

02/12/0011

MR B FORSEY

ERECTION OF EQUESTRIAN MANAGERS DWELLING AND DOUBLE GARAGE AT THREE OAKS RACING STABLES, COMBE FLOREY ROAD, ASH PRIORS (RESUBMISSION OF 02/12/0005)

Grid Reference: 315010.129666

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. Although marginal, given the circumstances, it is considered that there is a need for a worker to reside on the holding in order to sustain the business and the financial information submitted shows the business to be profitable and have a clear prospect of remaining so. The dwelling proposed is deemed commensurate to the needs of the holding and it is not considered that this need can be accommodated by another dwelling either on the unit or in the surrounding area. The proposed rural workers dwelling is situated in close proximity to the stables to enable quick access to deal with emergencies. Subject to landscaping as conditioned below, it will have no significant adverse impact on the character of the landscape and it is located a sufficient distance from neighbouring properties to avoid any adverse impact upon their residential amenities. As such, the proposal is in accordance with the guidance contained in Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy 2011-2028, Policy STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National Planning Policy Framework 2012.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 1349-100 A Location Plan
(A3) DrNo 1349-101 A Site Plan

(A3) DrNo 1349-102 A Proposed Floor Plans
(A3) DrNJo 1349-103 A Proposed Elevations
(A3) DrNo 1349-104 A Proposed Garage- Plans and Elevations

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

3. Prior to the commencement of the erection of any part of the buildings, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the surrounding landscape in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

4. The windows and doors hereby permitted shall be timber and thereafter maintained as such.

Reason: To protect the character and appearance of the surrounding landscape in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. (i) The landscaping/planting scheme shown on the submitted plan 1349-101A and detailed in Part 6 of the Design and Access Statement shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy CP8 of the Taunton Deane Core Strategy.

6. The dwelling shall not be occupied until works for the disposal of (i) sewage and (ii) surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1 of the Taunton Deane Core Strategy.

7. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, at Three Oaks Racing Stables or in the locality in

agriculture, as defined in Section 336(1) of the Town and Country Planning Act, 1990, or in forestry or a dependent of such a person residing with him or her or a widow or widower of such a person.

Reason: The site is in an area where the Local Planning Authority's policy is to restrict new residential development to that essential to meet the needs of rural workers to live permanently at their place of work in accordance with the advice contained in paragraph 55 of the NPPF.

8. The temporary dwelling identified on drawing 1349-100A shall be removed and the land restored to its former condition, within two weeks of the date that the dwelling hereby permitted is first occupied.

Reason: The site lies in a location where the local planning authority would not look favourably upon further residential units, as set out in paragraph 55 of the NPPF.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the character of the dwelling and the appearance of the surrounding landscape is not harmed, in accordance with Policies DM1 and CP8 of the emerging Taunton Deane Core Strategy.

Notes for compliance

1. With reference to Condition 3 requiring sample materials, the Landscape Officer is of the opinion that the roof should be dark grey in colour to reduce the landscape impact, particularly given the close proximity of the Public Footpath.
2. Wessex Water do not object, providing there is no impact on Wessex Water infrastructure. It is the applicant's responsibility to ensure that the proposed scheme would not affect such infrastructure.

PROPOSAL

Three Oaks Racing Stables has been operating as a race horse training enterprise since 2003. It is located to the north of Ash Priors, accessed by an unmade track and extends to 3.55 acres, with an additional 6.62 acres rented adjacent to the stables. In addition to the applicant and his wife being employed full-time on the

holding, a further three part-time local stable hands are employed.

To the south of the site is a residential property, whilst to the north, east and west are agricultural fields. A public footpath passes to north of the site and the land rises in this direction. The site comprises a large stable building (permitted in 2004) accommodating 10 race horses, two tack rooms and a feed room; a horse walker and a mobile home.

Planning permission was initially granted for the mobile home in December 2005 and subsequently renewed in May 2009. Earlier this year, a planning application sought planning permission for a permanent equestrian managers four bedroom dwelling and double garage to the north-west of the stables building. This was withdrawn following concerns raised by the case officer and landscape officer.

This application is now a resubmission of the withdrawn application and seeks permission for a four bedroom detached dwelling for an equestrian manager. It would be of red brick with a clay tile roof, stained timber doors and windows with stone heads and cills. It is now proposed to position the building to the north of the stables, with a double garage to the north of this. An area of tree planting has already been carried out to the east of the site and it is proposed to undertake further hedgerow and tree planting to the north and west.

It has been stated that a four bedroom house is required to accommodate the owner/manager of the stables, his wife, daughter, an elderly relative; and provide a guest room for accommodation for race horse owners when they visit their horses, which at times would be used by a stable girl, training at the yard.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The application is for the erection of a Manager's dwelling at Three Oaks Racing Stables, in Ash Priors. Access to the site would continue to be gained via the existing private access. Visibility from this access onto the highway is considered to be substandard. However, given that the site already has permission for a temporary dwelling (02/09/0005), it is considered that the current proposals would not result in an intensification of the use of the access.

Internally the provision of the double garage and turning area is considered to be acceptable. Given that the proposal would not appear likely to result in an increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network, no objection, recommend condition.

ASH PRIORS PARISH COUNCIL - No comments received

LANDSCAPE LEAD - Subject to final details of planting, this is a more acceptable scheme with less landscape impact.

Subsequent comments received – A slate roof would help to reduce the visual impact given the Public Footpath so close by and conversely tiles would stick out.

Grey tiles however would be acceptable in terms of landscape impact. Landscaping details set out in Part 6 of Design and Access Statement sufficient.

DRAINAGE ENGINEER - Foul sewage to be disposed of by septic tank and connection is to be made to existing drainage system. More information should be submitted for approval before any permission is given. With regard to surface water disposal, I note that soakaways and suds are to be used to dispose of surface water. Details need to be submitted. Object until such approval is given.

WESSEX WATER - No objection in principle, providing there is no impact on Wessex Water infrastructure.

Representations

Four letters of support/no objection received on the grounds of:

- Mr Forsey has good business, been running it for over four years, suitable to area, natural progression and necessary for him to have permanent dwelling.
- Care has been taken to keep building as discrete as possible. Will look very in keeping
- Horse training business is an asset to the village.

One letter received stating no comments.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
H13 - TDBCLP - Agricultural or Forestry Workers,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP5 - S&ENP - Landscape Character,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DETERMINING ISSUES AND CONSIDERATIONS

The applicant has been running the business on this site since 2003 and has undertaken investment into a large stable building and electronic horse walker. When planning permission was originally sought for the mobile home, it was envisaged that the yard would have 8-10 horses in training by year three. As this was not achieved, the temporary permission was renewed to allow extra time to establish the business and there are now 10 horses in training on the site, with the applicant and his wife working full time, along with a further three part-time staff. It is further proposed to expand the business to 14 race horses and the option of a broodmare on site to establish a breeding enterprise is also currently being considered.

Over time the applicant has increased the quality and racing potential of the horses he trains, attracting other owners with higher standards of horses, requiring a greater level of care and training and consequently acquiring increased training fees, further

enhancing the business. The attractiveness of the services available have been improved further still by the extra benefits offered through yard sponsorship. However, by virtue of the high value of the race horses, any degree of mortality that might otherwise be accepted in livestock rearing is unacceptable and in order to prevent this, to provide the intensive level of care required and deal with emergencies, it is stated that there is a need to live on site. Furthermore, in the absence of someone residing on site, it is difficult to offer the same level of service as other race horse training yards and therefore remain an attractive and competitive business.

Evidence has been submitted to indicate that the business achieved a reasonable level of profit in 2007-2008 and 2008-2009. During the processing of the last application concern was raised regarding the significant reduction in profits during the year of 2009-2010, although the latest application has been accompanied by a letter from the accountant providing an explanation for the lower profits in that year. Furthermore, the latest set of accounts for 2010-2011 indicate that the profit was again along the lines of previous years and the future expansion proposed would further improve the profitability of the business.

As such, it has been demonstrated that the business has been profitable for the last four years and in view of the yard sponsorship, increased training fees and future expansion plans, has a clear prospect of remaining so. The dwelling originally submitted under the previous application was excessive in size and exceeded the level of floor area considered commensurate to the functional requirement of the holding. The size of the dwelling has been reduced under this application and although this remains a sizeable property, in view of the fact that the fourth bedroom would be used to accommodate race horse owners visiting their horses and a stable girl training at the yard, it is considered acceptable.

Whilst it is usual to position the mobile home on the same site that any future dwelling would be proposed, the applicant did not consider the same site appropriate due to potential noise and disturbance. However, the proposed site does lie directly adjacent to the main stable building, enabling the owner to access the stables quickly when necessary. The proposed dwelling and garage would therefore be screened from the south by the existing building. Tree planting has already taken place to the east of the site and over time as this establishes, this would prevent views from the east, whilst a native hedgerow to the east and west, along with further tree planting to the north would help integrate the building and domestic curtilage into the surrounding rural landscape.

Although the dwelling would be visible from the public road to the north-west of the site and the public footpath to the north, it would be viewed against the backdrop of the stable building and would not therefore appear prominent in the landscape with the use of appropriate materials. The use of red brick is considered acceptable, as is the use of tiles and stained timber fenestration. However, the colour of the tile has not been specified and the Landscape Officer is of the opinion that this should be a dark grey so as to blend in with the roof of the stables building, in order to minimise the impact on the surrounding countryside. Being to the north of the stable building, the dwelling would be a sufficient distance from neighbouring properties to avoid any impact upon their amenities.

The site lies on the north of Ash Priors and no information has been provided of any properties on the market in close proximity to the site. Whilst there may be

accommodation in the adjacent village, it is anticipated that these would be beyond the affordability of an equestrian worker. Furthermore, it is acknowledged that it would be unlikely to represent a suitable alternative to deliver the unique level of stock care that the race horse business requires to maintain and attract clients.

The County Highways Authority (CHA) do not object to the use of the substandard access on the basis that the proposed dwelling would not be considered to significantly intensify the use of this access beyond that of the current situation. As such, the proposal is not deemed to result in harm to highway safety. The CHA suggest a condition to prevent surface water being deposited into the highway. However, as there are no alterations proposed to the access and it has been used for some years, it does not seem reasonable to now attach such a condition.

Whilst it is considered that the functional need at the current time is marginal, it is deemed just sufficient to justify a permanent dwelling to enable an established rural business to continue, that would otherwise not be in a position to offer the same level of service as other race horse training yards, and would therefore find it difficult to compete with those where there is someone resident on site. On balance, in order to sustain the business, it is therefore considered that, in this case, given the circumstances, a need for a rural worker to live permanently on site has been established, as set out in Paragraph 55 of the National Planning Policy Framework. Furthermore, the development with which it would be associated would be within the exceptions set out in Policy S7 of the adopted Local Plan, not only in terms of being for a form of activity usually associated with a rural area, but also in terms of contributing to the vitality and viability of the rural economy.

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

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