

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 July 2019

Item: 5

Application No.:	19/01102/FULL
Location:	Forest Green Farm Forest Green Road Holyport Maidenhead SL6 2NN
Proposal:	Change of use from agricultural to mixed agricultural and Equestrian use, new stable block and manege. (Part Retrospective).
Applicant:	Mrs Craig
Agent:	Fergus Hodge
Parish/Ward:	Bray Parish/Bray Ward

If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk

1. SUMMARY

- 1.1 Planning permission is sought for the change of use of the land from agricultural to a mixed agricultural and equine use, erection of a stable block and manege (retrospective)
- 1.2 The proposal, in accordance with paragraph 145(b) of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 (A), would constitute an appropriate form of development within the Green Belt preserving openness and not conflicting with the purposes of including land in the Green Belt;
- 1.3 The proposed development is not considered to have any detrimental impact on the character and appearance of the area and complies with policies DG1 and GB6 and paragraphs 127 and 130 of the NPPF.
- 1.4 It is not considered that the change of use and associated stables and manege would have any direct impact on the amenities of neighbouring properties or the existing highway network.

It is recommended the Panel GRANTS planning permission with the conditions listed in Section 13 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located to the south of Forest Green Road and to the north of arable fields. The main access to the site is via the access road to the east which serves the storage and other farm units.
- 3.2 The surrounding area is rural in character and designated Green Belt land.

4. KEY CONSTRAINTS

- 4.1 The main site constraints associated with this site, are that the development is located within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks consent for the change of use of the land from Agricultural use, to a Mixed Agricultural and Equine use and the erection of a new stable block. Retrospective consent is also sought within this application for the installation of a manege for private recreational use only.
- 5.2 The proposed hay store and stable block will be an L-shaped building approximately 133 square metres in area. The stables will be approximately 2.2 metres to the eaves and 4 metres in height to the ridge, and be of a timber construction to match the existing farm house, with clay tile roof. The manege has already been installed at the site and is 40m by 20m. Both the stables and riding arena will be used for private use by the applicants and their family only.
- 5.3 A mixed use of the land is sought as the applicants also use the land to the east of the stables and manege for the grazing of sheep and horses.
- 5.4 Much of the landscaping around the application site has already been carried out and includes the addition of native mixed hedges and semi mature trees. The trees have been erected on the bund around the ménage and it is proposed to install additional hedges following the completion of any works.
- 5.5 There have been a number of planning applications on this site, relating to the farm house and storage units to the east. Of most relevance to the consideration of this application are two applications relating to the erection of the stable blocks:

Reference	Description	Decision
16/01851/FULL	Erection of stable block and manege	Withdrawn
17/01590/FULL	Erection of 4 stables and manege for private recreational use, using existing gated access	Withdrawn

- 5.6 The above applications were withdrawn as it was unclear from the information as to the specific land use of the site. The applicant has considered the land uses of this part of the farm, and this application clarifies that a mixed use is sought. This is so that grazing by the sheep and horses can still occur as and when grass needs to be controlled in line with the wider grazing management practices on the farm, in addition to the private equine use.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	NG
Green Belt	GB1, GB2
Equestrian uses	GB7

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making
 Section 9- Promoting Sustainable Transport
 Section 12- Achieving well-designed places
 Section 13- Protecting Green Belt land

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Trees, woodlands and hedgerows	NR2
Development in the Green Belt	SP5

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.
- 7.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 7th May 2019.

No letters were received from residents in response to the consultation.

Consultees

Consultee	Comment	Where in the report this is considered
Trees	As trees and hedgerows can be damaged during development works, condition is recommended to ensure protection. Further details of the landscaping are required.	9.14
Lead Local Flood Authority	Clarification sought on the increase in impermeable area created by the development.	9.16
Highways	No objections	9.11
Bray Parish Council	Recommend refusal due to overdevelopment of the site. New house and subsequent building (including PD detached building) already over 100% of original house, affecting the openness of the Green Belt.	9.2-9.8

9. EXPLANATION OF RECOMMENDATION

- 9.1 The key issues for consideration are:

1 Green Belt

- 2 Impact on the character and appearance of the area;
- 3 Highways and parking
- 4 Impact on residential amenity;
- 5 Trees and Landscaping.

PLANNING ASSESSMENT

- **Green Belt**

- 9.2 The proposal site is situated in the Green Belt, the main characteristics of which are its openness and permanence. Paragraph 145 of the NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 lists exceptions to when construction of new buildings are inappropriate which includes *“the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*
- 9.3 Policies GB1 and GB2 of the Local Plan as well as Policy SP5 of the Borough Local Plan Submission Version are largely consistent with the NPPF. Policy GB7 of the Local Plan allows for the erection of stables for keeping horses for private recreational use, up to a maximum of 4 stables, plus one tack room and one feed store per site.

Change of use

- 9.4 In terms of the change of use of the land from agriculture to a mixed agriculture and equine use, this is considered appropriate in terms of the impact on the Green Belt under paragraph 146 of the NPPF. Equine use of the land is considered to be an outdoor sport, whether a public or private use. The assessment is therefore based on whether it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Paragraph 141 of the NPPF states that *“...Local Planning Authorities (LPA) should plan positively to enhance the beneficial use of the Green Belt such as looking...to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged or derelict land”*.
- 9.5 The proposed change of use, when considered on its own merits, would not alter the character and appearance of the site, the area would remain rural in character, and would not have any greater impact on the openness of the Green Belt or the purposes of including land in the Green Belt than the existing use solely for agriculture. The addition of the manege and stable building associated with the equestrian use will be considered in the following paragraphs.

Stables and manege

- 9.6 The proposed stables and manege would be used in connection with the equestrian use sought as part of this application. As an appropriate facility for outdoor recreation such facilities are not regarded as inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 9.7 The proposed stable building has 4 stables, a tack room and feed store. The size of the stables and spaces for the horses and storage are appropriate for the intended use in accordance with DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (2017). The building is modest in scale and is viewed against the backdrop of the existing farm house building. There is an existing small stable block and hay store on the site which are temporary and will be required to be removed by condition prior to the first use of the proposed stables should permission be forthcoming (see condition 5). From outside the site, the proposed stable would not be readily visible or noticeable as a result of the mature planting and set back from the highway. By reason of the modest height and scale of the stable building proposed, and its siting

viewed in the context of the existing farmhouse and buildings, it is considered to preserve the openness of the Green Belt and not to conflict with the purposes of the Green Belt.

9.8 In terms of the manege, similar to the stables, this would not appear prominent in views from the surrounding landscape as a result of its location and existing screening. No fencing is proposed around the manege and its size is considered appropriate for recreational riding of horses. Overall it is considered to preserve the openness of the Green Belt and not conflict with the purposes. The Courts have held that there is both a spatial and a visual dimension to the consideration of openness in Green Belt terms. For the reasons opined in this and the foregoing paragraphs referencing the appearance and siting of both the manege and the proposed stable building in the context of their surroundings, it is considered that the proposed development would preserve openness. In spatial terms, the manege is un-fenced and the stables would replace an existing temporary structure and would be of an appropriate scale and appearance. In visual terms, the stable building would not be readily visible from outside of the site.

- **Impact on the character and appearance of the area**

9.9 Paragraph 127(c) of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 30 of the NPPF state that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area. Local Plan policy DG1 states, inter-alia that harm should not be caused to the character of the surrounding area.

9.10 The stables would be positioned adjacent to the manege and be of a traditional appearance. They would be set away from the boundaries of the site, which are enclosed by the substantial screening along the northern boundary with Forest Green Road. The proposed stables would be reflective of the use and in keeping with the rural character of the area. As mentioned above, the proposed use of materials would allow the building to blend in with its surroundings. Overall, it is considered that the proposed development is appropriate for the area.

- **Highways and Parking**

9.11 The proposal would use the existing eastern access to the site from Forest Green Road, which is a 13m gated access. There is an existing 7m wide automatic gateway set back 16.5m from the highway and visitors to the stables will be limited given that they are proposed for private use. Parking is to remain as existing in front of the existing farmhouse.

9.12 The highways team have been consulted on the application and no objection is raised to the proposed parking arrangement.

- **Impact on residential amenity**

9.13 The proposed structure would be set back a significant distance from the boundaries of the site and neighbouring properties. As a result of this and the modest size and scale of the stable proposed the scheme is not considered to have a detrimental impact on the amenities of nearby occupiers. With such uses, there is often concern with waste disposal from the horses/ponies. The applicant has confirmed that manure will be stored on a moveable purpose built muck trailer which will be moved elsewhere on the farm, to be spread alongside the livestock manure.

- **Trees and Landscaping**

9.14 The site already benefits from considerable screening from neighbouring properties/public viewpoints as a result of the existing planting that exists and has recently been added to the site. The application states that further landscaping will take place along the northern boundary of the site to further reduce the visual impact of the proposal which will consist of a mixed native hedgerow and some semi mature trees.

9.15 The Councils Arboricultural Officer has reviewed the proposal and has confirmed that as there are established trees and hedgerows along the boundaries, these should be protected as part of

any development on the site. A condition to ensure adequate tree protection is maintained on site is proposed, in addition to details of any additional landscaping proposed (conditions 3 and 4).

- **Sustainable Urban Drainage (SUDs)**

9.16 The Lead Local Flood Authority has been consulted on the application and requested clarification on whether there is an increase in impermeable area created by the development. The applicant has confirmed that the only increase will be the stables which will total 140m². The stable is proposed to have rainfall harvesting tank and also there is sufficient land to allow for suitable area to dissipate any surface water. At the time of writing this report, the LLFA has not provided comments on whether this addresses their comments and an update to this will be provided at the Panel meeting.

10. CONCLUSION

10.1 The proposal, by reason of its appropriate use and modest size, scale and siting of the stables and manege, is considered to accord with paragraph 145(b) of the National Planning Policy Framework (NPPF), given significant weight as a material planning consideration, and Policies GB1 and GB2(A), given greatest weight. The proposal constitutes an appropriate form of development within the Green Belt that would preserve openness and would not conflict with the purposes of including land in the Green Belt. The scheme would be acceptable in terms of its impact on the character and appearance of the surrounding area and would have no detrimental impact on the amenities of the nearby residences or highway network.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – plan and elevation drawings

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED (delete as appropriate)

1 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

2 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees and hedgerows growing within and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

3 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the

character and appearance of the area. Relevant Policies - Local Plan DG1.

- 4 The stables and menage hereby approved shall be used for private purposes only and shall not be used for commercial purposes in connection with a trade or business or any other purpose at any time.

Reason: In order to protect the character and appearance of the area. Relevant Local Plan Policy GB2.

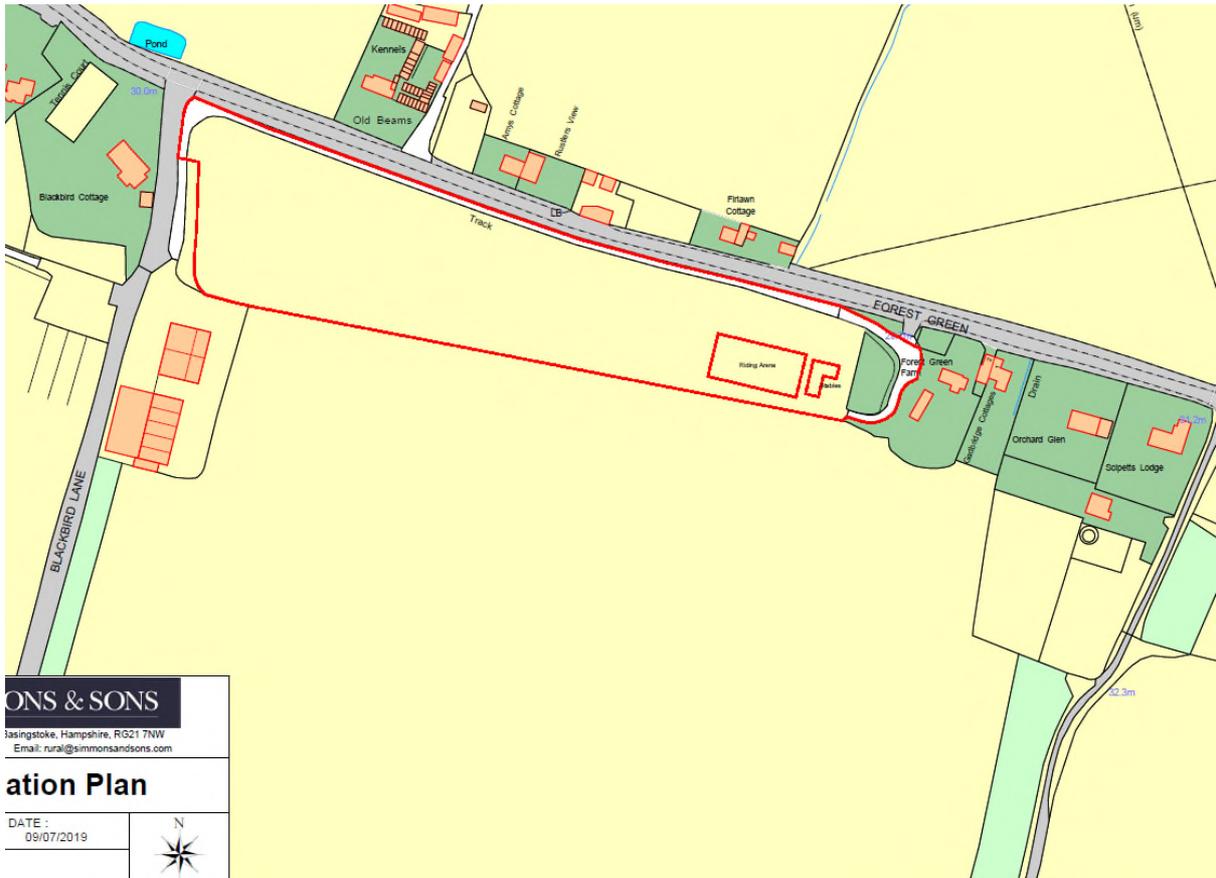
- 5 The existing stable block and hay store on the land, proposed to be removed as part of this proposed development, shall be dismantled and removed from the site in their entirety prior to the first use of the stable building hereby permitted.

Reason: In order to preserve the openness of the Green Belt and to protect the character and appearance of the area. Relevant Local Plan Policy GB2.

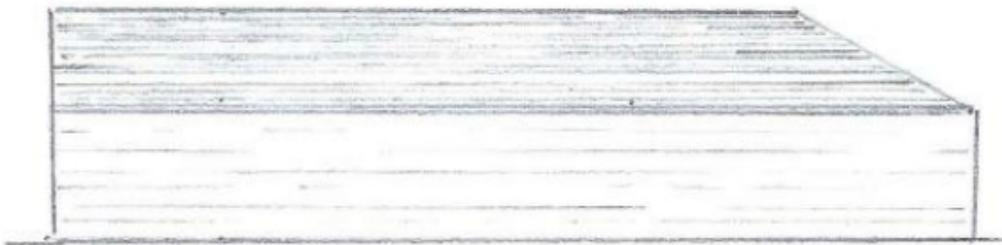
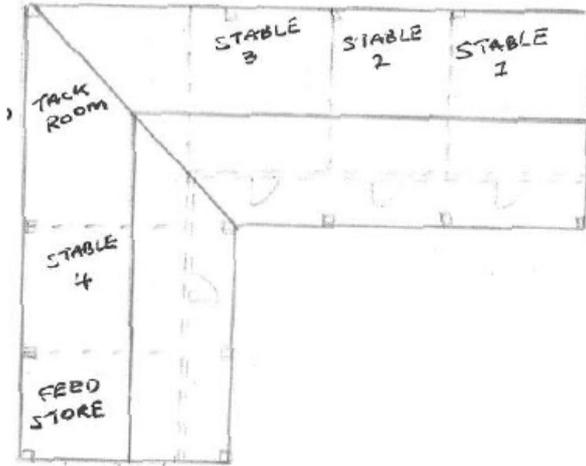
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

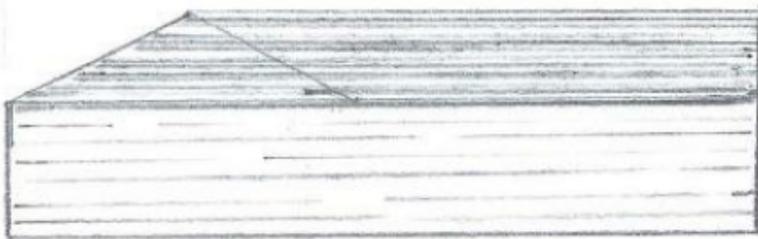
APPENDIX A – LOCATION PLAN



APPENDIX B PROPOSED ELEVATIONS AND FLOOR PLAN



NORTH WEST ELEVATION



NORTH EAST ELEVATION

