

APPLICATION NO.	P07/V1205/O
APPLICATION TYPE	OUTLINE
REGISTERED	30 July 2007
PARISH	LETCOMBE REGIS
WARD MEMBER(S)	Andrew Crawford
APPLICANT	Mr & Mrs M Samuel
SITE	Antwick Stud Letcombe Regis Wantage OX12 9LH
PROPOSAL	Outline application for the erection of additional stables (30), store and tackrooms to create three commercial equestrian yards and one private equestrian yard. New indoor riding school, mange and gallops. Conversion of existing bungalow into two dwellings. (Amended plans and additional highway information received April 2010 and further highway information and business plan information received September 2012)
AMENDMENTS	April 2010 and September 2012
GRID REFERENCE	437845/186896
OFFICER	Mike Gilbert

1.0 INTRODUCTION

1.1 This planning application was considered by committee on 4 August 2010 when it was resolved to delegate the decision to grant planning permission subject to the completion of a section 106 agreement. Following the receipt of complaints about how the application had been reported to committee, discussions have been ongoing with the applicants and county highways to ensure complete information is reported back to committee before a final decision is made on whether to grant planning permission. Additional information has been received since the application came before committee on 4 August 2010 and that information has been the subject of further public consultation. The additional information covers highways matters and omits the original proposal to hold external events. This in turn has modified the applicants' business plan, which has led to a further assessment of the viability of the proposal.

1.2 The other matters that committee considered previously have not changed. Therefore this report will concentrate on the two key matters of traffic generation/highway safety and the business viability of the amended proposal. The previous committee report and minutes are **attached** at appendix 1.

2.0 PROPOSAL

2.1 The application proposes to upgrade and increase the facilities at Antwick Stud, a former horse racing stable yard. The site has a long history of equestrian activity and is sited within the North Wessex Downs AONB and adjacent to the Letcombe Regis conservation area. The application is in outline and therefore seeks permission for the principle of the proposal, plus the details of access, layout and scale of the development. This leaves the details of landscaping and appearance to be considered at a later date as reserved matters.

2.2 It is proposed to build new stables around the existing stables on the site to create three separate yards for equestrian activity on a commercial basis and a small private yard set in front of the existing main house. Ten DIY livery stables are included as part of the proposal. There are 37 existing stables on the site and it is proposed to provide

an additional 30 stables. There is a lack of suitable storage space on the site for equestrian related activity and some of the existing stables are currently used for storage. The proposed stables are sited around the existing stable areas and would result in three enclosed yards, which would be more functional and aid the security and management of the yards.

- 2.3 The proposed yards would comprise a livery/eventing yard, a starter/training yard and a rehabilitation yard. Each of these would be run as a separate business operation with its own storage/feed building.
- 2.4 In addition to the proposed stables and associated facilities, it is proposed to provide an additional lunge ring, a horse walker, an outdoor manege, and a large indoor riding school.
- 2.5 There is a significant change in ground levels on the site, rising by about five metres from the south-east to the north-west. It is therefore proposed to set the indoor riding school building into the ground on the west side of the site, so that the natural gradient will result in the building being considerably lower at the northern end and so be comparable to the height of the existing stables on the site. At the southern end of the site the building would have a ridge height of eight metres.
- 2.6 There is a significant mature tree belt on the south-eastern boundary of the site and it is proposed to implement a comprehensive landscaping scheme on the west side of the site around the proposed indoor riding school.
- 2.7 The existing cottage on the site is proposed to be sub-divided into two residential units. This would provide three dwellings on the site, the two sub-divided units and the main house, which equates to the number of commercial yards proposed.
- 2.8 Paragraph 49 of the report to committee on 4 August 2010 said:
“The site historically has been used as a racing stables, although since the site has been within the ownership of the applicant this has become more of a mixed use commercial equestrian centre. In any event the use of the site as racing stables does not require the owner to provide a certain type of livery for horses and there are no planning restrictions on the existing site preventing one type of livery stable. Whilst other uses such as a riding school or a stud farm may result in a material change of use, in this instance the primary task of both racing and livery would be to look after the horses. It is, therefore, considered that no material change of use would occur if the existing stables were to be used for livery. Given that there are no current restrictions on how horses can be looked after on the site (i.e. full livery or DIY livery), it is considered that the use of the existing stables for full DIY livery is a reasonable fall-back position which should be considered as part of the assessment of this application.”
- 2.9 However, legal precedent confirms this is not wholly correct. Case law confirms that a material change of use of a site may occur when the use changes between livery stables and a riding school, depending on whether there will be significant differences of purpose, function and character between the two uses. This includes the intensification of certain aspects of the activity (i.e. the additional staff and facilities required, the additional horse activity and horse traffic, and the additional car traffic and car parking). Mere intensification of use (e.g. traffic generation), if it fell short of changing the character of the use, would not constitute a material change of use. However, if the intensification of use was so significant to change the character of the use, that would constitute a material change of use. The same arguments can be applied to changes between racing stable and livery stable uses. The previous officer report says that the application site could be used for livery stables without the need for

planning permission as that does not constitute a material change of use from racing stables, and so this is a reasonable fallback position. This view was expressed on the grounds that the primary task of both racing and livery stables is to look after horses. However, the issue of intensification of use (e.g. traffic generation) and the effect that has had (or could potentially have) on the character of the original racing stable use was not properly addressed in the previous report and, therefore, the question of whether a material change of use has occurred requiring planning permission was not properly considered. For the avoidance of doubt, the possible use of the site as livery stables cannot be considered a fallback position in considering this planning application.

2.10 As a result, further discussions have been held with county highways and the applicants regarding the vehicle movements likely to be generated by the site's authorised use (i.e. racing stables) compared to the proposed development (i.e. commercial stables). After lengthy discussions, the county engineer has accepted that any increase in vehicle movements arising from the proposed development would be marginal and would not be so harmful to justify refusing planning permission on highway safety grounds. This has been agreed on the proviso that the originally proposed monthly external events are specifically excluded from the proposal and a restriction is imposed to prevent any external use of the proposed indoor riding school. This has led to the applicant submitting a modified business plan, which has been re-assessed by an equine expert appointed by the council. The conclusion that any increase in vehicle movements arising from the proposed development would be marginal also confirms that the proposal does not constitute a material change of use from a racing stable use to the proposed commercial equestrian stables.

2.11 Extracts from the application plans are **attached** at appendix 2.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Letcombe Regis Parish Council:

“The Parish Council has reviewed the amended and additional information concerning the Antwick Stud planning application and is adamant in maintaining very strong objections to the original and amended proposals. The reasons for this are very clear:

- The lawful permitted use is as a racing yard. A racing yard has little or no use for an indoor school. Furthermore, the application seeks to turn the racing yard into three separate equestrian yards materially different in terms of intensity and scale and seemingly of any discipline.*
- Road safety: The entrance to and egress from the stud is at the junction of Windmill Hill, Court Hill Road and the un-named road from Ickleton Road. The visibility for traffic is already very limited and regarded by the parish council as dangerous. The volume of vehicular traffic through the village has increased substantially since the Richmond development and will increase further once the completed phase two is fully occupied. Clearly the danger at the junction would be exacerbated by any material increase in traffic from or to Antwick Stud and the council's view is that the visibility from the exit at Antwick Stud is dangerously inadequate for potentially 67 horses and vehicles coming and going.*
- Sustainability of proposed development: The parish council is always concerned to ensure that any proposed developments are sustainable as long-term and commercially viable operations. The secrecy of the business plan precludes the financial experts on the council from assessing the viability of the proposals but the published reports and verbal opinions on the proposals from equine professionals lead the council to believe that the scale of the proposals render it unsustainable.*
- Re-use or replacement of existing buildings: The council is advised that the policy for commercial keeping of horses requires that demand for buildings should be met*

through the re-use or replacement of existing buildings,. Where this is not possible then construction is only permitted if the extent and scale of buildings is limited to the minimum necessary to operate the authorised use. There appears to be no attempt whatsoever to conform to this policy and the application is in essence a change of usage.

• AONB and conservation area: The proposed development would be visually prominent and visible from public footpaths, byways, adjacent farmland and The Ridgeway. The council's view is that views within, into and out of the conservation area would be marred by the proposed development.

• Inherent weakness of the proposals: When the Vale's Interim Housing Supply Policy was first broadcast it initiated a number of planning screening applications from speculative developers keen to build on AONB/conservation area land. One such application was for housing development at Antwick Stud, reference Samuel.M.ID1622.131. The rationale for the application as quoted was, "As the Vale has invited responses under the IHSP scheme by today; and because the equestrian planning consent remains uncertain, we are submitting this response as a potential alternative future for the site." Clearly even the applicants do not have confidence in the proposals for equestrian development.

The council therefore re-iterates its objections to the equestrian development and recommends that this long drawn out application be finally rejected by the planning authority."

3.2 All of the previous representations reported to committee on 4 August 2010 are set out in the previous committee report at appendix 1.

3.3 *Further representations received between September 2011 and February 2012*
25 further objections were received from the CPRE, the North Wessex Downs AONB, and local residents covering the same or similar issues as set out in the previous committee report of 4 August 2010. Some comments specifically related to highway matters and the impact additional trips would have on highway safety. Concerns were also raised about the viability of the proposed business given the changing nature of the proposal over time.

3.4 *Further representations received between September 2012 and December 2012*
11 further letters of objection were received which again cover the same issues as raised before. For clarification the grounds of objection can be summarised as follows :

- visual impact on the area and the AONB
- not in keeping with the area – development in the open countryside
- increased traffic is harmful and the access is unsafe
- unviable business
- unneighbourly – noise, smell and light pollution
- pollution to a neighbour's lake and stability of ground and banks/walls
- more of an industrial type of use
- too large a development for the AONB
- the business plan is too old
- impact on policy NE6 and long distance views
- a need for the scale of the proposed development has not been demonstrated
- not enough accommodation to manage 67 stables and so will require further dwellings by stealth
- intensity of use and the scale of the proposal are harmful
- the two mobile homes on the site need to be enforced to be removed
- no justification for 30 further stables which is more than the minimum necessary under policy E20
- loss of views and paddocks relating to the adjacent conservation area

- becoming an eventing based use but with no cross country course within the area
- unproven need for 30 stables and an indoor riding school
- the indoor riding school is not the minimum needed and is large enough to have a spectator gallery
- the business will only be viable if tenants can be found
- the application is so old it should be refused or withdrawn

3.5 Summary comments received from the applicants:

"I am writing further to the latest consultation on the above planning application. As a result of a number of discussions following the committee meeting in August 2010 (at which outline planning permission was approved), there were two outstanding issues to resolve, namely traffic generation and the viability of the business case. My letter dated 5 November 2012 addressed these two issues in some detail. The key change from 2010 being that we have agreed not to hold 'events' or to let the facilities to people wishing to transport horses to and from site simply to use the schools. This will reduce the daily number of vehicle movements. This change also required a slight change to the business case to allow a greater bias towards on-site tenants use of the new facilities. I believe that the traffic estimates now satisfy Oxfordshire Highways and that the revised business case is viable as far as your independent consultant is concerned. There have been a number of letters of objection raised in response to the latest consultation. I have reviewed these letters - they all raise issues that have either been addressed previously to the satisfaction of the Vale and its advisors; or have been addressed in the latest round of clarification correspondence between us; or are not relevant from a planning perspective. I would refer you to the officer's report to and the minutes from the Development Control Committee which sat on 4 August 2010 and my letter of 5 November 2012."

3.6 Oxfordshire County Highways

The full comments of the county engineer are **attached** at appendix 3. The county engineer is not objecting on highway safety grounds for the following reasons:

- the originally proposed monthly external events have now been omitted from the proposal
- external use of the facilities on the site (in particular, the indoor riding school) can be prevented by the imposition of a condition, and this has been agreed by the applicants
- the site is currently under-utilised and is not operating at full capacity
- there are no conditions controlling the authorised use of the site
- conditions can now be imposed to improve highway safety and control the use of the site

There has been a lot of discussion on the traffic generation figures from the authorised use of the site as a racing stable yard (used at full capacity) compared to the traffic generation figures from the proposed development. The county engineer has taken a balanced view and concluded that the resulting one extra vehicle movement every 25 minutes or so is not sufficient reason to refuse planning permission on highway safety grounds. The following highway conditions are recommended:

1. A rumble strip must be provided at the entrance to the site to slow vehicles down
2. A minimum of two passing bays must be provided along the access road, to be large enough to allow trailers and horseboxes to pass (minimum 15m long by 3m wide)
3. Two traffic signs indicating "*Horses – Please Drive Slowly*" must be installed at the approaches to Antwick Stud, with their location to be agreed with the

highway authority and provided at the applicants' expense

4.0 RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted for the owner's bungalow in 1980. The bungalow was approved as a dwelling required for the on-site supervision of horses and was accompanied by a legal agreement preventing the separate disposal of any of the land. An extension to the bungalow was permitted in 1981.
- 4.2 Permission for 10 additional stables, tack room and an all-weather gallop was granted in 1987.
- 4.3 An application for conversion of the stables into three dwellings was withdrawn in 2005.
- 4.4 Extension and alteration to the existing dwelling and the erection of a domestic garage was permitted in Jan 2007 and has been implemented ([P06/V1643](#)).
- 4.5 Building regulations approval was granted in 2008 for the conversion of the two semi-detached bungalows on the site into one bungalow (planning permission was not required).

5.0 POLICY & GUIDANCE

5.1 *Vale of White Horse Local Plan*

- DC1 - Design
- DC5 - Access and highway safety
- DC9 - The impact of development on neighbouring uses
- E20 - The keeping, rearing and training of horses
- E21 - Loss of facilities for the keeping, rearing and training of horses
- GS2 - Development in the countryside
- H14 - The sub-division of dwellings
- NE6 - The North Wessex Downs AONB
- HE1 - Proposals affecting conservation areas and their setting

5.2 *The North Wessex Downs AONB Management Plan 2009 – 2014*

Sets out the need to manage the landscape and to protect the character of the AONB. It also acknowledges that development needs to have a low impact and maintain the character of the area with careful use of materials and design.

5.3 *National Planning Policy Framework (NPPF), March 2012*

The NPPF has replaced all previous PPGs and PPSs. All of the policies mentioned above are considered to be fully consistent with the NPPF.

In particular the NPPF states:

- there is a presumption in favour of sustainable development (paras. 14 and 17)
- the core planning principles include delivering sustainable development, supporting a prosperous rural economy, requiring good design, conserving and enhancing the natural environment, and conserving and enhancing the historic environment (paras. 18 – 22, 28, 56-68, 109 – 125 and 126 – 141)
- the government places considerable weight on growing the economy and creating jobs (paras. 7 and 18 – 22)

6.0 PLANNING CONSIDERATIONS

6.1 The issues for committee to consider are:

1. Principle of the proposed development
2. Highways matters
3. Business plan and viability

4. Other matters
5. Section 106 agreement

Principle of the proposed development

- 6.2 At its meeting on 4 August 2010 committee accepted the principle of the proposed equestrian development in this rural location. The matters that have changed since then and so now need to be considered further are highways matters following clarification of the traffic generation figures, the updated business plan, and the introduction of the National Planning Policy Framework. These matters are considered below.
- 6.3 The NPPF's core planning principles and the relevant local plan policies support the proposed development. Within this policy context the expansion of an existing equestrian use, in principle, is considered important to help meet the NPPF's aim to support a prosperous rural economy.

Highways matters

- 6.4 There has been much discussion of traffic generation data relating to the site's authorised use as a racing stable compared to the proposed development and how the proposal would impact on highway safety. The application has been amended in that external events will not now take place and the use of the facilities on site (in particular, the new indoor riding school) will be restricted to horses which are stabled on the site. The county engineer does not object to the proposal as amended, subject to conditions.

Business plan and viability

- 6.5 The previous committee report considered the viability and scale of the proposal and came to the view that the proposal was viable. Bearing in mind the business plan has been modified as a result of the discussions on highways matters, an equine expert appointed by the council has further examined the revised information and has come to the view that the proposal as amended remains viable. A copy of the council's consultant's assessment of the applicant's business plan is **attached** at appendix 4. Overall, it is considered that the case has been made that the proposed business has the ability to achieve long-term permanence and so is viable.
- 6.6 The revised business plan is set up with an eventing bias, which supports the need for the new indoor school, and involves a fundamental change in that the three yards will each be let as a "package" of horse boxes and associated facilities. This is considered a more flexible and stable business model with less horse box void periods and less risk to the scheme's viability. The accommodation needs are the same as before in that the need is for three dwellings on site to provide the functional 24 hour supervision necessary for the three commercial yards. Two dwellings would be created by the proposed sub-division of the existing cottage on the site plus the existing house that is already covered by a section 106 agreement to prevent it being disposed of separately from the land. A further section 106 agreement, therefore, will be required to keep the two sub-divided dwellings available for equestrian use on the site or by those working locally in equestrian or agricultural employment if they are not needed by the equestrian businesses on the site. However, in order to help support the scheme's viability there may be a need for the inclusion of a provision in the section 106 agreement to allow the sub-divided units to be used on short-term lets if they are not required by the equestrian businesses on the site, but only provided there is no need for any additional dwellings/accommodation on the site.

Other matters

- 6.7 The site is not in the conservation area but lies adjacent to it. Therefore, consideration of the impact of the proposal on the setting of the conservation area needs careful

consideration. There are views out from and into the conservation area. These views, in the main, are of the rolling hills and slopes to the north where the application site lies adjacent the conservation area. However, it is not unusual for a collection of rural buildings set in a similar context to expand over time without causing harm to the setting of a conservation area.

- 6.8 In this instance, the new buildings are mostly small-scale and similar to the existing buildings on the site. It is the large indoor riding school building that has the potential to be a concern. However, considerable thought has been given to positioning the building so that it can be set into the natural slope of the land and its height kept down so that it will appear similar to the height of the existing buildings on site. Cross-section drawings are attached in appendix 2. In longer distance views from the west, the indoor riding school building would read as part of the overall collection of buildings on the site. The issues of external materials, appearance and landscaping are important to ensure the building will not harm the setting of the conservation area or the AONB. These elements are reserved matters and so will need to be considered as part of a subsequent application.
- 6.9 The application drawings indicate that the new buildings will be constructed of similar materials and have a similar design to those on site, and that further landscaping will be carried out along the south and west boundaries of the site. Taking all this into account, it is considered that the proposal will not harm the character or setting of the adjacent conservation area or the natural landscape beauty of the AONB.
- 6.10 All other matters raised in the more recent letters of objection have been considered and are addressed in the previous committee report – see appendix 1.

Section 106 agreement

- 6.11 There is a need for a section 106 agreement to restrict occupation of the two sub-divided dwellings as explained in paragraph 6.6 above. In addition, the two existing mobile homes that have been on the site for a number of years need to be required to be removed as part of the section 106 agreement, and an appropriate timetable agreed to secure their removal. This timetable will depend on the timescale for the construction of new buildings on the site and the sub-division of the existing cottage into two dwellings.
- 7.0 **CONCLUSION**
- 7.1 Following lengthy and careful consideration of the relevant local and national planning policies, highways matters, the impact of the proposal on the AONB and the setting of the adjacent conservation area, the impact on neighbour amenities, the level of on-site accommodation required, the viability of the scheme, and flooding issues, officers consider that the proposal is acceptable in accordance with Vale of White Horse Local Plan policies DC1, DC5, DC9, E20, E21, GS2, H14, NE6 and HE1 and the provisions of the National Planning Policy Framework.

8.0 **RECOMMENDATION**

It is recommended that the decision to grant planning permission be delegated to the head of planning in consultation with the committee chairman and/or vice-chairman subject to the completion of a section 106 agreement as set out in paragraph 6.11 of the committee report, and subject to the following conditions:

1 TL2 Time limit – Outline application

2 OL1 – Standard outline ‘details’ of landscaping and appearance

- 3 Slab level of riding school to be submitted and agreed**
- 4 A maximum of ten commercial DIY livery stables shall be operated from the site, details of which shall be submitted to and approved in writing by the local planning authority.**
- 5 Submission of details of two passing bays and a rumble strip.**
- 6 Submission of a parking and turning plan.**
- 7 No events (one which is advertised externally) shall take place on the site to which persons arrive by vehicle and do not use/occupy the stables on site.**
- 8 The facilities on the site (including the new indoor riding school) shall be used only by horses which are stabled on the site.**
- 9 RE8 – Submission of drainage details (incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development).**
- 10 No spoil/materials to be deposited or stored on that part of the site liable to flooding.**
- 11 No raising of ground levels on that part of the site liable to flooding.**
- 12 A detailed plan of the storage and disposal of manure and stable waste shall be submitted, approved and implemented.**
- 13 Details of any soakaways to be submitted, approved and implemented.**

Informatives

- 1 Issues of materials, landscaping and the provision of blinds in the indoor school will be addressed as part of any future detailed application which would be required to assess the appearance and landscaping of the proposal.**
- 2 The applicant is requested to take due consideration of the amenity of neighbours when disposing of the manure from the site.**

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