

**Planning Committee:** 15 December 2022

**Item Number:** 6

**Application No:** [W 21 / 1944](#)

**Town/Parish Council:** Rowington  
**Case Officer:** Michael Rowson

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**Registration Date:** 20/10/21

**Expiry Date:** 15/12/21

**Land at Peacock Lane, Holywell, Rowington, Warwick, CV35 7BJ**

Change of use of land for the siting of a log cabin for three years as a temporary rural worker's dwelling, and to regularise the commercial equestrian use (Retrospective Application) FOR Mrs Lucy Hughes

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This application is being presented to Planning Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission subject to the conditions set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The application proposes regularisation of the existing commercial equestrian use on the site. In addition, the application proposes the siting of a temporary essential rural worker's dwelling on the site in the form of a single storey log cabin to support the equestrian business.

**THE SITE AND ITS LOCATION**

The application site comprises approximately 10 acres of land on the north east side of Peacock Lane, Holywell. A gated access track runs along the west boundary and provides access to stables, including a barn containing eight horse boxes, four mobile stables, a manege, and an area of hardstanding, which are positioned centrally within the site. The applicant also rents an additional 7 acres of land adjacent to the site.

The application site is within an open countryside location washed over by Green Belt.

**RELEVANT PLANNING HISTORY**

W/98/0738 - Erection of a stable block – Granted

W/03/1658 - Construction of manege – Granted

W/04/0188 - Construction of raised bank (retrospective) and erection of stable block – Granted

W/07/1456 - Erection of an agricultural building with hard standing and access road – Granted

W/11/1005/AG - Extension to existing portal framed barn – Granted

There is currently no planning permission for commercial equestrian use of the site.

The stables approved in 1998 and 2004 were not implemented, with stables instead installed within the barn building. The extensions to the barn, granted in 2011 was also not implemented.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- EC2 - Farm Diversification
- H0 - Housing
- H1 - Directing New Housing
- H12 - Housing for Rural Workers
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS5 - Directing Open Space, Sport and Recreation Facilities
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

### **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council:** No objection

**WCC Highways Authority:** No objection, subject to conditions.

**WCC Ecology:** No objection, subject to a condition.

**Environmental Health Officer:** No objection

**Waste Management:** No objection

**Public Response:**

19 objections received on the following grounds:

- Increase in traffic on single track lane, including horse riders and horse boxes and impact on safety of road users
- Damage to the road, including the verges
- Nuisance from additional road users (noise disturbance)
- Poor location for the use
- The cabin and use would be out of character with the area
- The existing barn has been altered and occasionally occupied
- The cabin would be on agricultural land
- Harm to the Green Belt
- The temporary permission for a dwelling will result in a more significant development in the future
- Insufficient need for another livery business in the area
- No beneficial financial impact on local shops and services

17 support comments received on the following grounds:

- It is essential for horse welfare and security that someone is on site at all times
- On site accommodation allows quick response in emergencies and treatment programmes to be followed, thus better outcomes
- No traffic issues experienced when travelling to the yard
- Traffic would decrease as the owner of the business and owners of the horses would not need to travel to the site, leading to an environmental improvement
- No increase in traffic has occurred – the increase is likely due to increased home deliveries
- The equestrian use is in keeping with its surroundings
- The cabin would not be seen from the road
- Equestrian vehicles drive with care and caution
- The use is a benefit to the local community and business
- The yard is operated professionally, and the horses are kept in excellent condition
- Increased incentive to maintain the local paths as it will be part of owners dwelling
- The site is well located close to two bridleways for riding

**ASSESSMENT**

Principle

There are two elements to the proposal:

- Retention of the change of use of the site to equestrian use
- The proposed temporary rural worker's dwelling

### *Retention of the change of use of the site to equestrian use*

At the heart of the NPPF is a presumption in favour of sustainable development. The the provision of a new rural business can be considered an unsustainable form of development, due to the reliance on the use of private cars to access the business. However, paragraph 84 of the NPPF states that planning decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside.

Local Plan Policy EC1 states that in rural areas, new employment development will be permitted for the diversification of agricultural and other land-based rural businesses in accordance with Policy EC2 and to support the sustainable growth and expansion of existing rural business and enterprise. However, applications are required to demonstrate that the proposal would not generate significant traffic movements and that the design and scale of development is suitable.

The proposal is considered to represent diversification of land-based rural business in accordance with Local Plan Policy EC1, subject to acceptable impacts in terms of traffic movements and design. The following sections of the report (Highways Impacts and Design) shall assess these impacts separately, concluding that subject to a number of conditions, the application would have no unacceptable impacts on the local road network or the character of the local area.

On this basis, it is considered that the continued use of the site and buildings upon it for equestrian use satisfactorily complies with the above detailed policies and is acceptable in principle.

### *The temporary rural worker's dwelling*

Local Plan Policy H1 states that development for new housing will be permitted in the open countryside if the development is for a rural worker in accordance with Policy H12.

Policy H12 considers development for permanent housing for rural workers, which will be permitted where applicants demonstrate that there is an essential need to live permanently at or near their place of work. The policy sets out criteria regarding assessing this need as follows:

- a) there is a clear functional need for the person to be readily available on the site at most times;
- b) the worker is fully or primarily employed on the site to which the proposal relates;
- c) the business is financially sound and has a clear prospect of remaining so;

- d) the dwelling sought is of an appropriate size commensurate with the established functional requirement; and
- e) the need cannot be met by an existing dwelling on the unit, or by other existing accommodation in the area.

The policy goes on to say that where there is insufficient evidence of the financial soundness of a business, for example in the case of a new rural enterprise, temporary permission may be granted for a period of three years provided that criteria a), b), d) and e) in this policy are met, with point c criteria not required.

To carry out this assessment, the proposal has been considered by specialist rural consultant instructed by the Local Planning Authority to carry out an independent assessment of the submitted documentation.

The dwelling proposed is temporary and the proposal seeks a three-year permission. Points A, B, D and E of Policy H12 must therefore be met and are dealt with in order below.

A) The existing enterprise operated by the applicant currently has 14 horses on the site, eight of which are in training / competition livery, four are in rehab livery and two are brood mares, owned by the applicant. The applicant would like to increase the number of rehabilitation liveries, retaining the same number of horses on the site to shift the business towards rehabilitation of horses. The applicants have set out the operation of the business and the justification for the need for an on-site worker for the Council's assessment.

The business plan and supporting information has been assessed by the rural consultant instructed by the Council. They note that when considering functional need for the dwelling, it is important to consider the chances of something going wrong, out of hours emergencies and the ability of a rural worker to identify such issues, such as colic, and respond accordingly. The importance of identifying such issues is far greater in rehab horses which are usually recovering from injury and prone to more serious injuries.

As a result, Officers are satisfied that there is a functional need to live on site in connection with the existing business and the future rehabilitation livery business on the site.

B) The specialist rural consultant has raised no objection to the proposal on grounds that the applicant's role within the business would be any less than a primary role of employment.

D) The proposed temporary dwelling would be 74sq.m, which is considered modest in size and would provide three bedrooms for the applicant and their family.

E) The rural consultant considers that only a dwelling within sight and sound of the enterprise that generates a need to live on-site would be suitable in meeting the need of the applicant. The assessment of available local housing undertaken by the consultant found no affordable options within the locality whilst the proposed siting would be near the stables with good visibility over the access.

In summary, it is considered that subject to conditions to restrict the occupancy of the log cabin, together with a temporary time limit of three years, the proposal complies with the above detailed policies and is acceptable in principle, subject to an assessment of appropriateness of the development within the Green Belt.

Whether the proposal constitutes appropriate development in the Green Belt and if not whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

As the site lies within the Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions.

In terms of the use of the site, paragraph 150, point E of the NPPF states that material changes in the use of land (such as changes of use for outdoor sport or recreation) is not inappropriate where the use preserves the openness and does not conflict with the purposes of containing land within it. It is considered that the change of use of the land to equestrian use is an appropriate rural use with no material impact on openness and the retention of that existing use is therefore acceptable.

The provision of a new dwelling within the Green Belt is considered inappropriate development within the Green Belt as it does not fall within any of the exceptions stated within Paragraphs 149 and 150. As the proposal does not fall within any of the categories of appropriate development within the Green Belt, it is considered to be inappropriate development within the Green Belt which is harmful by definition.

In these cases, Paragraph 147 of the NPPF states that development should not be approved except in very special circumstances. In terms of very special circumstances which would outweigh the harm by reason of inappropriateness. The proposal is for a rural worker where the need for the dwelling has been satisfactorily justified as having an essential need for the worker to be on-site due to the specific needs of the business. Furthermore, the dwelling would be for a temporary period of three years only. As such, this is considered to represent very special circumstances to outweigh the harm by reason of inappropriateness.

On this basis, it is considered that the erection of a temporary rural worker's dwelling for a temporary three-year period satisfactorily complies with the above detailed policies and is acceptable in principle.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in

terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposed temporary cabin would be sited adjacent to the barn building, which is considered to be appropriate as it ensures development is consolidated in one area. The proposed cabin would be modest in height and footprint and as a result there would be limited, if any, views of the building from the public highway. A condition requiring submission of details of materials prior to commencement of development has been attached to ensure that the materials are appropriate to the rural setting.

It is therefore considered that the proposal would have no demonstrable harm on the character or appearance of the area and complies with the above referenced policies.

#### Living conditions of future occupiers and adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and /or does not provide acceptable standards of amenity for future users and occupiers of the development.

In terms of living conditions of future occupiers, the dwelling would have an acceptable outlook and levels of light internally. Whilst the building is in close proximity to the stables, the applicant would have control of the yard and would be able to control activities to minimise disturbance to their family.

Due to the relatively isolated setting of the proposed dwelling, it is considered that there would be no harmful impact to the living conditions within adjacent neighbouring properties in terms of loss of light, outlook, overshadowing or loss of privacy. Furthermore, the Environmental Health Officer has raised no objections.

It is therefore considered that the proposal is acceptable having regard to Policy BE3 of the Local Plan.

#### Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The current lawful use of the site is agricultural use, however equestrian use of the site in conjunction with agricultural use was established by previous planning permissions for stable blocks and a manege. Vehicular movements relating to that private use have therefore been considered previously and permission granted.

The existing business, for which planning permission has not been granted, is carried out on a full livery basis, where owners do not visit their horses regularly. This is different to DIY livery, where all aspects of the horse's care is undertaken by the owner. The limitation of the stables to full livery ensures limited vehicle journeys to the site by owners of stabled horses.

The Highways Authority has been consulted and requested the submission of trip generation information for the site. The figures provided indicate that the proposal would result in an additional 1.14 trips per day, which is considered to be a minor increase. In addition, accident data held by Warwickshire County Council has been reviewed by the Highways Authority and demonstrates that there have been no accidents within the vicinity of the site within the last five years, with only 2 slight category accidents recorded along The Cumsey. Considering that the existing business has been in use for several years, it is considered that the small increase in daily trips is unlikely to result in any harmful impact on highway safety. In addition, the site also contains adequate space to allow vehicles to enter and park then manoeuvre to allow them to exit in a forward gear.

Whilst it is recognised that a significant number of objections have been received in relation to highways safety, no highway incidents have occurred in the immediate vicinity of the site and the Highways Authority have raised no objection, subject to conditions which restrict the use of the site.

The conditions requested by the Highways Authority require the business to operate on a full livery basis, with no allowance for DIY livery and for no form of riding school to operate on the site. In addition, the number of horses kept on site would be limited to a maximum number of 14. The conditions requested are considered acceptable to limit the number of journeys to and from the site and ensure an acceptable impact on the local road network. Subject to the inclusion of these conditions, the proposal is considered to comply with the above detailed policies.

#### Impact on Ecology and Protected Species

Local Plan Policy NE2 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE3 of the Local Plan (Biodiversity) states that development proposals will be expected to protect, enhance and/ or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

During the course of the application, the applicant has submitted a Preliminary Ecological Appraisal (PEA) and Biodiversity Impact Assessment (BIA). WCC's Ecology team were consulted and are satisfied that the enhancements proposed are sufficient and proportionate to the development proposed. They have requested that a condition be attached requiring submission of an ecological enhancement and management scheme within the site prior to the commencement of development.



Subject to the condition requested by WCC Ecology, it is considered that the development is acceptable in this regard and is in accordance with Local Plan Policies NE2 and NE3.

### Drainage

Local Plan Policy FW1 refers to reducing flood risk and requires new development proposals to provide a flood risk assessment in areas at risk of flooding or on site of over 1 hectare in area to demonstrate that the development proposal would not result in increased flood risk.

As the site exceeds 1 hectare, a Flood Risk Assessment is required for the development. This has been submitted by the applicants.

The site lies within Flood Zone 1 which is an area at the lowest risk from flood incidents and it is considered that the proposal would not exacerbate any flood risk in the area. It is therefore considered that the development is acceptable having regard to Policy FW1 of the Local Plan.

### Water Efficiency and Air Quality

Compliance with Local Plan Policy FW3 and the Air Quality SPD can be secured by conditions, which have been added.

### **Conclusion**

The proposal has been independently assessed by a specialist rural consultant under Policy H12 of the Local Plan and is considered to meet the tests set out in the policy. The proposal is therefore considered acceptable in principle and is an exception under Green Belt Policy.

The development has been assessed against site specific criteria and does not result in any demonstrable harm. The proposal is therefore recommended for approval subject to conditions.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and documents:
  - -OCTL00420SO, received on 20/10/2021
  - -Unnumbered plan titled, 'Site/Block Plan', received on 20/10/2021
  - -Flood Risk Assessment, dated AUGUST 2021, received on 20/10/2021
  - -Foul Sewerage Statement, received on 20/10/2021
  - -Planning Statement incorporating Rural Enterprise Dwelling Appraisal, dated September 2021, received on 20/10/2021
  - -Report titled, 'BUSINESS PLAN and FORECASTS', received on 17/11/2021

- -Preliminary Ecological Appraisal by Martin Ecology, dated 25th July 2022, received on 25/07/2022
- -BIA spreadsheets titled 'BIA Peacock Stables.xls' and 'Peacock Stables 2.xls', received on 25/07/2022.

**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 No development in relation to the erection of the cabin hereby permitted shall commence until an Ecological Enhancement and Management Scheme as detailed in the Preliminary Ecological Assessment prepared by Martin Ecology dated 25th July 2022 and received by the Local Planning Authority on 25th July 2022, has been submitted and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see an annotated site plan showing details of the following: location of the existing site and proposed enhancement site, species to be planted, timing of works, programme of implementation and monitoring if deemed necessary. The ecological enhancement shall thereafter be carried out in accordance with the approved details and maintained in perpetuity. **REASON:** To ensure a net biodiversity gain in accordance with NPPF.
- 3 No development in relation to the erection of the temporary cabin hereby permitted shall be carried out unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 The occupation of the cabin hereby permitted shall be limited to a person solely or mainly working on the site in pursuance of the on-site equestrian business together with any dependants who reside with such a person. **REASON:** Permission is granted, in accordance with Policies H1 and DS18 of the Warwick District Local Plan 2011-2029, because the residential accommodation is needed for occupation by an equestrian worker for the purposes of a functional need on the application site and in order to protect the Green Belt, occupation is restricted.
- 5 Within three years from the date of this permission, the cabin hereby permitted shall be removed from the site, and the land upon which the building stood shall be restored either:
- (i) in accordance with a scheme which shall be submitted to and be approved in writing by the Local Planning Authority prior to the removal of the building and which shall then be implemented in accordance with the approved restoration scheme; or

(ii) if no such scheme has been submitted to and approved by the Local Planning Authority within 6 months of the removal of the building to its condition immediately prior to the erection of the building.

**REASON:** Temporary permission has been granted in the instance solely to allow the applicant adequate time to demonstrate the viability of the on-site business in accordance with Policy H12 of the Warwick District Local Plan 2011-2029.

- 6 The use hereby permitted shall be used for a full livery operation only and shall not be used for any DIY livery or other form of livery arrangements without the prior written consent of the Local Planning Authority. **REASON:** To restrict the intensity of use of the site in the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 7 No form of horse-riding school shall operate from or within the site without the prior written consent of the Local Planning Authority. **REASON:** To restrict the intensity of use of the site in the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 8 The full livery operation hereby permitted shall be limited to a maximum of 14 horses at any one time. **REASON:** To restrict the intensity of use of the site in the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 10 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered

in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.