

09/18/0012

MR B & MISS S STAMP & LAGHOS

**Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/ horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)**

Location: WOODLAND WAY FARM, RADDINGTON, TAUNTON, TA4 2QR

Grid Reference: 302518.126168

Retention of Building/Works etc.

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## Report Update

Members first considered this application for “Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/ horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)” on 16<sup>th</sup> January 2019

At the planning committee, members deferred a decision to allow the submission of an application for the rural workers accommodation so that both applications could be considered together. No date was set for both applications to be reported back as that would depend on the time required to consider any subsequent application for the rural workers accommodation.

The committee also resolved that if no application for the rural workers accommodation was submitted by 15<sup>th</sup> February then the application for the change of use of the agricultural building should be reported back to the committee on 26<sup>th</sup> February.

Members were advised at the planning committee that by deferring the application, that the applicant could appeal against non-determination and take the decision away from the Council. An appeal against non-determination was submitted to the Planning Inspectorate (PINS) on 11<sup>th</sup> February which means that the decision will be made by an Inspector rather than the Council.

Officers are awaiting for a Start Date for the appeal from PINS and once this is received, it will include a timetable for determination. On receipt, the Council will write to everyone involved in the application advising them of the timetable and relevant dates for the submission of representations.

As this is an appeal against non determination rather than refusal, officers need to know how committee would have determined the application had it not been appealed. If members would have approved the application, officers will write to PINS and invite the inspector to allow the appeal with any appropriate conditions. If members would have refused the application, they would need to give clear reasons for doing so and officers would make the case that the appeal should be dismissed

for the reasons given by the planning committee. Appeals against non-determination include the test of reasonableness and, like an appeal against the refusal of permission, costs can be awarded against either party if the Inspector consider that they have not acted reasonably.

Officers recommended that permission be granted for the change of use of the building and formation of the circular collecting yard/ horse training area and the report is attached. That recommendation remains and the officer advice to the planning committee is that permission should be granted with planning conditions.

The application for the rural workers dwelling has also been received and is going through the consultation and consideration process. Depending on the responses received and officer recommendation, that application may need to be reported to the planning committee at a later date.

There have been further representations received (some commenting on both applications):

One letter of support stating that the community should support young families and that there should be more 'horses and less guns' in the vicinity

Three letters of objection have been received which raise the following issues:

- impact of development on the listed church,
- impact on the unspoilt valley,
- welfare concerns about the horses and having sufficient land for grazing, and
- questioning the viability of the business noting that the Companies House information gives the company operational from November 2016 but having filed 'dormant' accounts for the first year up to November 2017, this contradicting the report produced by Staggs which states in the introduction that the business has been running for three years

Councillor Gaines offered a letter of objection citing impacts on the valley and setting of the listed church, traffic issues from the use of horse-boxes and HGVs, questioning if sufficient land was available for exercising the horses, and the fact that the application is retrospective following on from enforcement action by the LPA

## **Recommendation**

That officers write to the Planning inspectorate and invite the inspector to allow the appeal with conditions set out in the recommendation to committee on 16<sup>th</sup> January 2019.

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Site Location Plan  
(A4) Block Site Plan  
(A4) New Barn Floor Plans as Proposed  
(A4) New Barn Floor Plans as Existing  
(A4) Collecting Ring/ Horse Training Arena Elevation & Floor Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy

weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. Details of the means for the disposal of sewage and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses / To ensure the adequate provision of drainage infrastructure.

5. There shall be no exterior lighting installed on the site without the prior submission of a planning application.

Reason: To protect the amenity and character of the area.

Notes to Applicant

## **Proposal**

Change of use of agricultural building to mixed use agricultural and equestrian, with formation of a circular collecting yard/horse training arena (retrospective)

## **Site Description**

The site is a former agricultural building located in the hamlet of Raddington.

## **Relevant Planning History**

09/13/0022 - ERECTION OF AN AGRICULTURAL BARN FOR HOUSING OF LIVESTOCK AND STORAGE OF MACHINERY AT KINGSTON MILL, RADDINGTON - CA 20/12/13

## **Consultation Responses**

*CHIPSTABLE PARISH COUNCIL* - Objects to the proposal. We are being asked to comment on ancillary buildings, when/before we are asked to comment on the

dwelling already on site. We should be asked to look at the development of this site as a whole not piecemeal. It is unclear if an application for the dwelling has been submitted to Taunton Deane at this time

*PLANNING ENFORCEMENT* - This application has been submitted in an attempt to regularise the current unauthorised situation which is the result of an Enforcement Investigation

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice

*LANDSCAPE* - The site currently looks very raw and untidy within the landscape. It would benefit from some landscaping

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* -

*HISTORIC ENGLAND* - The grade I listed Church of St Michael is located on a spur that projects into a linear valley running east to west of the protrusion. It holds a primacy within the locality due to its elevated position, which reinforces its role as a spiritual landmark within the valley setting. The church was built to serve the local rural farmsteads that dot the valley in small clusters of buildings and that retain clear inter-visibility with the church.

Consequently, this relationship is clearly experienced in views from the church and along the existing route-ways, which helps to articulate the function and role of the church within its landscape to its surrounding settlements.

The proposals relates to a site at the base of the valley to the east. The proposal is a retrospective application for a change of use from agricultural general purpose building to agricultural and equine usages and the retention of a circular horse training compound. The site sits adjacent to a small cottage and a farm cluster, characterised by a tight grain and modest scale, which reflects the historic character of development within the valley.

The development on this site includes the proposed barn (seeking permission for change of use), the horse pen (retrospective) as well as a number of other structures. It has a more linear pattern of development that has begun to encroach along the base of the valley. These views along the valley are prominent in key views from the churchyard and also on the approach to the church across the field from the north. The contrast in the form of development between the application site and the existing has made the development a conspicuous feature within the church's setting.

Consequently, the development has started to erode the strong settlement pattern experienced within the valley and their relationships to the church.

The NPPF identified that in determining applications, the local planning authority should take account of the desirability of new development making a positive contribution to local character and distinctiveness (Para 192). In cases were

development affects the setting of the asset, the LPA should look for opportunities for the new development to enhance or better reveal the asset's significance (Para 200).

This application proposes an intensification of use on the site, which through the incremental changes being set out is resulting in a change of character within this aspect of the church's setting. The horse ring is a modest development but it further emphasises the linear nature of the site and creates further encroachment into the valley through the loose grain of the development. The council need to be satisfied that the impact of the scheme has been clear and convincingly justified (194, NPPF) and should seek to take steps to avoid or minimise the impact when it is identified as conflicting with the conservation of the heritage asset (190, NPPF). Any harmful impact needs to be considered within the wider planning balance and be outweighed by the public benefits offered by the scheme (196, NPPF).

### Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

## Representations Received

Approximately 25 letters of representation received objecting to the proposal due to landscape impacts, setting of listed building, light pollution, flooding and drainage. highways concerns, the applicants gaining retrospective permission and impacts on biodiversity.

Approximately 4 letters of support have been received noting how young couples should be encouraged to live in Raddington, the business is good for area and there are no substantial landscape impacts.

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

## **Local finance considerations**

None

## **Determining issues and considerations**

### **Principle of Development**

The proposed development is for a change of use of a former agricultural building to a mixed agriculture and equestrian. The site is in an open countryside location set into the valley encompassing the hamlet of Raddington. Policy DM1a stipulates that developments should make the most effective use of land with a preference for previously developed land, and DM1d requires that the appearance and character of a landscape will not be adversely impacted by proposed developments. Policy CP8 requires that developments conserve and enhance the natural and historic environment. Therefore for the proposal to be acceptable in principle it should make good use of land and extant developments and should not significantly harm landscape and designated heritage assets, and if minor harm is being caused then appropriate mitigation should be put in place to lessen any detrimental effects of proposals. The site is within a valley and the training arena is located close to the road. At the top of the valley there is a grade I listed church. There are residential properties next to the site.

### **Proposed change of use**

The main issue in regards to this application is for a change of use to allow for equestrian uses of an extant agricultural barn. The site is currently operated as a horse training facility and the proposal would allow for use of the barn for the keeping of horses. Given that such facilities require access to considerable land parcels for grazing and exercising of horses it is considered appropriate to permit the proposed use subject to other considerations given below. The location is rural and equestrian developments are largely located in pastoral landscapes due to the needs stated above. The agricultural element of the proposed use is for the keeping of a small flock of sheep. Whilst currently there are no agricultural animals at the site the proposed part agricultural use is acceptable and is a continuation of the current consented use of the building. Therefore the principle of a mixed use for the building is accepted.

### **Design**

The proposed change of use of the barn would have very limited design impacts as most of the changes would be internal. The only external changes are the installation of a toilet to the rear of the barn which is hidden from public receptors

because of its position. The proposed works to the barn include the internal installation of stalls for horses. The proposed works to the barn are considered to be acceptable and are in conformity with policy requirements.

The proposed training arena is circular and has kick boards and close board fencing to the lower part with post and rail above forming the boundary. The design is acceptable subject to an assessment of landscape and heritage impacts

## **Landscape**

The site is in a sensitive location as it impacts on both the setting of the church (see below) and the overall character of the area. Whilst the training arena is unduly prominent at present it is acknowledged that road-side plantings have not yet matured and further plantings would act to screen the development from main public receptors. Therefore subject to a detailed and appropriate landscaping scheme it is considered that the proposed works are not sufficiently harmful to the landscape to warrant grounds to refuse the application.

## **Heritage**

The grade I listed church of St Michael is located close to the site and the proposals have an impact upon its setting. Historic England have commented that steps should be taken to avoid or minimise impacts on the setting of this designated heritage asset but have not directly objected to the application. It is considered that the planning benefits of a proposal to develop an equestrian business at the site outweigh the harm to the setting of the heritage asset and any harm can be successfully mitigated through appropriate landscaping and protection of land in the same ownership from further equestrian development through conditions attached to any permission granted.

## **Biodiversity**

There are not considered to be any abiding ecology concerns related to the proposed development. However given its rural setting and the potential for light pollution it is considered appropriate to restrict the use of exterior lighting to preserve dark skies and stop impacts on protected species such as bats. This would be set by condition attached to any permission granted.

## **Amenity and impacts on neighbours**

There is a residential property adjacent to the site to the north-west, however due to the topography and existing boundary treatments there are not considered to be any significant concerns related to residential amenity.

## **Highways and parking**

The site has a pre-existing highways access and parking potential for at least ten cars. The Highway Authority has not objected to the application. It is considered that



the proposed use of the site would not significantly increase vehicular movements over and above that of its current lawful agricultural use and, as such, there are no highways grounds to refuse the application.

## **Drainage**

The proposed works include the provision of a toilet block attached to the rear of the existing barn and installation of a digester. However no detailed plans have been supplied in terms of discharge and disposal of surface water and it is considered appropriate to set a condition requiring drainage and surface water details.

## **Other matters**

There is a log cabin style dwelling currently occupying land within the site. This is a separate issue to the current application and is part of an enforcement case with the LPA and as such is not a material consideration in terms of the current application.

Several (approx. 25 - number to be updated at committee) letters of representation have been received objecting to the proposal due to landscape impacts, impacts on the setting of the church, highways concerns, flooding and drainage issues, and impacts on amenity. There have also been some letters of support noting that the LPA should support a young couple developing a business in the area and arguing that landscape and heritage impacts are minimal.

## **Conclusion**

The proposed development is considered to be in compliance with policy DM1(a)(d) and DM2 and is recommended for approval. Whilst it is acknowledged that there are harmful aspects to landscape impacts and impacts on the setting of the listed church, however these are not considered to be severe and subject to appropriate conditions could be mitigated with an appropriate landscape scheme.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mr Alex Lawrey**