

Application Details	
Application Reference Number:	18/22/0014
Application Type:	Full Planning Permission
Earliest decision date:	03 November 2023
Expiry Date	28 November 2022
Extension of time	27 July 2023
Decision Level	Committee
Description:	Change of use of land with construction of a horse riding arena on land to the west of Brufords Farm, Northway Lane, Halse
Site Address:	Brufords Farm, Northway Lane, Halse, Taunton, TA4 3JL
Parish:	Halse
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	N/A
Case Officer:	Kieran Reeves
Agent:	Williams Planning
Applicant:	Mr & Mrs Everington
Committee Date:	18 July 2023
Reason for reporting application to Committee	The agent is employed within the Development Management section of the Council

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The proposal is for the change of use of land with construction of a horse riding arena (manege) on land to the west of Brufords Farm, The principle of the proposed development is considered to be compliant with local and national planning policy. The design and the impact of the landscape, following amendments to the scheme, are considered to be acceptable and the impact on the nearby listed building would be negligible. Impacts on highway safety, neighbouring residential amenity and ecology would not be harmful, subject to the attachment of certain conditions.

3. Planning Obligations and conditions and informatives

3.1 Conditions

3.1.1 Standard time condition (three years)

3.1.2 Standard plans condition

3.1.3 Landscaping condition

3.1.4 Surface drainage to be approved

3.1.5 Surface of manege to be approved

3.1.6 Ecological enhancement measures

3.1.7 Fencing condition

3.1.8 Restriction on use

3.1.9 No amplified music

3.1.10 No external lighting

3.2 Informatives

3.2.1 Proactive statement

3.3 Obligations

3.3.1 No planning obligations required

4. Proposed development, site and surroundings

4.1 Details of proposal

4.1.1 Planning permission is sought for the construction of a manege for the use of the occupiers of Brufords Farm. The manege would measure 45 metres by 25 metres and it would be surrounded by a perimeter post and rail fence that would be constructed from natural timber. A surface would be laid across the manege, which would be designed to accommodate horses. In this case, a sand surface. The submitted plans show that there would be cut and fill of the existing ground levels to

allow a flat surface for the manege, and trees would be planted to the south and west of the manege. The proposal has since been amended to reduce the amount of engineering works required so that the slope below the manege is less steep and pronounced.

4.2 Sites and surroundings

4.2.1 Brufords Farm is a Grade II listed residential property, which is located in open countryside to the north west of Halse and the north east of Fitzhead. The dwelling is a detached building that originates from the 17th Century. There is a detached outbuilding to the north of the dwelling and stables to the east. The proposed manege would be constructed in a field to the west of the dwelling and it would be accessed through the property via the existing vehicular access. The nearest residential property to the site is Northway, which is on the opposite side of the road.

5. Planning (and enforcement) history

5.1 No planning history relevant to this planning application.

6. Environmental Impact Assessment

6.1 No Environmental Impact Assessment submitted in relation to this application as the proposal does not fall within criteria that requires an EIA.

7. Habitats Regulations Assessment

7.1 The site is located within the Somerset Levels and Moors Ramsar site, which is currently deemed to be in an unfavourable condition due to phosphate levels. This development will not result in an increase in phosphate within the district and accordingly is considered to be phosphate neutral.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 03 October 2022

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: N/A

8.4 Site Notice Date: 13 October 2023

8.5 Statutory Consultees

Consultee	Comment	Officer Comment
Halse Parish Council	No comments received	N/A
Wessex Water	No comments received	N/A

8.6 Internal Consultees

Consultee	Comment	Officer Comment
Ecology	Looking at the Google Street View of the road splay where the access track will come off the road and running around the back of the shed to the field, I'm satisfied there would be negligible ecological value to be impacted by the proposed development, therefore the development can continue.	Discussed at Section 10.5 of the report
Transport Development Group	No observations	Noted
Landscape Officer	<p><u>Objection</u></p> <p>The proposals would result in changes that would include the creation of a steep engineered embankment, measuring over 70m in length, with its top over 8m above the adjacent public lane. There is concern that the presence of the embankment would be perceived from the lane and public rights of way to the south as being oppressive and urbanising of the historic vernacular context and degrade the quality of the landscape. Permitting the proposed development would conflict with local plan policy CP8, and as a consequence there is a</p>	Discussed at Section 10.2 of the report

	<p>landscape objection.</p> <p>Verbal update provided to the Case Officer confirming that the amendments made have resulted in the impact being lessened to an acceptable level.</p>	
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8.7 Local Representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

No public representations have been received in relation to this application.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

- SP1 - Sustainable development locations,
- SP4 - Realising the vision for rural areas,
- CP1 - Climate change,
- CP8 - Environment,

DM1 - General requirements,
DM2 - Development in the countryside,

Supplementary Planning Documents

District Wide Design Guide, December 2021

Neighbourhood plans:

No neighbourhood plan in force in this area

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1 The principle of development

10.1.1 The current adopted development plan does not include any planning policies that specifically relate to equestrian development. . The proposal will be considered on their merits in line with national policy guidance and other relevant policies in the development plan. Paragraph 11(d) of the National Planning Policy Framework (NPPF) states that *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission can be granted unless:*

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

10.1.2 Officers note that the construction of a manege for the sole use of a residential property would help to promote sustainable travel as the users would not have to travel in a private vehicle to access similar facilities elsewhere in the wider local area. It is considered that a domestic manege to serve one residential property can be

regarded as being supported in principle under the NPPF, subject to other material planning considerations being satisfied. Policies DM1 and CP8 of the development plan are considered to be important policies to have regard to in terms of the impact on other material considerations.

10.2 Design of the proposal & the impact on the character and appearance of the locality and heritage

10.2.1 The proposed manege would take the typical form for this type of development, a rectangular flat area that would involve cut and fill on the sloping site. The manege would be finished with a natural timber post and rail fence around the perimeter and a surface would be installed that would be suitable for horses to use. The surface material has not been agreed at this stage, but Officers recommend that these details can be secured through an appropriately worded planning condition. The Landscape Officer initially raised concerns with the proposal and commented that it *would include the creation of a steep engineered embankment, measuring over 70 metres in length, with its top over 8 metres above the adjacent public lane. The Landscape Officer's primary concern was that the presence of the embankment would be perceived from the lane and public rights of way to the south as being oppressive and urbanising of the historic vernacular context and degrade the quality of the landscape.*

10.2.2 The application has been amended following the comments of the Landscape Officer. The manege has been reduced from 60 metres by 30 metres to 45 metres by 25 metres. This is a notable reduction when comparing the original site plan with the amended site plan. The reduction in the size has allowed for the manege to be pulled away from the public road and the hedgerow that lines its northern edge. This has also reduced the amount of cut and fill required and the embankment on the fill side of the manege would be significantly less steep than the original scheme. The slope would be more akin to the natural slope of the field. Additionally, tree planting is also proposed to help break up the visual impact of the development. It is noted that trees to the south of the site are at a height where they already offer some screening of the proposed location for the manege.

10.2.3 Although no formal consultation response has been provided by the Landscape Officer on the amended scheme, they have verbally confirmed to the Case Officer that the proposal's impact has been lessened to an acceptable level following the amendments. Officers are satisfied that the reduction in the size of the manege has made a notable difference to the impact that the proposed development would have on the landscape character and appearance. When taking this into account with the existing partial screening provided by trees to the south of the site, the proposed additional trees, and a condition requiring the surface material to be agreed prior to installation, it is considered that the proposed development would have an

acceptable landscape impact and the impact would be compliant with Policies DM1 and CP8.

10.2.4 Brufords Farm is a Grade II listed building. The impact on its setting also needs to be considered. Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that *in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.*

10.2.5 The manege would be constructed in the field to the west of the listed building. There is the potential for the manege to be seen from within the curtilage of the listed building. However, the building would be on higher ground than the manege and with the reduced scale of the embankment on the lower side of the manege, it is considered that the only noticeable feature from the listed building curtilage would be the fencing around the manege, which would appear as rural fencing within a rural context. As such, there would be a negligible on the views from within the curtilage. In terms of the wider viewpoints, when looking at the site from the south, the listed building is set down more within the landscape and it is well screened by existing trees. The manege would be more visible but would also benefit from existing screening and additional planting. It would be difficult to see the manege in the context of the setting of the listed building and therefore its impact on the setting of the listed building when viewed from afar would also be negligible. Officers are satisfied that the impact on the heritage asset would not harm the character, appearance or setting of the listed building and Policies DM1 or CP8 of the development plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be complied with.

10.3 Access, highway safety and parking provision

10.3.1 The proposal would result in the occupiers of Brufords Farm no longer having to travel in a vehicle with a horse box or a horse lorry to use a manege located elsewhere in the wider local area. As the manege would only be used by the occupiers of Brufords Farm, there would not be an increase in vehicles coming to and from the property. As such, there would not be an increase in the highway impact at the access to the property or on the local road network. The Highway Authority have confirmed that they have no observations on the proposal. The application is considered to comply with Policy DM1 of the development plan in terms of the highway impact, subject to the attachment of a condition restricting the use of the manege to only the occupiers of Brufords Farm.

10.4 The impact on neighbouring residential amenity

10.4.1 Northway is the nearest residential property to the application site. It is located on the opposite side of the public road. There are no other residential properties near the site. The proposal would not impact on the amenity of the neighbouring property in terms of overbearing or overlooking as it would be located a sufficient distance from the neighbouring dwelling and its garden. There is the potential for the use of the manege to impact on amenity when being used for dressage due to music being played during such activities. Officers have therefore considered it to be appropriate and necessary to attach a condition that prevents the playing of amplified music and use of lights. With the attachment of these conditions, the proposed development would not result in material harm to neighbouring residential amenity and the impact would comply with Policy DM1 of the development plan

10.5 The impact on ecology and biodiversity

10.5.1 The proposal would involve excavation works within an agricultural field. The agent has confirmed that the field has been maintained as it has been for years - taking a cut and then being used for grazing. They have also confirmed that the manege would be sited away from hedgerows and trees, and it would not be on land that has high ecological value. The Council's ecologist has looked at photographs of the application site and taken into account the case made by the agent, as outlined above. The ecologist is satisfied there would be negligible ecological value to be impacted by the proposed development and the development can continue without the need for an ecological survey. Subject to a condition securing ecological enhancements in accordance with Paragraph 174(d) of the NPPF and a condition restricting external lighting, the proposal's impact on ecology would comply with Policies DM1 and CP8 of the development plan.

11 Local Finance Considerations

11.1 Community Infrastructure Levy - N/A

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

12.3 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

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:

(A3) Location Plan

(A1) DrNo 011-BF-PL-01D Proposal

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

3. Prior to commencement of the development hereby permitted, a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the species, siting and numbers to be planted. The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority. For a period of 20 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 or are uprooted 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. No works shall be undertaken on site unless details of surface water drainage works to serve the manege hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first use of the manege and shall thereafter be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

5. Prior to the laying of the surface on the manege hereby permitted, a sample of the surface material for the manege shall be submitted to, and be approved in writing by, the Local Planning Authority. Once approved, the surface of the manege shall be finished in the approved material, and it shall be retained in that form thereafter, unless permission is granted by the Local Planning Authority for an alternative material.

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

6. Prior to first use of the manege hereby permitted, a scheme for ecological enhancement measures shall be submitted to, and approved in writing by, the Local Planning Authority. The ecological enhancement measures shall then be installed in accordance with the approved scheme and retained as such thereafter.

Reason: To provide net gains for biodiversity in accordance with Paragraph 174(d) of the National Planning Policy Framework.

7. The fence around the manege hereby permitted shall only be constructed from natural timber and erected as post and rail at the maximum height shown on drawing number BF-PL-01D. It shall be retained in that form thereafter and it shall not be replaced with a different type of fence, nor shall its height be increased above the height shown on drawing number BF-PL-01D, without planning permission being granted by the Local Planning Authority for those works.

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

8. The manege hereby permitted shall not be used other than for private recreational use in association with Brufords Farm (edged in blue on the approved Local Plan), and shall not be used for livery letting, leasing or any other commercial activity including breeding, giving of riding instruction, gymkhanas, trials or horse shows without the prior grant of planning permission from the Local Planning Authority.

Reason: To protect the amenities of this rural area and in the interests of protecting highway safety.

9. No amplified music shall be played in association with the manege hereby permitted.

Reason: To protect the quiet character of the area and the amenity of neighbouring residential properties.

10. The manege hereby permitted shall not be artificially illuminated in any way without the prior agreement in writing of the Local Planning Authority.

Reason: To protect the visual character and appearance of this rural landscape, and to prevent harm to local wildlife and any protected species.

Recommended Informative

1. In accordance with Paragraph 38 of the National Planning Policy Framework 2021, the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.