

Case Officer: Bob Neville

Recommendation: Approval

Applicant: Swalcliffe Park Equestrian

Proposal: Formation of three new jumps

Expiry Date: 15 December 2020

Extension of Time: 17 December 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to three areas of land at Swalcliffe Grange Farm, located just south-west of the village of Swalcliffe, east of Sibford Ferris and some 6 miles from Banbury. The sites are located within a larger area land previously granted planning permission for mixed equestrian and agricultural use in May 2015 under 14/01762/F. The site is largely bounded by existing mature agricultural hedgerows. The wider site is accessed by narrow rural lanes (in some places only single-track) and benefits from an existing parking area also previously granted planning permission under the above consent.
- 1.2. In terms of site constraints, the site is not within a conservation area and there are no listed buildings within close proximity. There are Public Rights of Way located to the south and east of the site, however these would not be affected by the proposed development.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the construction of three permanent equestrian jumps. The jumps would generally consist of mounds and ditches, with timber retaining structures. The jumps are detailed within the application's supporting covering letter and scaled drawings, but can be summarised as follows:
 - Jump 1: 2 no. circular earth mounds 24m across, with a 12m diameter table in the centre. Overall height 1m above existing ground level. The mounds would be 12m apart, with an intervening section lowered by 0.5 metres. To one side of each mound would be a set of two steps down with the remainder sloped. The steps would be formed by timber sleepers.
 - Jump 2: Section of 3 no. ditches 0.5m deep and 5 m wide x between 0.5m and 1 m wide.
 - Jump 3: 3 no. circular earth mounds 24m across, with a 12m diameter table in the centre. Overall height 1m above existing ground level. They would be between 6 and 12m apart. To one side of one mound would be a set of two steps down with the remainder sloped, the second would have one step for part of the slope and the third just sloped. 2 no. 8 m x 1m ditches would sit between them. The steps and sides of the ditches would be formed by timber sleepers
- 2.2. A minor drafting error on the submitted drawings was noted during the application (the location of jump 1 and jump 2 incorrectly annotated on drawing 13_002_01 Rev. C); an amended plan was subsequently submitted correcting the error. The amendments were not considered significant or introduce any further considerations above those originally consulted upon and no further publicity or consultation was considered necessary.

- 2.3. Due to delays in consultations being undertaken the consultation period did not expire until the same day as the determination target. An extension of time was subsequently agreed with the applicant's agent to allow for the recommendation and decision to be prepared post the expiry of the consultation period.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

Application: 14/01762/F Permitted 29 May 2015

Use of land at Grange Farm for mixed use comprising part agricultural, part equestrian training and competitions (Use Class D2); retention of 1no. access and relocation of 1no. access on to the road leading from the B4035 to Sibford Ferris; extension to existing parking area and retention of equestrian jumps and obstacles; as detailed in agent's letter dated 22nd December 2014

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **15 December 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Objections have been received from two local residents. Seven letters of support have also been received. The comments raised by third parties are summarised as follows:

Objection

- The proposed structures are significant, permanent, large urban features, incongruous in the landscape and open countryside setting that would cause undue harm to the landscape and topography; would be inconsistent with local character; will have a harmful impact on tranquillity; will harm the setting of nearby properties; and will be harmful to the historic value of the landscape; contrary to Development Plan policies.
- Proposed development is wholly unsustainable and in an unsustainable location, particularly in encouraging car-based traffic arising from an intensified use.
- Requirements of Local Plan Policy BSC10 'Open Space, Outdoor Sport and Recreation Provision' are also not met, with no 'open book' financial analysis provided to justify the alleged need for the proposed development in terms of use viability and commercial attractiveness/competitiveness.
- A more intensive use would result in increased traffic and would cause noise and disturbance to neighbours and villages of Swalcliffe and Sibford Ferris
- Proposed development would result in significant and harmful intensification of use on the permitted restricted number of days, with associated adverse highway and traffic implications. Contrary to Development Plan policy and counter to the spirit of and detail of the original permission for the use of the 14/01762/F and its associated restrictive conditions, put in place to safeguard the locality.

- Concerns raised that the drawings submitted are not representative of the development and further scaled drawings are required.

Support

- Proposals would support and enhance the existing professionally run business, which provides a valuable facility for local riders, riding schools, Pony Clubs, Riding Clubs and many local primary and secondary schools in the local area; and would allow it to remain competitive.
- Proposals wouldn't have a significant impact on the landscape.
- Limited schooling venues within the area which just run on grass which is a fundamental part of cross country riding. The site has good conditions and facilitates training for all levels with a variety of obstacles.
- Over the last 10 years we have lost a lot of local sites that used to facilitate One Day Events and Hunter Trials and training as they have become economically unviable. If the horse industry is to remain buoyant in the local area and ensure prosperity of other local businesses such as livery yards,

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. SIBFORD FERRIS PARISH COUNCIL (SFPC): **No objections**, but makes the following observations:

- 1) A number of local residents adjoining the development sites have raised severe objections directly with CDC opposing the planning application, concerned that the work once completed will result unregulated increase in frequency of events resulting in greater noise and disruption from equestrian events.
- 2) While SFPC do not object to the proposed planning application the council do not support any increase of frequency or duration of events above the currently agreed number. The residents of the Sibfords already experience significant traffic volume increases (with associated congestion, pollution and noise) when events are held. Should a licence to increase the number of events be sought we would expect there to be proper due diligence and consultation undertaken by CDC including community consultation.

6.3. SWALCLIFFE PARISH COUNCIL (SPC): **Supports the application.**

OTHER CONSULTEES

6.4. ECOLOGY: No comments received.

6.5. ENVIRONMENTAL PROTECTION: **No objections.**

6.6. LANDSCAPE SERVICES: No comments received.

6.7. LOCAL HIGHWAYS AUTHORITY (LHA): **No objections**, subject to a condition requiring that permission shall ensure for the specific use applied for only. Commenting that: *'Subject that the proposal does not result in an intensification of operations above and beyond what has previously been approved for the site, the proposals for three new jumps are then unlikely to have an adverse impact upon the local highway network from a traffic and safety point of view'.*

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

- PSD1: Presumption in Favour of Sustainable Development
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG5: Development involving horses
- C28: Layout, design and external appearance of new development
- C31: Compatibility of proposals in residential areas
- ENV1: Development likely to cause detrimental levels of pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

Principle of development:

8.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having three dimensions: economic, social and environmental; and seeks to secure support for the sustainable growth and expansion of all types of business and enterprise in rural areas, and encourages Local Planning Authorities to proactively meet the development needs of business; and in the context of this proposal this would include delivering facilities to support an existing rural equestrian business without causing undue harm to local character and landscape.

8.3. The NPPF (Para. 83) encourages a prosperous rural economy and seeks to support the appropriate and sustainable growth of rural businesses, through the development and diversification of agricultural and other land-based rural businesses.

- 8.4. Saved Policy AG5 of the CLP 1996 indicates that proposals for horse related development will normally be permitted provided:
- i. The proposal would not have an adverse effect on the character and appearance of the countryside;
 - ii. The proposal would not be detrimental to the amenity of neighbouring properties;
 - iii. The proposal complies with the other policies in the plan.
- 8.5. Equestrianism is a popular and healthy activity for people of all ages typically carried out in rural locations. The site benefits from an existing permission (14/01762/F) for equestrian use and proposals would be used ancillary to this existing use. Conditions attached to the existing permission provide appropriate control over activities at the site and these conditions would not be affected by the proposed minor development proposed within this application and would remain in place.
- 8.6. Saved Policy AG5 of the CLP 1996 is a generally permissive policy with regard to horse related development, subject to proposals not causing adverse impacts on the surrounding area. In this instance it is considered that the proposals would not result in any significant detrimental impact on the character and appearance of the site and its setting within the rural landscape, and would not significantly impact on residential amenity to any greater extent than the current situation, and these matters are discussed further below.
- 8.7. The proposals are considered an appropriate use within the rural context, supporting the existing established business at the site. The principle of development is therefore considered acceptable in general sustainability terms, with overall acceptability subject to further considerations discussed below.

Design, and impact on the character of the area:

- 8.8. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.9. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, further stating that: "Development of all scales should be designed to improve the quality and appearance of an area and the way it functions, deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions and support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity".
- 8.10. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 8.11. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.
- 8.12. The proposals relate to land which at the time of the site visit was grassland being used for grazing of live-stock. The site is bounded by mature boundary hedgerows and views of the proposals from the public domain would largely be restricted to those experienced through existing field access gateways and distance views across the valley from the south-east. Views would also be possible from private

residencies that sit adjacent the wider Swalcliffe Park Equestrian site. No objections have been received from the Council's Landscape Officer.

- 8.13. The proposed jumps are detailed within the submission through scaled plans and supporting covering letter, which shows images of similar installations; and officers are satisfied that sufficient information has been submitted, that the nature and location of the development can be fully understood.
- 8.14. The proposals are relatively minor in their nature raising the landform no greater than 1m. Views would be of grassed mounds with elements of timber retaining structures; similar to existing jumps that have been constructed and previously considered acceptable under the consent for in part equestrian use of the site 14/01762/F.
- 8.15. There would be a change to the landform at the proposed locations however, it is considered that this would not be significant. The existing jumps are not prominent within the landscape when viewed from distance, and officers do not consider that the proposed jumps would be any more prominent and would be viewed in the context of the undulating rural landscape.
- 8.16. Given the context of the site and the nature and scale of the proposed development it is considered that the proposals would not cause any significant undue visual intrusion into the open countryside or cause undue harm to rural landscape and are considered not to be in conflict with the provisions and aims of Development Plan policies identified above and are therefore acceptable in this regard.

Residential amenity:

- 8.17. ESD15 of the CLP 2015 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority and states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.
- 8.18. Saved policy C31 of the CLP 1996 states that: *'In existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted'*.
- 8.19. The proposed jumps would not change the use of the site and would be compatible with the existing permission and use of the site. The siting of the proposed jumps, at its nearest point to any residential property, is located in excess of 90m from the nearest residential property (Swalcliffe House) and in officer's opinion would not affect the residential amenity of any nearby residence to any greater extent than is the current situation. The proposals are considered to be broadly consistent with the development plan policies identified above and are considered acceptable in terms of residential amenity.

Highway safety:

- 8.20. The LHA has assessed the proposals and raise no objections subject to the development not resulting in an intensification of operations above and beyond what has previously been approved for the site; officers see no reason not to agree with this opinion.
- 8.21. The site benefits from existing permission for equestrian use which is considered appropriate in the rural context, and has previously been considered acceptable in terms of transport impacts and highway safety. The site benefits from existing access arrangements and parking provision that would not be directly affected by the proposed development.
- 8.22. The proposals are for minor operational development to create new jump features, on land that already benefits from permission for use for equestrian events; these

jump features would be ancillary to this existing use offering alternative course obstacles/challenges, similar in nature to those that already exist at the site, as opposed to introducing something of a completely different nature to the site; that may have the potential to attract additional users of the site. It is considered that the proposals would not result in any change of use or significant intensification of the use of the site, being used in connection with schooling and events that already have permission to take place at the site.

- 8.23. Officers consider that the proposals would not result in any significant increase in vehicle movements to and from the site and would not be to the detriment of the safety and convenience of other highway users and are therefore acceptable in terms of highway safety.

Other matters:

- 8.24. Third party comments suggest the proposals would not be compliant with Policy BSC10 of the CLP 2031, in that no 'open book' financial analysis has been provided to justify the alleged need for the proposed development. Policy BSC10 looks to support the retention and enhancement of outdoor sports facilities. This is an existing facility, which it is evident from supporting third party representations is clearly highly regarded, and the proposals would provide enhanced facilities supporting the existing business. Officers would be looking 'open-book' financial analysis if proposals were for development where it was contended that such development would not be viable with the inclusion of a requirement for Open Space, Outdoor Sport and Recreation provision; this is clearly not the case in this instance and the proposals are not considered to be in conflict with Policy BSC10.
- 8.25. Third Parties makes comment that the application should be determined at planning Committee. The proposals are for minor development that would usually be dealt with under delegated officer powers under the Council's scheme of delegation. There has been no Local Member interest, significant public interest or other material considerations that would constitute a reason why the proposals should be presented to planning committee; the application has therefore been dealt with in line with usual working practices.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. It is considered that the proposals assessed within this application would constitute an acceptable form of development that would support the continued operation of the equestrian business at the site. It is considered that the proposals would cause no significant harm to highway safety and residential amenity and would not result in any significant detriment impacts on the rural landscape, sustaining the rural character of the site and its setting within the open countryside.
- 9.3. It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies and are therefore recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following condition:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country

Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: JPPC covering letter dated 29th September 2020, Area (m²) of Proposed Engineering Works document and drawings labelled: 13_002_01 Rev. C and SA1.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. This permission shall enure for the specific use applied for only and for no other purposes whatsoever.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Case Officer: Bob Neville

DATE: 16/12/2020

Checked By:

DATE:
