the enforcement team for investigation.

The proposed change to condition 4, to allow 11 hours daily use is outrageous and does not consider the amenity or privacy of neighbouring residents.

The applicants should be encouraged to apply for a change of use of the site so residents can have a democratic input. Since the site has not changed since the imposition of these conditions the application should be refused.

Ramblers: No objection since the removal of the conditions should have no material impact on the use of the public footpaths by walkers.

WCC Countryside Access: The exercise track crosses public footpath W31. No objection, however the commercial activity warrants a condition that notices are erected either side of the path to make riders aware of the presence of pedestrians e.g Beware footpath crossing. Similarly the footpath needs signs e.g Horses crossing.

RELEVANT POLICIES

- DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (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 complex lies adjacent to the lane, with paddocks lying behind on rising land. The exercise track is P-shaped with the loop at the eastern end behind the farm complex, and the long linear track running south-west to north-east just inside the site boundary, which runs along the northern side of the stream behind dwellings fronting Narrow Lane. These dwellings range in distance from the track from 70m to 210m. Land rises from the dwellings to the track slightly, with the land beyond the gallop rising gradually to form a backdrop against which the gallop is viewed from the south. Two public footpaths cross the site, with one running across the exercise track itself (on which there are already warning signs). From Narrow Lane there are glimpsed views of the track across adjoining fields and properties.

Details of the Development

It is proposed to alter the conditions attached to the exercise track to read as follows:

Condition 2: "The use of the exercise track shall be carried on only by the owners of Sandall House Farm and shall be restricted to horses permanently stabled at the premises". (Previously "... by the owners of Sandall House Farm.")

Condition 3 to be deleted. (Previously "The use of the track shall be for private purposes only and not related to any commercial activity.")

Condition 4: "The use of the exercise track for the purposes hereby permitted shall be restricted to the hours of 0800 to 1900 Monday to Saturday and at no time on Sundays". (Previously "...the hours of 0600 and 1200 Monday to Saturday and at no time on Sundays.")

Under current consents, up to 44 horses can be stabled at Sandall House Farm, and it is intended to use the track to exercise 6 horses a day, in 2 groups of 3, as they do at the moment. About 70% of exercising is undertaken by trainers and 30% by paying guests. On Saturdays, the ratio may rise to 50/50. The number of guests who pay for private livery varies between 5 and 10. The track is not flood lit, there are no competitive events and no PA systems.

Assessment

I consider that conditions 2 and 3 must be considered together.

It is important in this case to refer back to the Inspectors decision on the 2000 appeal, where he allowed the personal condition to named individuals to be changed to the "Owners of Sandall House Farm". Paragraph 11 of his decision reads as follows:

"In summary, I have found that there are no sound and clear cut reasons for retaining condition 2 of planning permission W981384. However, the exercise track was intended to be ancillary to the existing use of Sandall House Farm and its use unassociated with the farm could give rise to pressure for further development, with a subsequent impact upon the Green Belt and Arden Special Landscape Area. I therefore consider it is reasonable to restrict its use to the owners of the farm. Subject to this, and the retention of other conditions imposed on W981384, I am satisfied that the proposal would not have an unacceptable impact upon the character and appearance of the Green Belt and

Arden Special Landscape Area. It would accord with the relevant policies of the development plan as well as national guidance."

Looking at the Inspectors decision, it is considered that a key point is his emphasis on the track being intended to be ancillary to the existing use of Sandall House Farm and its use unassociated with the Farm could give rise to pressure for further development. He also noted that other conditions existed and would also help to minimise unacceptable impacts on the Green Belt.

The key issue now is whether the varied conditions requested by the applicant still enable an overall degree of regulation over the use of the track which minimises unacceptable impacts on the Green Belt and Special Landscape Area.

I note the representations received, however, the existing situation at this particular site is that the scale of the existing equestrian facilities (with stabling for 44 horses) is far beyond what might be regarded as a "private domestic" use and it is noteworthy that the planning history of the site shows that there has never been any restriction placed on previous consents restricting commercial use (aside from those relating to the track and canter track). Conditions restricting commercial use of stables and other small scale equestrian facilities are normally imposed to prevent excessive traffic generation and disturbance from the hosting of events. A commercial use of the track may increase the frequency of use of the track, but given that this is currently unlimited between the specified hours, I do not feel this affects this issue.

I agree with Lowsonford Conservation Society, who point out that the applicants planning statement states horses using the track will be ridden by people other than the Farm owners, which conflicts with proposed condition 2. I therefore propose that condition 2 should read as follows and have changed the recommendation to reflect this "The use of the exercise track shall be restricted to horses permanently stabled at the premises and these shall only be ridden by the owners of these horses and the owners of Sandall House Farm and their employees." I consider it is reasonable and proper that use of the gallop be restricted to horses stabled at the site, and that these horses should only be ridden by employees of the Farm and the horses owners. This is important as it prevents the holding of events, prevents visitors bring horses to the site for exercise and limits the number of visitors to the site.

It is the land use of the site in terms of the balance of agriculture versus equestrian that is in question and being investigated by our Enforcement Team. The grazing of horses on land is an agricultural use and no restrictive use conditions exist on the stabling provided on the site. Whilst the concerns of local residents about the character of the site are understood, the planning system principally seeks to regulate the physical manifestations of the use of the site and given the large scale equestrian element of the previous mixed equestrian/agricultural use of this site, I am not convinced that there are compelling reasons why this application cannot be determined at this stage on its own planning merits.

Condition 4

The hours of use of the track were originally limited to mornings, between 0600 and 1200. It is now proposed to extend this to between 0800 and 1900. It is difficult to appreciate why the Officer originally imposed this condition, aside from the fact that this was volunteered by the original applicant. If the use of the track in the morning hours has an acceptable impact from a planning point of view, it is difficult to see how this would be unacceptable in the afternoon. Obviously extending the period throughout the whole day increases the hours of

disturbance, but as the use remains within reasonable working hours I find it hard to justify a refusal. The Committee may wish to consider limiting the evening time to 1800 instead.

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 use of the exercise track shall be carried on only by the owners of Sandall House Farm and shall be restricted to horses permanently stabled at the premises. **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.
- 3 The use of the exercise track for the purposes hereby permitted shall be restricted to the hours of 0800 to 1900 Monday to Saturday and at no time on Sundays. **REASON:** To protect the amenity of nearby residents, in accordance with Policy DP2 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, or lead to an unacceptable increase in traffic and is considered to comply with the policies listed.
