**ELM FARM, SIBFORD FERRIS, BANBURY, OXFORDSHIRE OX15 5AA**

3rd December 2014

**Application 14/01762/F Swalcliffe Park Equestrian (“SPE”)**

Dear Sir

INTRODUCTION

We live 10 metres from the Site perimeter with the proposed site entrance right outside our gate. We note that many letters have been written by people who live ½ mile or more from the site. Should we live at this distance no doubt our views would be different.

We are forced to object because of the rigidities of the Planning System and the reluctance of the Applicant to explore arrangements that could accommodate SPE in a way that does not adversely impact the enjoyment of the properties of the immediate neighbours.

Following the withdrawal of the second SPE application, this being the third application, we emailed the Taylor family on 11th Sept suggesting that we meet to explore a way forward. The email was not acknowledged, let alone acted upon. Paul Walton Associates (“PWA”) assertion at Para 44 of their report that the Applicant has consulted the neighbours is pure fiction.

WHAT IS PLANNING PERMISSION SOUGHT FOR?

It is unclear for what planning consent is sought. PWA at para 19 say “The planning application ………., nor does it seek consent for any of the larger events, where the maximum number of riders exceed 50 in any one day”

At Para 20 PWA says that the “applicant now requests explicit planning permission for the larger events”

At the Sibford Ferris and Swalcliffe Parish Meetings on 24th and 25th November the Applicant indicated that the larger (>50 horse) events would continue to be held under the Permitted Development Rights.

The Notice from Cherwell Council dated 11 Nov 14 states “Use of land at Grange Farm for mixed use comprising part agricultural. Part equestrian training and competitions (Use Class D2), formation of new access, extension to existing car park and associated work”

This Notice sheds no light on whether the Applicant seeks planning permission or not for larger events.

PWA and the Applicant need to clarify for what they are seeking planning consent.

BEFORE THIS APPLICATION CAN BE CONSIDERED, WITH ANY DEGREE OF INTEGRITY, THIS CONFUSION NEEDS TO BE CLARIFIED.

SCALE OF ACTIVITY

<50 horses

PWA at para 9 say “total number of riders per day ….often less than 10 per day”. This is true. Authorisation for up to 50 riders per day will allow SPE to operate, each day of the year, at 5x larger scale of activity. SPE may say that they do not intend to operate at that level. That misses the point – the authority will be in place.

Either SPE reduce their daily permitted ceiling to nearer their current daily level or Cherwell impose significant conditions on traffic access routes, parking, noise etc to prevent disruption to near neighbours. Should the application proceed the Applicant would be authorised to cause significant disruption on a daily basis, rights outside our gate.

50 – 250 horses

It is unclear whether the reference to 28 days includes or excludes the time for setting up and dismantling events.

In 2012 PWA reports at para 8 that “16 events where the total number of riders exceeded 50 per day”. SPE informed the Parish Councils that the proposed number of events in 2015 is 8 of 1 day, 1 of 2 days and 1 of 3 days.

Should the authorisation include set up and take down days SPE will be allowed to operate almost double the number of event days, currently operated in practice. Again SPE will be authorised to operate at a much larger scale of activity than hitherto. Whether they operate at the capacity of their authorisation is outside our control.

Events typically take place at weekends and mainly in the summer. 28 days’ events, the authorised capacity, will involve events most weekends across the summer months. Cherwell Council will need to impose significant conditions on traffic access routes, parking, noise etc to prevent disruption to near neighbours.

Set up for larger events appears to take typically the inside of a week and at least a day or so is required for take down. Should the authorisation exclude set up and take down the 28 days would appear to be insufficient for the proposed events in 2015. SPE will be immediately exposing themselves to breach of planning.

Piecemeal Growth

Piecemeal growth is a distinct reality. SPE no doubt intends to be successful and successful businesses tend to expand, not contract.

The risk of piecemeal growth is identified in the email of 22nd July from Judith Ward, Landscape Planning Officer, to Bob Neville of Cherwell Council. “I am concerned that this will be the first of a series of applications to extend the use little by little”

This application needs to be evaluated not against current levels of activity but against the authorisation ceilings, which are substantially greater, and against the risk of future piecemeal expansion, to accommodate an expanding and successful business. Again Cherwell Council will need to impose significant conditions on traffic access routes, parking, noise etc to prevent disruption to near neighbours.

TRAFFIC

Oxfordshire County Council in connection with 14/00801F initially refused the application in the interests of safety and convenience of highway users. He reversed his decision when SPE in 14/00801F scaled the application down to exclude competitions and include just schooling and training clinics for up to 50 horses.

Highways need to be on notice that the competition dimension of the current application is at juxtaposition to the previous application. However it would appear that clarification of the 28 Day point is required before Oxon CC have are able to evaluate the traffic.

OBFUSCATED SITE REFERENCES

The theme of obfuscation permeates the PWA report. The report is cavalier as to which piece of land is being referred to, when.

Equestrian activity has carried on at Grange Farm for a number of years but expressly not in the principal hatched areas of the Application. It has been carried on the small hatched area adjacent to Wykeham for a number of years.

This is the third occasion that PWA have written glib, cavalier generalisations that have the effect of being misleading. Indeed Cherwell appear to have been misled when their Committee Report dated 4 Sept 14, at paragraph 1.3 said “The applicants have stated that they have used the site for equestrian activities since 1997”.

The irresponsible use of the word “site” glibly glosses over the fact that the equestrian history differs significantly across the whole site which is some 120 acres. Parts, typically those closer to Grange Farm, have been used for equestrian for longer whilst other parts, which are substantial in area, including those adjacent to our property, have been agricultural until 2010.

The key facts are as reported in Judith Norris report, dated October 2013, in connection with application 13/01295. Refer to Appendix 1 of that report which includes aerial photos with the entire large hatched area being covered in crops in 2006 and the substantial northern portion being covered in crops in 2010.

It is therefore not true to say that the key parts of the site have been equestrian for more than 10 years. This is re-inforced by the comment at Paragraph 43 “The business has co-existed with the local community for many years without any negative impact”

The reason is two fold (1) historically the business was concentrated around Grange Farm itself and (2) the scale of the business, until about 2-3 years ago, was much smaller.

There needs to be greater clarity and definition as to which piece of ground is being referred to for what reason and respect shown by the Applicant and SPE for proven facts. Failure on both counts is misleading the Council and grossly unfair to the neighbours.

MISCELLANEOUS POINTS

The Northern boundary of the 365 day equestrian site is in fact thin air. There is no fence. Clearly this will be impossible to police in practice. This will encourage the equestrian activity to spread outside the permitted hatched area and risk illegal spreading being used as retrospective justification for future expansion.

The proposed Grange Farm car parking and the 365 day proposed equestrian sites are not contiguous. This would require horses either to cross an agricultural field each day in breach of planning or move up the public road. We understand that Cherwell Council and the Applicant have made a private arrangement to cover this point.

We believe that Cherwell Council should disclose this and any other private arrangements that they have made with the Applicant.

CONCLUSION

This application should be rejected. It does little more than repeat the previously withdrawn application. There are deficiencies in the Application as detailed above.

The rigidities of the planning system and the disinclination of the Applicant to communicate are perpetuating and complicating a planning application that common sense could resolve. This application needs to be rejected so that all parties can sit down on a level playing field and resolve.

This is the third attempt at the same planning application. Cherwell Council need to weigh the importance of community relations against the doctrinal rigours of the planning rules, and in the interests of community relations think outside the box.

Yours Sincerely

Robin and Emily Grimston