

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	11th January 2017		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	SITE VISIT AGENDA		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

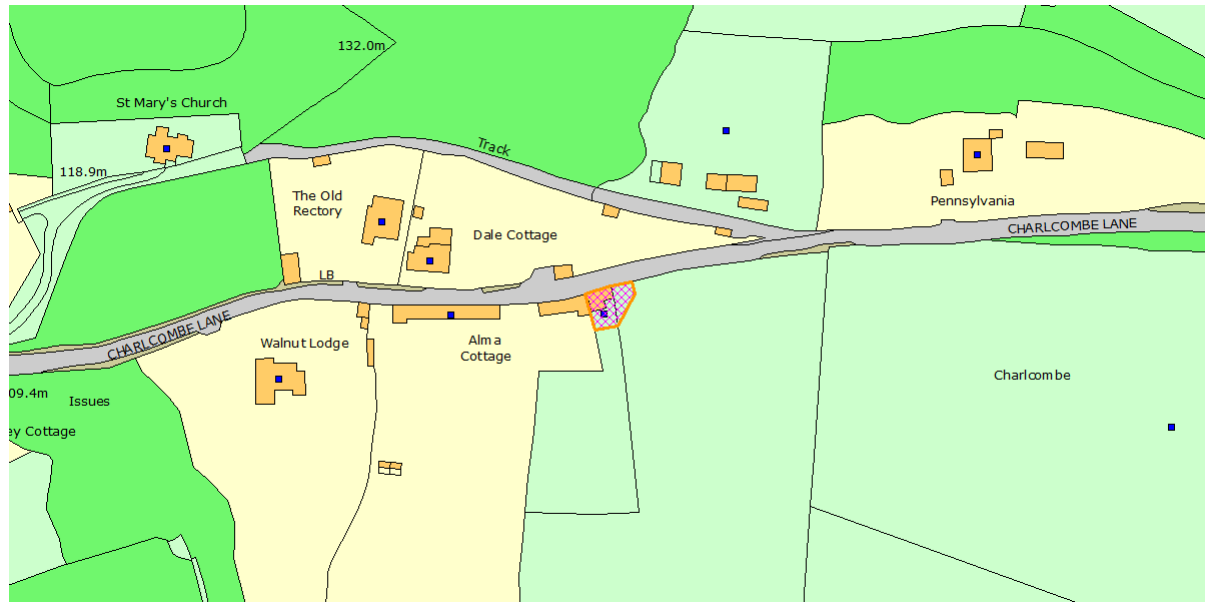
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	16/04250/FUL 16 December 2016	Julia Morgan Land East Of Alma Cottage, Charlcombe Lane, Charlcombe, Bath, Erection of one dwelling following the demolition of existing stables	Bathavon North	Emma Hardy	PERMIT
002	16/04885/FUL 13 January 2017	Mr John Rippin The Grove, Langridge Lane, Swainswick, Bath, Bath And North East Somerset Demolition of existing garage and erection of a replacement building for use as an annex providing ancillary residential accommodation	Bathavon North	Alice Barnes	REFUSE
003	16/03652/FUL 26 October 2016	Mrs R Dymond-Hall Applegate Stables , Shockerwick Lane, Bathford, Bath, BA1 7LQ Erection of additional livery stables and a rural workers accommodation unit	Bathavon North	Nicola Little	REFUSE

REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 16/04250/FUL
Site Location: Land East Of Alma Cottage Charlcombe Lane Charlcombe Bath



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of one dwelling following the demolition of existing stables

Constraints: Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Julia Morgan

Expiry Date: 16th December 2016

Case Officer: Emma Hardy

REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Charlcombe Parish Council has objected to the application contrary to Officer recommendation. In addition Cllr Alison Millar has called the application in to Committee if Officers are minded to recommend approval for the following reasons (summarised):

I have read the objection statement from Charlcombe Parish Council and agree with it in its entirety. The access and egress onto Charlcombe Lane would be fraught with problems due to the narrowness of the lane at that section and it would be very difficult to see

oncoming vehicles before pulling out. Coupled with the fact that vehicles often travel at speeds in excess of 20 mph along there it would be a dangerous scenario. The lack of off-road parking/room for turning on site is an additional concern.

Saved policy ET.9 (3b) states that conversion of an existing rural building to a new use will be permitted if the building is not capable of conversion without substantial or complete reconstruction. I cannot see how completely demolishing the existing stables and rebuilding them is in accord with this policy.

The application has been referred to the Chair who agrees that the application should be considered by the Committee.

Description of site and application:

The application site is located on the south side of Charlcombe Lane within the village of Charlcombe. The site comprises a low profile two bay stables with covered area to the front and hardstanding which has been encroached by vegetation. The application site extends into the adjoining field to incorporate the established field access off Charlcombe Lane. The site is located within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. The existing building falls within the Charlcombe Conservation Area, whilst the southern part of the site falls outside the conservation area boundary.

Planning permission is sought to erect a single storey one bedroom dwelling following the demolition of the existing stables building. The replacement building would be the same volume, footprint, height and width as the stables it would replace. The existing yard to the south of the stables would become residential curtilage with one on-site car parking space provided. Access to the site would be via the existing field access off Charlcombe Lane and grasscrete would be laid to facilitate vehicle access over the field. The existing field gate would be removed.

Amended plans have been received during the course of the application to replace full height glazing with sliding door with two smaller windows.

Relevant recent planning history:

No relevant recent planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways DC:

- Compared to the equestrian use, the total change in traffic generated by the building would be negligible and it would not be appropriate to object to the proposal on road safety grounds.
- Object to the proposal on sustainability grounds since the proposed building is isolated from public transport connections and any local services that could be reached safely by foot or cycle.

Ecology: No objection subject to requested condition.

Charlcombe Parish Council:

15/9/2016: (summarised)

- Question the accuracy of the plans.
- The site hasn't been in equestrian use for 10 years.
- The Design and Access Statement refers to ashlar walls; the building should be constructed in rubble stone to be in keeping with the Conservation Area.
- The rubble stone wall adjacent the highway should be reinstated to match the adjacent walls along the lane.
- Concerns regarding the extent of glazing and the impact of the resulting light spillage on the Green Belt and AONB.
- Harm to the rural character of the Green Belt and AONB through domestication of this rural site, domestic paraphernalia and parking of vehicles.
- Concerns regarding highway safety from intensified use of the access. Question whether there is sufficient space for on-site turning.
- There is no mains drainage or gas in Charlcombe. Drainage facilities and an oil storage tank have not been detailed on the plans.
- Oil tankers and construction vehicles would need to be able to park on site because of the narrowness of the lane.
- The proposal would be contrary to Policy ET.9 (re-use of rural buildings). The site is in an unsustainable location remote from public services (including public transport) and community facilities. Future occupiers would be entirely reliant on car travel. The building is not capable of conversion without substantial or complete reconstruction.
- The proposal would have a greater impact on the openness of the Green Belt than the existing development and is therefore inappropriate development in the Green Belt.
- No attempt has been made to find a new equestrian use for the stables.

25/11/2016: (summarised)

- The revised plans represent a marginal improvement in appearance and reduction of potential light spillage
- The Parish Council's objection remains and there are compelling reasons why the application should be refused.
- The access onto Charlcombe Lane is extremely dangerous.
- Whilst the extant permission for the stables includes vehicular access to the site, the situation when such approval was given (well over 20 years ago) was entirely different to today. Traffic levels and speeds on the lane are vastly greater so the highway safety implications are entirely different.

Third party representations:

Objections have been received from the owners/occupiers of Dale Cottage and Alma Cottage, Charlcombe Lane, the content of which is summarised below:

- Concerns regarding highway safety given the width of the lane, restricted visibility, speed and volume of traffic;
- The submitted drawings are incorrect so conclusions regarding volume comparisons cannot be accurate;
- The present built envelope will be far too low to be habitable so the proposed dwelling is not feasible;

- Question whether the covered area should be considered part of the existing built envelope;
- Removal of the access gate would alter the character of the lane;
- The proposed grasscrete access drive would result in change of use from agriculture to residential.

One further unaddressed objection has been received, the content of which is summarised below:

- Highway safety concerns, particularly in relation to the visibility splays from the existing access;
- If the Council grants planning permission for use of the existing access for a new dwelling it will completely and blatantly abrogate its highway and road safety responsibilities.

One comment of support has been received from the owner/occupier of Walnut Lodge, Charlcombe Lane, the content of which is summarised below:

- The proposal is a sensible redevelopment of the building;
- The design is sensitive and will enhance this part of Charlcombe;
- There will be no harm to any neighbouring occupiers.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

DW1: District wide spatial strategy
 CP2: Sustainable construction
 CP6: Environmental quality
 CP8: Green Belt

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

D.2: General design and public realm considerations
 D.4: Townscape considerations
 SC.1: Settlement classification
 ET.7: Use of agricultural land
 GB.2: Visual amenities of the Green Belt
 BH.6: Development within or affecting Conservation Areas
 NE.10: Nationally important species and habitats
 NE.11: Locally important species and habitats
 T.24: General development control and access policy

T.26: On-site parking and servicing provision

The placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies can be given limited weight

D.2: Local character and distinctiveness

D.4: Streets and spaces

D.5: Building design

D.6: Amenity

HE.1: Historic environment

GB1: Visual amenities of the Green Belt

NE.3: Sites, species and habitats

ST.7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

OFFICER ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT IMPACT ON THE GREEN BELT

Paragraph 89 of the NPPF allows for the partial or complete redevelopment of previously developed sites within the Green Belt provided that the proposed development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it.

The site of the proposed development meets the definition of previously developed land set out in the Glossary to the NPPF. The site comprises a permanent structure and its curtilage. The established lawful use of the site is equestrian; as such, the development site is neither land that has been occupied by agricultural buildings nor private residential garden.

Compared to the existing development (stables building and associated overgrown hardstanding), the proposal would not have a greater impact on the five purposes of the Green Belt: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed dwelling would be located in the same position as the existing stables. It would have the same built volume as the existing building and would be sited in the same position, within essentially the same built envelope. It is therefore not considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.

Given the small scale of the dwelling, it is not considered that the associated domestic paraphernalia would have an adverse impact on the rural character and visual amenity of the Green Belt. The site is already enclosed by a post and rail fence and the proposed boundary treatment (also post and rail fence) would not have a greater visual impact. Furthermore, the design, scale and materials of the proposed dwelling would reflect the existing stables building so would be appear sympathetic to the rural character of the village and its surroundings.

In regards to saved Policy ET.9, this relates to the conversion of existing rural buildings to other uses. The current proposal is not for a conversion but for complete demolition and redevelopment. Policy ET.9 is therefore not applicable and substantial weight must be given to Paragraph 89 of the NPPF, which allows for the redevelopment of previously developed sites in the Green Belt. Furthermore, where Local Plans do not entirely accord with national policy as set out in the NPPF, the NPPF carries the greater weight.

Paragraph 55 of the NPPF states that new isolated homes within the countryside should be avoided. Although the proposal is outside of the built up area of Bath, there is ribbon development along Charlcombe Lane and the site is within reasonable proximity of services and facilities within the city boundary. The site is therefore not considered to be in an isolated location.

The principle of the development is therefore acceptable, subject to other material planning considerations.

IMPACT ON THE AREA OF OUTSTANDING NATURAL BEAUTY

The proposal has been amended to replace full height glazing on the south elevation with smaller windows to reduce light spillage to the surrounding Area of Outstanding Natural Beauty. Taking this into account and given the design, scale and materials of the proposed development, it is not considered that the proposal would harm the natural beauty of the AONB.

CHARACTER, APPEARANCE AND IMPACT ON THE CONSERVATION AREA

The site is located within the Charlcombe Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Notwithstanding the Design and Access Statement, the proposed building would be constructed in rubble Bath stone under a natural slate roof. The replacement building would be similar in appearance to the existing stables and would reflect the rural character and natural stone buildings of the village. The reduced level of glazing on the amended proposal would preserve the rural character of the area, avoiding unacceptable light spillage to the surrounding countryside.

It is not considered that removing the existing field gate would unacceptably alter the character or appearance of the street scene or Conservation Area. The use of grasscrete

for the drive would retain the grassed appearance of this corner of the field and would not result in the domestication of this area adjacent to the new residential curtilage.

Overall, the design and materials of the proposed development are considered acceptable and would preserve the character and appearance of the Charlcombe Conservation Area.

IMPACT ON THE AMENITIES OF NEIGHBOURING OCCUPIERS

Given the modest height of the proposed development and the relationship with neighbouring residential properties, the proposal would not cause harm to the amenities of neighbouring occupiers through overlooking, loss of light, overshadowing or visual impact.

CAR PARKING AND HIGHWAY SAFETY

The provision of one on-site parking space for the proposed one bed dwelling is acceptable.

The proposed development would use an existing established access off Charlcombe Lane. It is noted that the site has not been used for the stabling of horses for some years. However, the existing established equestrian use of the site must be taken into account since this could reasonably recommence at any time without the need for planning permission to be obtained.

The building appears to be designed to stable up to two horses, which would likely require several visits a day to care for their welfare. There is no apparent livery business associated with the small stables so it is reasonable to expect that any new equestrian use at the site would be on a DIY basis. If leased out by the applicant, there is every likelihood that the new user or users of the site would not live within walking distance and would therefore travel to the site by car. In addition, it would be reasonable to expect infrequent vet/farrier visits and potentially also the occasional delivery.

Taking into account the existing lawful equestrian use of the site, it is considered that the total change in traffic generated by the small proposed dwelling would be negligible compared to the established use. Whilst local concerns regarding highway safety are noted, taking the above factors into account, it would therefore be unreasonable to object to the proposal on road safety grounds.

As discussed above, whilst it is noted that the village of Charlcombe sits just outside the city limits, the application site is not considered to be in an isolated, unsustainable location.

Overall, the proposal would comply with saved policies T.24 and T.26 of the Local Plan and the aims of the NPPF.

ECOLOGY

A completed bat survey has been submitted which concludes that no bat roosts are present in the existing building. The submission includes appropriate recommendations regarding working practices and these should be implemented. A condition is recommended requiring the ecological mitigation proposals and recommendations to be

implemented. Subject to this condition, the proposed development would have an acceptable impact on local ecology in accordance with saved policies NE.10 and NE.11 of the Local Plan and the aims of the NPPF.

OTHER MATTERS

In light of the concerns raised by a neighbour and the Parish regarding the accuracy of the plans, a second site visit was carried out to verify the dimensions shown on the submitted plans. This confirmed that the east elevation survey reflects the building on site. It may be that the difference from the Parish and neighbour's measurements comes from the point at which measurements are being taken (concrete slab level rather than external ground level).

It is not considered that the introduction of grasscrete to the north west corner of the field adjacent to the access would materially change the use of the field from agricultural to residential. A condition is recommended requiring agricultural access to the field to be retained in perpetuity.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

3 Materials (Compliance)

The external stonework to be used shall be random rubble stone to match that of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Roofing Materials (Bespoke Trigger)

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

5 Parking (Pre-occupation)

No occupation of the development shall commence until one parking space has been provided on site in accordance with the approved plans. This parking space shall be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies T.26 and T.24 of the Bath and North East Somerset Local Plan.

6 Highways - Parking (Compliance)

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

7 Gate Removal (Pre-occupation)

No occupation of the development shall commence until the gate has been removed from the proposed access off Charlcombe Lane in accordance with the approved details. No gate shall thereafter be erected in this position without first obtaining permission from the Local Planning Authority.

Reason: To prevent vehicles waiting in the lane to access the site whilst the gate is being opened in the interests of highway safety in accordance with Policies T.26 and T.24 of the Bath and North East Somerset Local Plan

8 Field Access (Compliance)

Vehicle access to the adjoining field in association with the agricultural use of that land shall be retained in perpetuity.

Reason: In order not to compromise the agricultural use of the adjoining site in accordance with Policy ET.7 of the Bath and North East Somerset Local Plan 2007.

9 Ecology - Compliance with Ecological Mitigation Proposals (Compliance)

The development hereby permitted shall be carried out only in accordance with the ecological mitigation proposals and recommendations described in Section 4 of the approved Bat Survey report dated 12th July 2016 by Crossman Associates.

Reason: To avoid harm to bats and their roosts and provide biodiversity enhancements in accordance with Policy NE.10 of the Bath and North East Somerset Local Plan 2007 and the National Planning Policy Framework.

10 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions or alterations require detailed consideration by the Local Planning Authority in order to safeguard the openness of the Green Belt and the natural beauty of this Area of Outstanding Natural Beauty.

11 Removal of Permitted Development Rights - No means of enclosure (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed on the site without a further planning permission being granted.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

12 Removal of Permitted Development Rights - No outbuildings (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

PLANS LIST:

This decision relates to the following plans and information:

Drawing Nos. A01 (1:1250 Site Location Plan) and A02 (Existing Stables) received 24/8/2016

Bat Survey dated 12 July 2016 prepared by Crossman Associates received 24/8/2016

Planning, Design and Access Statement received 24/8/2016

Drawing no. A03 Revision 04 (Proposed Dwelling) received 14/11/2016

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

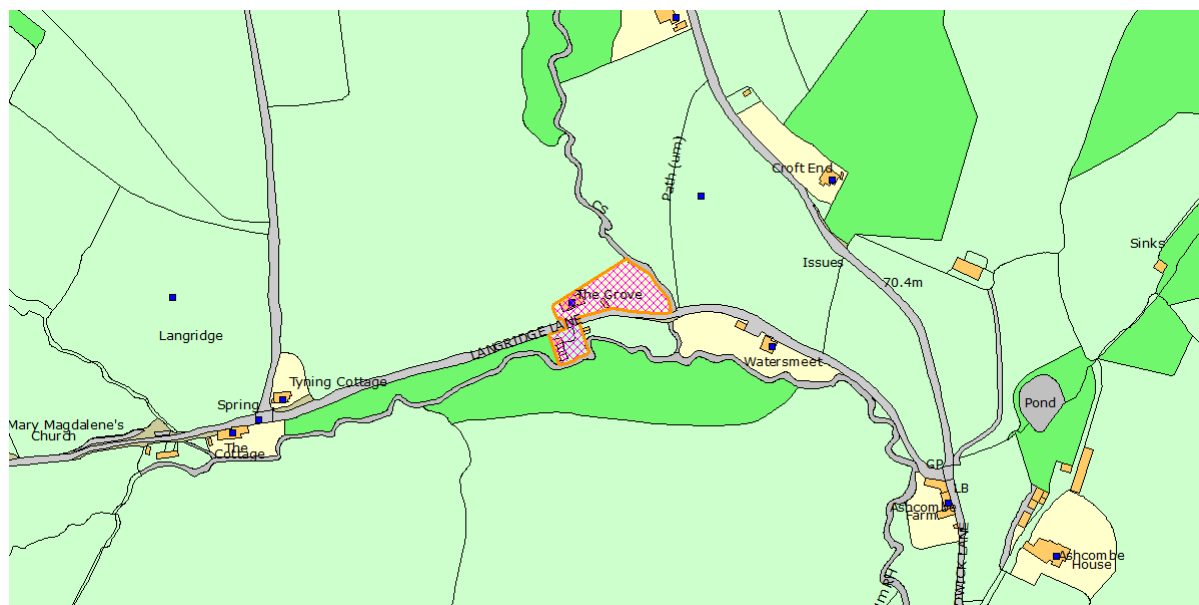
Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Item No: 002
Application No: 16/04885/FUL
Site Location: The Grove Langridge Lane Swainswick Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Demolition of existing garage and erection of a replacement building for use as an annex providing ancillary residential accommodation

Constraints: Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Flood Zone 2, Flood Zone 3, Greenbelt, LLFA - Flood Risk Management, MOD Safeguarded Areas, Sites of Nature Conservation Interest, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones,

Applicant: Mr John Rippin

Expiry Date: 13th January 2017

Case Officer: Alice Barnes

REPORT

Reason for reporting the application to committee

The parish council have support the application contrary to the case officers recommendation to refuse.

The application has been referred to the chair who has requested that the application is considered by the committee.

The application was considered at the meeting of the 14th December and members resolved to defer the application for a site visit.

Description of site and application.

The application site is located within Langridge to the north of Bath. The existing site includes a single dwelling house with a garage and parking area on the opposite side of the road. The application site is located within the green belt outside of any housing development boundary. The site is located within the open countryside where the surrounding dwellings are of a dispersed nature. The site is accessed from a narrow lane.

This is an application for the demolition of the existing garage and erection of a replacement building for use as an annex providing ancillary residential accommodation. The existing dwelling is located on the northern side of the road and sits above road level. There is an existing pedestrian access to the site. The existing garage sits on the southern side of the road adjacent to the existing parking area. The proposed development would demolish the existing garage and replace this with a two storey building including two bedrooms, a kitchen, bathroom and living space. The existing parking area would remain and outdoor space for the proposed building would be provided to the south.

Relevant History

8337 - Double garage, 24/03/1981

4636 - Extension, 01/12/1986

DC - 03/02108/OUT - RF - 16 October 2003 - Replace existing garage/workshop with residential unit for dependent relatives and integral garage for 2 cars.

DC - 06/00915/FUL - RF - 28 April 2006 - Extension to create dependent relative accommodation

DC - 06/02708/FUL - PERMIT - 19 September 2006 - Erection of an extension to create dependent relative accommodation (Revised Scheme)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Charlcombe Parish Council: Supports the application for the demolition of an existing double garage and the erection of a replacement building to serve as an annex providing ancillary residential accommodation. The Grove is located within the Green Belt and Cotswolds AONB and we recognise that the proposed development does raise a number of issues in relation to the relevant planning policies. These are addressed in the following comments which were informed by a site visit.

The applicant's family have lived at The Grove for over 45 years. His parents are now elderly and the existing accommodation, which involves numerous steps and stairs, is no longer practicable for them, nor, with 2 growing children, is there sufficient space. The proposed annex will enable the family to remain living together in Langridge by providing new ground-floor level wheelchair-friendly accommodation with upstairs accommodation for a carer. We believe this demonstrates special circumstances which are relevant to this application.

The proposal replaces a single storey double garage with a 2-storey annex built on the same footprint. There is no doubt that the proposed annex will therefore have a greater visual impact due to its height. This is mitigated by the choice of building materials (stone coloured render on the lower storey, timber cladding for the upper storey and a slate roof) which will have a more sympathetic and appropriate appearance than the existing garage. The proposed annex will not have any detrimental visual impact on the Green Belt and AONB.

The supporting documentation calculates that the increase in volume of the cumulative development on site will rise to 52.7% over the 1948 volume as a result of this application. The proposed annex will result in a volume increase of around a half, which exceeds the one-third guideline. We suggest that given the remote and well screened location, there will be no harm, and that the need to cater for the needs elderly parents, who have lived at the property for over 45 years, provides special circumstances.

The proposed annex, whilst within the curtilage of the dwelling, is separated from the dwelling by Langridge Lane. We would therefore suggest that a binding Condition or S.106 agreement should be applied to any approval by the Planning Authority, prohibiting the use of the annex both as a separate dwelling and as a holiday let and stipulating that its use must remain ancillary to the main dwelling. It is noted that the applicant states that he would be happy to accept such a condition.

Councillor Martin Veal: Support.

There is a genuine need for further accommodation to support the family.

The extended family can stay together.

This is supported by the parish council.

The development will utilise the existing footprint and have minimal visual impact.

Representations: 10 representations have been received in support of the application for the following reasons;

The building is modest in size.

The building will provide much needed accommodation

The building will provide accommodation for family members with mobility issues.

The development complies with paragraph 89 of the NPPF.

The development will enhance the existing site.

There will be no increase in traffic

This is an ideal solution for the family.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality
CP8 - Green Belt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
GB.2: Visual Amenities of the Green Belt
HG.10: Housing outside settlements
Ne.2: Areas of outstanding natural beauty

National Policy
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

The placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies are given substantial weight

RE.4 - Essential dwellings for rural workers

The following policies are given limited weight

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
ST.7 - Transport requirements for managing development
NE.2 - Conserving and enhancing the landscape and landscape character

OFFICER ASSESSMENT

The application site is located within Langridge to the north of Bath. The existing site includes a single detached dwelling house with a garage and parking area on the opposite side of the road. The existing dwelling sits above the road and includes a boundary hedge. The garage and parking area sit on the opposite side of the road and are clearly visible from the streetscene. The surrounding area is of a rural character with few nearby dwellings. Permission was granted in 2006 for the construction of a two storey extension at the existing house to provide additional living accommodation for a dependant relative. This was not constructed and the permission has now expired.

The proposed development would demolish the existing garage and replace this with a two storey building including two bedrooms, a kitchen, bathroom and living space. The existing parking area would remain and outdoor space for the proposed building would be provided to the south.

Principle of development in the green belt

The proposed annexe will replace an existing garage. The garage and parking area are located on the opposite side of the road to the existing garage. As the parking area and garage are used by the occupiers of The Grove then the existing site is currently functionally linked to the existing dwelling. The site forms part of a residential curtilage so is not considered to be previously developed land.

The proposed layout includes two bedrooms, two bathrooms, a kitchen and living area. The proposed building is therefore capable of independent occupation from the existing dwelling. The building is located on the opposite side of the road, includes its own separate curtilage and entrance and could be occupied independently of the main dwelling. It therefore cannot be regarded as being an annexe and is considered to be a new dwellinghouse within the countryside.

The site is located within the open countryside outside of any village boundary. Policy HG10 of the local plan relates to housing outside of settlements. This policy allows for housing outside of settlements provided that they are essential workers dwellings for agricultural or forestry. In this case the proposed dwelling will not be used for agriculture or forestry and therefore does not comply with policy HG.10 of the local plan.

For the reasons above the principle of a new residential property is not accepted.

It is noted that the parish council has suggested that the proposed accommodation could be tied to the existing dwelling by a section 106 agreement. In this case the proposed dwelling can easily operate as a separate dwelling being within a separate curtilage on the opposite side of the road with no functional or physical tie to the main house. Therefore the concerns raised above cannot be overcome by provision of a legal agreement that would make the new house an 'annexe'.

As stated above the layout and siting of the proposal would result in a development that cannot be considered to be an annexe to the existing dwelling. In green belt terms it can be considered to be a replacement building. Paragraph 89 of the NPPF states that a replacement building should be in the same use and should not be materially larger than the one it replaces. In this case as the proposed building is considered to be a separate dwelling it is not considered to be in the same use as the existing garage. The development will increase the height of the building from 3.3m to 6.9m and increase the volume from 212.36 sqm to 334.62, a 57% increase in volume from the original building. Therefore if the proposal is considered as a replacement building it would not comply with paragraph 89.

The impact of development in the green belt is not considered on volume increase alone. In this case the proposed building would result in an increase in height from the existing building. It therefore would result in a building which is more visually prominent within the surrounding area. Furthermore the provision of a separate curtilage and its resultant

paraphernalia would increase the existing domestic curtilage. The development is therefore harmful to the openness of the surrounding green belt.

The supplementary planning document 'Existing dwellings in the green belt' states that extensions of about a third of the original volume of the property will likely be acceptable. In this case the proposed development is considered to be a new dwelling rather than an ancillary use so cannot be considered to be an extension of the existing dwelling. In any event the applicant has advised that the proposed development would result in an increase in the original volume of the property by 50%. Therefore if the proposed development was to be regarded as an extension it would be considered to be a disproportionate addition to the host building.

Design and landscape.

The proposed building has been designed to include render and timber cladding. The roof would be covered in slate. When taken in isolation the design of the building could be considered to be acceptable. However the size of the building within the rural setting is considered to be harmful to the openness of the surrounding green belt.

Whilst the building would be more visually prominent within the streetscene and would be harmful to the green belt, it is accepted that the building would not be visible from the wider landscape. Therefore it is not considered to be harmful to the setting of the Area of Outstanding Natural Beauty.

Amenity

The proposed development would not be located close to any other neighbouring properties and is not considered to result in harm to the amenity of any neighbouring properties.

Highways

Whilst the proposed development will result in the loss of the garage the existing site includes a large off street parking area. The proposed development would not result in a loss of the existing parking area and therefore the development will not result in harm to highway safety.

The case for very special circumstances.

Paragraph 88 of the NPPF states that development within the green belt will only be allowed under very special circumstances. The circumstances put forward by the applicant relate to the applicants own personal situation and therefore do not form very special circumstances which justify development in the green belt.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is located within the Green Belt and outside of the built up area of Bath where the principle of residential development is not accepted. It is therefore contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007, Policy B1 of the Core Strategy and policy RE.4 of the emerging placemaking plan

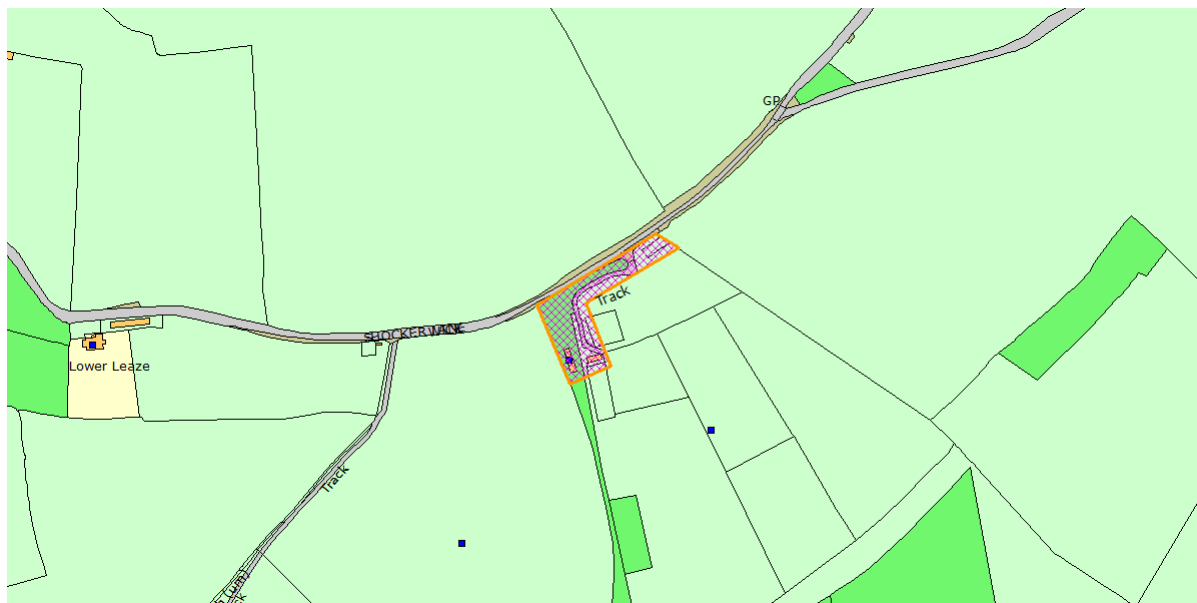
2 The proposed development by reason of its siting, scale and design will result in replacement building which is materially larger than the existing building. The increase size and height of the building will harm the openness of the surrounding green belt being more visually prominent within the streetscene. In the absence of very special circumstances the development is considered to be contrary to policies GB.2 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and CP8 of the Core Strategy and paragraph 89 of the National Planning Policy Framework

PLANS LIST:

Location plan P01 A
Existing site plan P02 A
Existing plans P03 A
Existing elevations P05 A
Proposed elevations P15 E
Proposed plans P13 E

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 003
Application No: 16/03652/FUL
Site Location: Applegate Stables Shockerwick Lane Bathford Bath BA1 7LQ



Ward: Bathavon North **Parish:** Bathford **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of additional livery stables and a rural workers accommodation unit

Constraints: Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Mrs R Dymond-Hall

Expiry Date: 26th October 2016

Case Officer: Nicola Little

REPORT

The application seeks permanent permission for a rural workers accommodation unit and additional livery stables on land benefitting from an established equestrian use.

The application site, known as 'Applegate Stables', is situated on the South side of Shockerwick Lane, Bathford, Bath, on land designated as Green Belt and within the Cotswolds Area of Outstanding Natural Beauty (Cotswolds AONB). The site is located outside of the housing settlement boundary in an area characterised as predominantly rural in character.

Officer Update (15.12.2016)

This application had been called to be heard at the Council's November 16 Development Management Committee. However, due to the late submission of additional information to

Members, the application was deferred to the January 11 2017 Development Management Committee. The additional information submitted by the agent includes details regarding the proposed dwelling which demonstrates its capacity to be considered as a temporary structure. Although this does not effect the Council's determination to refuse the application or the officer's reasons for refusal, it was considered a material fact requiring further assessment and review. Since the submission of this information the applicant's agent has confirmed that this application is seeking permanent permission rather than temporary, this is consistent with the case set out in the Design and Access Statement.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bathford Parish Council and Cllr Veal - OBJECT on the basis that the proposal represents an unsustainable form of development and presents harm to the Green Belt and Cotswold's AONB.

Cllr Ward - SUPPORT on the basis that the business adds to the local rural economy

Highways - OBJECT

- o Development is in an unsustainable location and is contrary to Policy T.1
- o Increase in traffic generated by the proposed development considered prejudicial to road safety
- o No satisfactory provision for parking
- o No adequate turning facilities incorporated into design which is essential to highway safety

No other third party objections received

3 Letters and signatures of support

The Council's scheme of delegation in regard to planning applications states that "an application has been subject of a letter of objection, comment or support from the Ward Councillor for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, when there shall be prior consultation with the Chair of the Development Control Committee before a decision is made whether or not to refer the application to committee. For the purpose of this section, letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application".

As the officer's recommendation was contrary to Cllr Ward's representation and the decision of the Council's independent agricultural assessor, the application was duly referred to the Chairman of the Development Management Committee who considered that although the officer's report has assessed the application under the relevant policies, as questions remain on some aspects it is recommended that the application be taken to Development Management Committee for decision.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan

and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

Core Strategy

Saved Policies in the B&NES Local Plan (2007)*

Joint Waste Core Strategy

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

The following policies of the Core Strategy should be considered:

CP6 - Environmental Quality

CP8 - Green Belt

Saved Policies relevant to this application in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan, are:

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

HG.10 - Housing outside settlements (agricultural and other essential dwellings)

GB.2 - Visual Amenities of the Green Belt

NE.1 - Landscape Character

NE.2 - Areas of Outstanding Natural Beauty

SR.12 - Commercial Riding Establishments

The placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. This also assumes that the Inspector will not raise further issues on any policies not subject to objections as the hearings are now closed. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies are adopted through the Core Strategy:

CP8 Green Belt

The following policies are given substantial weight

RE.4 - Essential dwellings for rural workers

The following policies are given limited weight

GB1 Visual Amenities of the Green Belt

D2 Local Character & Distinctiveness

D6 Amenity

NE2 Conserving and Enhancing The Landscape And Landscape Character

National guidance and the National Planning Policy Framework (NPPF) is a material consideration. The following sections are of particular relevance:

Section 3: Supporting a prosperous rural economy

Section 9: Protecting Green Belt Land

Section 11: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

The principal questions and matters to consider as part of this application are:

- o Whether the proposed dwelling may be considered essential for the purposes of agriculture and forestry (and whether it may be assessed under the criteria and tests of saved policy HG.10)
- o Whether the proposed dwelling meets the tests of an essential dwelling for rural workers in accordance with Policy RE4 of the Draft Placemaking Plan.
- o The impact of the proposal upon the Green Belt, including openness and visual amenity
- o The impact of the proposal upon the character of the Cotswold's Area of Outstanding Natural Beauty (Cotswold's AONB)
- o Sustainability and Impact upon Highways

Preamble

It is a material consideration that the Local Planning Authority refused planning permission for the erection of a temporary equestrian workers dwelling on the application site in 2010 (reference: 10/00737/FUL). Officers would advise that whilst national policy has changed since 2010, the relevant policies are broadly the same.

The 2010 application was refused for the following reasons:

1. The proposal will introduce a new dwelling outside the defined Housing Development Boundary, which is not essential for agricultural or forestry workers and would therefore result in an unsustainable form of development, contrary to PPS7, PPG13 and Policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.
2. The proposal to introduce a new dwelling into the Green Belt would represent inappropriate development in the Green Belt, which by definition is harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to PPG2 and Policy GB.1 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.
3. The proposal would introduce a new building onto an elevated site, thus intensifying the use, would be harmful to the openness, rural character and visual amenities of the area. This is contrary to Policies GB.2 and NE.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

Essential Dwellings for Rural Workers

Policy HG.10 of the saved Bath and North East Somerset Local Plan sets out the parameters in relation to the provision of dwellings outside of settlement boundaries. As a primary factor to consider, this policy states that dwellings outside settlements will not be permitted unless they are deemed to be essential for the purposes of agriculture or forestry.

Policy RE4 of the Draft Placemaking Plan can be afforded substantial weight and states that new dwellings outside housing development boundaries will not be permitted unless there is an essential need for a rural worker to live permanently at or near their place of work. To fulfil RE4 an applicant must demonstrate a clear financial and functional need.

It is acknowledged that RE4 states that if a new dwelling is deemed to be essential to support a newly established rural business it will only be granted for a temporary period provided there is clear evidence of a "firm intention and ability to develop the enterprise concerned". As will be explored in this report, whilst the intention and ability of the applicant are not questioned, it is of material consideration that the application is seeking permanent permission, not temporary, and the business is not "newly established" as confirmed by the recent grant of a lawful development certificate confirming the equestrian use of the site has existed for over 10 years.

The case officer for application 10/00737/FUL stated that the Local Planning Authority at that time did not consider the enterprise at Applegate Stables to be agricultural, citing Belmont vs. MHLG (1962) in support of the position that the breeding and training of horses does not fall within the definition of agriculture. Although this remains the position of the Council, it is necessary to acknowledge that since the refusal of application 10/00737/FUL, the Council has granted a Certificate of Lawfulness for an Existing Use (CLEU) which has established the lawful change in use of the application site from agricultural to livery/equestrian centre (reference: 15/05340/CLEU). Neither the National Planning Policy Framework (NPPF) nor the National Planning Practice Guidance (NPPG) makes specific reference to dwellings required in connection with horse related establishments. Annex A of cancelled Planning Policy Statement 7 (PPS7) acknowledged that there may be instances where special justification exists for new isolated dwellings associated with 'other' rural based enterprises and that in these cases the Local Planning Authority should apply the same criteria and principles as set out in relation to proposals for agricultural and forestry dwellings. Whilst it is important to note that the Council considers that PPS7 can no longer be given weight in planning application having been superseded by the NPPF and NPPG, the preamble for saved policy HG.10 and draft policy RE4 states that outside of settlement boundaries 'special need may arise for accommodation which is essential for the efficient operation of the rural economy' and that this exception is 'in line with PPS7'.

Whilst the final wording of saved policy HG.10 is clear in that it stipulates that 'new dwellings will not be permitted unless they are essential for agricultural or forestry workers', and this is echoed in draft Policy RE4, the current proposal may be considered to relate to a circumstance where a 'special need' has arisen in relation to an equestrian rural based enterprise.

Accordingly, the current proposal has been assessed under the same criteria and principles as saved policy HG.10 and with regard to draft policy RE4.

Saved policy HG.10 states that a new dwelling will only be permitted where:

- There is a clearly established existing functional need and financial justification for a worker to live on the holding
- The need is for accommodation for a full-time worker
- It is sited:
 - (a) within a hamlet or existing group of dwellings or buildings; or
 - (b) elsewhere in the countryside only when (a) above is not feasible;
- occupancy is restricted to agricultural or forestry workers

The proposal seeks permission to expand the application site's current stabling facilities and to erect a dwelling whereby 24 hour supervision may be provided by the site owner, allowing breeding and 24 hour care of horses to occur on site. It has been stated that the aim of the applicant with regards to her business is "to create a small, private breeding and training establishment producing quality British Sport Horses" (Design and Access Statement).

The applicant has stated that there are currently two brood mares and one stallion owned by the business and that this comprises the present breeding program. The stallion is currently kept off site at a facility which provides 24 hour care. The broodmares are also kept off site up to two months before foaling and thereafter until the foals are 6 weeks old. Under the current application, it is proposed to relocate the stallion to Applegate Stables whereby he may be used to cover mares throughout the breeding season. The business plan also states that there is an expectation for the applicant to purchase and keep an additional 2 brood mares for breeding on site alongside a provision for current and/or future clients to breed their own mares with the resident stallion. The level of horse breeding referenced within the business plan and design and access statement implies that this practice would become the principal commercial use of the site and the function which requires 24hour supervision.

It will be widely known and acknowledged that horse breeding enterprises will have the strongest case when it comes to citing an essential functional need, owing to the requirement for animal welfare and the specific needs of animals during foaling. The agent in this case has referenced general examples of horse-related animal welfare issues whereby 24 hour care and site supervision may have some benefit and has affirmed, again with general reference to specific incidences, the concept of an essential functional need in relation to brood mares and foals. In this instance, however, it would appear that the primary function of the application site and business is as a livery and public riding school. The applicant states that there are currently four full time liveries and two part time liveries on site. The provision for full livery as part of the business is, however, not considered to require 24-hour site presence and it may be acknowledged by the applicant that this element of the business has functioned successfully for a number of years without the need for an on-site presence.

Therefore, with regards to the creation of a significant breeding and training facility at the application site (whereby some of the aforementioned animal welfare issues might be deemed applicable), although the CLEU established that some breeding and training of horses has been occurring in association with the application site over the years, this practice is deemed small-scale and as secondary to the actual business use. Indeed, the applicant has stated that the current breeding of competition horses takes place "offsite".

The officer, therefore, does not consider that there is a clearly established existing functional need for a worker to live on the holding.

Furthermore, whilst the financial benefits of relocating the owned stallion and brood mares to Applegate Stables may be acknowledged, this benefit is deemed to be of a personal nature. The principal fact is that the current lack of a 24hour presence on the site does not appear to have affected the profitability and sustainability of the existing business (which appears to be robust). Consequently, there does not appear to be a clearly established existing financial need for a worker to live on the holding and therefore the proposal for on-site accommodation may not be considered as essential.

In light of the above, the proposal is considered to fail the principal criteria and test of saved policy HG.10 - that a new dwelling outside of the settlement boundary must be considered essential to support an existing, well established agricultural or forestry (or other) enterprise and will only be permitted where there is clearly an established existing functional need and financial justification for a worker to live on the holding.

Contrary to the above, the Council's independent agricultural assessor has determined, in accordance with paragraph 55 of the NPPF, that there is a need for a temporary dwelling on the site "to allow the applicant to develop the equestrian business". This determination has been made on the basis of the submitted business plan and the agent's belief in the capabilities of the applicant to establish a private breeding and training establishment at the site. However, it should be noted that the current application has been made on the basis that the proposal is for a permanent dwelling and therefore the applicant is seeking a permanent planning permission. It is therefore the officer's opinion that the agricultural assessor has deviated from their brief by reaching a judgement which recommends a temporary dwelling. The assessor's conclusion would also suggest that they did not consider the functional need and financial justification for a permanent dwelling to be robust and therefore defaulted to a recommendation for a temporary dwelling.

Whilst the Council's independent agricultural assessor has considered that the granting of a temporary permission might be appropriate, Officers are satisfied that the application has been made on the basis of a permanent permission. Although the additional information submitted by the applicant appears to effectively demonstrate that the proposed dwelling may be considered temporary, it is also stated within the submitted literature that the structures may be used "for permanent accommodation or holiday lets". As previously stated, the officer does not consider that there is an established existing functional need or financial justification for a worker to live on the holding, as required under the criteria of saved Bath and North East Somerset Plan policy HG.10. It is also considered that there are no special circumstances at the present time which would render the proposal acceptable under the NPPF.

With regard to draft policy RE4, the proposal is contrary to policy insofar as it cannot be demonstrated that there is a clear functional or financial need and, as stated above, this is not a "newly established rural business" in terms of compliance with RE4(2).

Green Belt Considerations

It is considered that the erection of additional stables and the degree of permanency afforded by these structures would further intensify the use of the site which is already

considered as having limited capacity for expansion given the overall size of the site. This element of the proposal would therefore also be considered inappropriate and to cause harm to the openness and visual amenities of the Green Belt and landscape character of the surrounding Cotswold's AONB. The proposal for additional stables is therefore considered contrary to saved policy CP8 of the Bath and North East Somerset Core Strategy adopted July 2014 and paragraphs 87, 88, 89 of the National Planning Policy Framework March 2012.

It is clear that the site represents a valuable local community facility by providing lessons to children. The riding school has been in operation for a number of years (as established by the CLEU) and currently the business is stated as supporting the full time employment of the applicant, a groom and one part-time apprentice. In this respect, the equestrian business may already be considered as developed and as positively contributing towards the efficient operation of the rural economy. Whilst the officer acknowledges the obvious capabilities of the applicant, the language of the business plan and design and access statement in respect of the creation of a private breeding establishment is considered to be largely speculative and aspirational. In this respect, the expansion or else reinvention of the application site into a private breeding and training facility with a 24hour on-site presence is considered to be a personal goal of the applicant rather than an essential functional or financial need of the rural enterprise / business. As previously stated, the principal function of the business is as a successful livery and riding stables that has operated for several years without on-site accommodation. Therefore, it is the officer's opinion that there is not a justifiable essential functional or financial need for a rural worker to live permanently at the site; nor is it considered appropriate for a permanent or temporary permission to be granted on the basis of developing one aspect of the current business (i.e. private breeding of competition horses).

It has therefore been considered that the current proposal again seeks to introduce a new dwelling outside the defined Housing Development Boundary which is not deemed essential (as was the case with prior application 10/00737/FUL). The proposal would therefore result in an unsustainable form of development, contrary to saved policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

Highways

The Highways officer has recommended refusal of the application for the following reasons:

- o The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including mineral and waste policies) Adopted October 2007; Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan; and the National Planning Policy Framework, which seeks to facilitate the use of sustainable modes of transport.

- o The increase in the use made of the Shockerwick Lane by traffic generated by the proposed development, would be prejudicial to road safety and therefore contrary to Policy T.24.

o The proposed plan has not demonstrated that an acceptable and adequate layout for the parking and turning of vehicles in connection with the proposed uses on the site can be provided. The proposal is therefore contrary to Policy.24.

In addition, the Highways officer has stated that they are unconvinced by the statements on traffic generation levels provided within the Traffic Statement and therefore this information may be considered unreliable. It is considered that the levels of movement to and from site estimated within the Transport Statement may not be commensurate with similar facilities and it may be assumed that an increase in horses to be accommodated on site will also increase the visits to the site by owners/riders/horses together with ancillary visits by vets/farriers/etc. In Highways opinion, the proposal would result in an unacceptable potential for increased traffic to and from the site using sub-standard access lanes which are narrow and steep (in places) without safe passing places.

Notwithstanding the above assessment, officers have considered the issues raised and do not feel that a refusal on highway grounds could be substantiated. Further comments from the Highway officer have been sought but were not forthcoming at the time of drafting this report. These will be presented to the Committee by way of an update report.

Impact upon landscape character and Green Belt

With regards to the impact of the proposed dwelling on the Green Belt and surrounding Cotswolds AONB, the current proposal is similar to what was refused by the Council in 2010 under application 10/00737/FUL. The principal of the 2010 refusal and the policy position remains unchanged and therefore the officer does not intend to repeat the material factors and considerations which have already been stated by the Council in this respect. It is deemed sufficient to state that the proposal would again seek to introduce a new dwelling and buildings on land designated as Green Belt and that therefore the proposal would represent inappropriate development within the Green Belt, which by definition is harmful. The proposal would once more seek to introduce new buildings onto a prominent and elevated site and as such would be considered as harmful to the openness, rural character and visual amenities of the area. Whilst the applicant has submitted a visual impact assessment in an attempt to address some of these concerns, the information and recommendation provided by this report is deemed insufficient. The report does not resolve the overriding fact the development would be located on a prominent and elevated site (despite existing vegetation) and it is not considered appropriate to employ further screening of the site as a way of reducing its visual impact as this would be considered as further adversely affecting openness and character. The proposal therefore neither conserves nor enhances the character and local distinctiveness of the landscape. It is therefore considered the proposal is contrary to saved policies GB.2, NE.1 and NE.2 of the Bath and North East Somerset Local Plan and contrary to draft policies GB.1 and NE.2 of the Placemaking Plan.

Unlike the previous refused and withdrawn applications, the applicant has submitted a statement of very special circumstances (VSC) to demonstrate why they believe this scheme overcomes the presumption against inappropriate development in the Green Belt and thus why this application should be approved. The VSC case refers to several appeal decisions from other authorities where permission for similar schemes have been allowed. The VSC case also progresses the argument that there is an essential need for this

development on site and reiterates the business aspirations for the site arguing that its discrete location means the development will not be obtrusive in the landscape. These matters have already been considered and refuted above. Officers are of the view that the additional statements by the agent do not add anything further that has not already been considered. The applicant acknowledges that "'Very Special Circumstances' are generally perceived to be reasons that can only apply to the applicant and no one else, making them unique and exceptional to support the proposal." Officers would argue that the circumstances of this proposal are not exceptional having dealt with similar applications in other parts of the district (indeed the fact appeal decisions from other authorities have been provided to support the VSC case is indicative that the situation is not unique).

Officers have considered the three appeal decision examples provided by the applicant however each case must be treated on its own individual planning merits. Of the three cases, only two are within the Green Belt and all proposed temporary not permanent accommodation on site. Two of the cases relate to sites that were operating with more horses than are currently at Applegate Stables and both were established businesses evidencing financial viability. Notwithstanding the submitted appeals, Officers remain of the view that no very special circumstances exist to outweigh the harm to the green belt. In forming this view, Officers have had regard to appeals that have been dismissed in respect of on-site accommodation to support horse related enterprises, including examples in the B&NES district. For example, Manor Farm, Chewton Keynsham where an appeal hearing was dismissed. In that particular case the Inspector stated "Local Plan policy HG.10 seek to strictly control residential development in the open countryside. One of the few circumstances in which isolated housing may be justified is when it is essential for full-time workers to live at their place of work, and both the above policies set out criteria which must be met. I have had particular regard to the advice in PPS 7 concerning temporary dwellings, which I accept can include rural based, non-agricultural occupational dwellings. This makes clear that whether housing is essential will depend on the specific needs of the enterprise and not on the personal preferences or circumstances of any of the individuals concerned. That case related to a well established livery in the green belt accommodating more horses than Applegate Stables.

Conclusion

In conclusion, after consideration of all relevant factors, the officer has reached the determination that the application should be refused for the reasons stated in this report.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal seeks to introduce a new dwelling outside the defined Housing Development Boundary which is not deemed essential for agriculture, forestry or "other" rural based enterprise. It is not considered that there is a special need for the proposed accommodation for the efficient operation of the rural economy. The proposal would therefore result in an unsustainable form of development, contrary to saved policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007 and contrary to Draft Policy RE4 of the Bath and North East Somerset Placemaking Plan, December 2015.

2 The proposal to introduce a new dwelling and further stable buildings into the Green Belt would represent inappropriate development in the Green Belt, which by definition is harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy adopted July 2014 and paragraphs 87, 88, 89 of the National Planning Policy Framework March 2012.

3 The proposal would introduce new buildings onto an elevated site; would be harmful to the openness, rural character and visual amenities of the surrounding area and would result in an inappropriate intensification in use of the land. The proposal is therefore considered contrary to Saved Policies GB.2. NE.1 and NE.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007 and contrary to Policies GB.1 and NE.2 of the Draft Placemaking Plan, 2015

PLANS LIST:

This decision relates to the submitted LOCATION PLAN; drawings AL(0)04 Rev A - EXISTING ELEVATIONS and AL(0)02 Rev A - EXISTING SITE PLA (both dated April 2016 and submitted 05 September 2016); drawing AL(0)10 Rev B - PROPOSED SITE PLAN dated June 2014; drawing AL(0)11 Rev A - PROPOSED ELEVATIONS dated June 2014, and drawing AL(0)12 - PROPOSED BUILDINGS dated July 2014 all submitted 19 July 2016.

The decision also relates to the submitted Design and Access Statement dated July 2016; Visual Impact Review dated July 2016; Transport Statement dated August 2016; and Business Plan dated June 2016

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.