

**APPLICATION NO:** 19/0921/FUL

**APPLICANT:** Ms J Hughes

**PROPOSAL:** Use of agricultural land for keeping of horses and construction of two stables.

**LOCATION:** Land at Monmouth Street, Topsham, Exeter, Devon

**REGISTRATATION DATE:** 08/07/2019

**HISTORY OF SITE**

Two outline applications, one for 80 residential units the other for 72, were withdrawn in 1988 (88/0798/OUT) and 1989 (89/0771/OUT) respectively.

Another outline application for 27 houses and 6 flats was refused in 1993 (93/0684/OUT) as it was considered the application was contrary to the Exeter Local Plan First Alteration because:-

- 1. Policy 1A seeks to protect Grades 1, 2 and 3A of agricultural land. PPG7 states that 'considerable weight should be given to protecting such land against development because of its special importance'. The applicants selective quotes from PPG7 ignores that the relaxation in the protection of agricultural land is primarily directed at the lower grades. Because there is no opportunity to use lower grade land is irrelevant.*
- 2. It is not considered that the proposal as now submitted respects the integrity of the historic street pattern of Topsham and the character of individual streets and this remains contrary to Policy 3C. The application has been submitted in outline form with matters relating to design and external appearance being reserved for further consideration. The applicants have stated that indicative elevations can be submitted if required but it is understood that these are not at present available. Without a full planning submission the proposal remain contrary to Policy 4C. The proposals do not preserve or enhance the Conservation Area and are accordingly contrary to Policy 5C*
- 3. Policy 7LS states that in considering proposals for development the Council will have particular regard to the conservation of wildlife and the ecology of the area. The implications that only part of the site is of interest in nature conservation terms is incorrect. The site adjoins a Site of Nature Conservation Interest (SNCI) as defined by the Exeter Local Plan First Alteration but is within a site of Local Interest for Nature Conservation (SLINC). Both SNC's and SLINC's were identified by a survey in 1989 carried out by English Nature and the City Council.*
- 4. Policy 5H of the Local Plan states that the Council will not normally permit residential development beyond the urban limit other than through conversion unless the development is required in the interests of agriculture. The site is beyond the urban limit. The only exceptions that could be justified would be if there were a substantial shortfall from a 5 year supply of housing land. PPG3 on housing states that where land availability satisfies the 5 year requirement this will strengthen the weight to be attached to the policies of the Plan. At March 1993 there was an 11 year supply of land for housing in Exeter. Government advice is that the calculation of land availability relates to the whole of an authority's area and that it is not appropriate to consider the shortfalls in particular parts of the area.*

5. Policy 1LS states that in the Green Protection Areas and the Green Wedges only the following development will normally be allowed:-

- (a) development essential for the purpose of agriculture or forestry
- (b) outdoor recreation which accords with Policy 3LS
- (c) proposals for the diversification of the rural economy which do not detract from the rural character of the area
- (d) the change of use or conversion of existing buildings providing the form, bulk and general design are in keeping with their surroundings and provided the proposed use does not detract from the open character of the area.

Any major encroachment into the Green Protection Area would undoubtedly create a precedent for other unjustified encroachments elsewhere in the City. The land is given the notation as a whole and not in isolated unrelated pockets.

6. Great emphasis has been centred in the applicant's supporting information on the Topsham Conservation and Planning Study. This Study was prepared within the context of the Policies of the Exeter Local Plan First Alteration and makes no proposals for housing on any part of the May's Field site. To the contrary the Study encourages the enhancement and development of the area for open space, leisure and wildlife study only with no reference to housing development.

### **DESCRIPTION OF SITE/PROPOSAL**

The application site comprises three agricultural fields, totalling 3.7ha, located adjacent to Monmouth Street and Bowling Green Road. Known locally as 'Mays Field', it sits within the Topsham Conservation Area, is an area of Landscape Setting and a Site of Local Interest for Nature Conservation.

The proposal is to change the use from agriculture to the keeping of horses (Sui Generis) and the construction of two stables. Although the proposal description suggests two buildings, the application is for a single stable block that would incorporate two stables. The stable block would be located in the field farthest from Monmouth Street and be constructed in timber with a footprint of 30sqm. The proposal would have a felted pitch roof with a height to eaves of 2.43m and height to ridge of 3m. The stable block would also have a 0.84m overhang to the front which would provide cover to the 2 stable doors. The development would utilise an existing access located at the top end of Monmouth Street on the Junction to Bowling Green Road and a track through the wooded area of the field closest to the entrance gate.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

Design and Access Statement

### **REPRESENTATIONS**

55 letters/emails of objection received. Principal issues raised as follows:-

1. The application would be 'the thin end of the wedge' for further, more significant, development on the site in the future.
2. Increased traffic resulting from horse boxes/horse owners visiting the site would present a danger to cyclists and pedestrians using the cycle path.
3. No consideration has been given to the sites wildlife and how the introduction of horses will impact species and soil/vegetation quality.
4. The application does not include sufficient detail of:
  - how water/feed will be made available at the site
  - how horses will be tended to without electricity for lighting in darker months

- how horse waste will be dealt with to reduce the potential for vermin/rodents and odour
5. The site is not suitable for keeping horses as:
    - there is no local need in Topsham for the riding of horses or adequate routes for riding
    - a hardstanding would be required to box up the horses to ride elsewhere
  6. The Design and Access Statement is inaccurate as:
    - the site has not been used for the keeping of livestock and was previously an orchard
    - the proposal would be visible from nearby streets and the rears of private properties
  7. The proposal does not give adequate attention to the drainage of the site.
  8. Horse stables will not contribute to the appearance of character of the Topsham Conservation Area.

## **CONSULTATIONS**

Devon County Council Highways raise no objection –

*The application is supported by a planning statement which states that the existing vehicular access from Monmouth Street will be used. The level of movement is expected to be very low, and I would agree that it does not have a major, or indeed severe impact to constitute a reason for refusal. Furthermore, there have been no accidents recorded at this access point in the past 5 years.*

Environmental Health raise no objection –

*Rodents and other vermin could be present on the agricultural land already. The presence of horse waste may provide additional food and harbourage for them, but so could a domestic compost bin. As with any site, the landowner/occupier should manage rodents.*

*It would make sense to ask the applicant to confirm that they will manage any vermin on site but more than that would probably be disproportionate given that rodents could already be present on the land and in the surrounding areas.*

Principal Project Manager (Place Making) raises no objection –

*I couldn't find a view of the site of the proposed stable from a public view and given the modest size of the building and its discrete location it seems unlikely that it would have a significant impact. It would be useful to know if there are plans to provide more stables in the foreseeable future or proposals to enlarge or upgrade the existing access and track.*

*In any event, I think that it is important that the stable is designed and constructed to a high standard and therefore details should be provided.*

Principal Project Manager (Heritage) raises no objection –

*This site is located within a part of the Topsham Conservation Area that is predominantly open in nature, notwithstanding the ribbon development along the drive to Mount Howe. The land is open pasture, scrubland and woodland, much of it within the wider setting of Mount Howe (Listed Grade II).*

*The proposed stables are a relatively small timber built structure, with an upgraded access track. Such developments within open areas, whether themselves within conservation areas or not, around the outside of villages and small towns and indeed cities are not unusual, and are a normal part of the character of such areas. The location and small scale of the building*

*have only a very minimal - if any - impact on the wider setting of Mount Howe on this side, which remains predominantly open land.*

*Therefore, with respect to the duties in the 1990 Act, as reflected in saved policies C1 & C2 of the local plan, when making planning decisions to*

- a) Pay special attention ...to the desirability of preserving or enhancing the character or appearance of (the Conservation) area, and*
- b) have special regard to the desirability of preserving the (listed) building or its setting, and to the policies in the NPPF regarding heritage assets, I would conclude that:*
  - 1. This form and scale of development is consistent with the type of use that characterises many semi-rural open areas on the outskirts of settlement, and does not detract from the essentially open character of this part of the Topsham Conservation Area, and therefore is in line with saved policy C1, and does not cause harm to the Conservation Area as a designated Heritage Asset,*
  - 2. Its small scale and location does not harm the setting of the listed buildings in the area, including Mount Howe, and*
  - 3. Although there is always the theoretical potential for buried archaeological remains to be present, there are no known remains on this particular site, and with minimal ground works involved the impact on any unknown remains is likely to be minimal, if indeed there is any.*

*Any larger scale development proposals may of course be a different matter, and will be dealt with separately if and when they are submitted.*

South West Water -

Made no comments on the application in regard to drainage.

Natural England –

Were consulted directly but no response has yet been received.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance - National Planning Policy Framework (February 2019)**

2. Achieving sustainable development
4. Decision-making
- 11 Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

### **Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)**

CP16 Green Infrastructure, Landscape and Biodiversity

### **Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

- C1 Conservation areas
- L3 Protection of open space
- LS1 Landscape setting
- LS4 Local Nature Conservation Designations/RIGS

## **Development Delivery Development Plan Document (Publication Version 2015)**

DD29 Landscape Setting Areas

### **Exeter City Council Supplementary Planning Documents**

Topsham Conservation Area Appraisal and Management Plan (June 2009)

#### **OBSERVATIONS**

The application site is located within an area, identified in the Development Plan, as Landscape Setting. These areas were identified through landscape appraisal studies in 1997 and 1999 for the 'Exeter Local Plan First Review 1995-2011', adopted in 2005, and re-appraised and re-assessed in 2007 through a Landscape Sensitivity and Capacity Study as part of preparatory work for the Core Strategy adopted in 2012.

Policy LS1 of the Exeter Local Plan seeks to ensure that developments within the Landscape Setting areas are reasonably necessary for agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure. Both Policy LS1 and Policy CP16 of the Core Strategy state that development within these areas will not be permitted unless it maintains local distinctiveness and character.

A number of objections made reference to the proposal and its impact on visual amenity and the landscape, stating that the proposal was visible from a number of public viewpoints in the locality. However, ECC's Principal Project Manager (Place Making), considered that due to its modest size and discrete location, it would be unlikely to have a significant impact. The Topsham Conservation Area Appraisal and Management Plan also highlights no important views either from or into the application site. Therefore the visual impact is considered negligible and the development is considered to maintain the local distinctiveness and character of this area of Landscape Setting.

The proposal site is designated as a Site of Local Interest for Nature Conservation and a number of objections make reference to the land being host to a range of different species including bats and nesting birds. Whilst it is recognised the land is agricultural and could be used for the keeping of livestock, as the change of the use proposes the keeping of horses, an ecological report has been requested to assess if the proposal would result in harm and if so, that this is kept to a minimum and appropriate mitigation methods are implemented. An ecological report will be submitted prior to the committee date and the requirements of this report to mitigate against any harm will be secured through condition.

Another area of concern for a large number of objectors is the potential impact on highway safety, particularly as the site access is located on a junction which is used by a large number of cyclists. Whilst regular access to the site would be required to tend to the horses, the Highway Authority expect the level of movement to be very low and would not have a major, or indeed severe impact to constitute a reason for refusal. It was also noted that the access point in question had no accidents recorded in the last 5 years. Whilst the concern from residents has been noted, considering the relatively low level of traffic movements that will result from the development, the proposal is considered acceptable in terms of highways safety on the advice from the Highway Authority.

The site is located within the Topsham Conservation Area and Policy C1 of the Local Plan Review, states that development within or affecting a Conservation Area (including change of use) must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. ECC's Principal Project Manager (Heritage) concluded the proposal was compliant with local policy as the use would be characteristic of

semi-rural open areas on the outskirts of a settlement, would not detract from the open character in this location and would result in minimal, if any, harm to the wider setting of the Grade II Listed Mount Howe.

Part of the site is also recognised as an area of important trees which covers the trees adjacent to the existing access track. The trees on the site are also protected by virtue of being within a Conservation Area. Therefore, the retention of trees on the site is desirable and separate applications would be required for their removal.

A number of objections questioned whether the site was suitable for keeping horses and provided detail on the requirements of keeping horses. Whilst these comments are noted, the development must be assessed against the requirements of the Statutory Development Plan and specifics, including animal welfare, are outside the remit of planning.

Other objectors were concerned with the management of vermin. Environmental Health were consulted on this proposal and advised that whilst the presence of horse waste may provide additional food and harbourage for vermin, so could a domestic compost bin and as with any site, the landowner/occupier should manage rodents.

Councillors previously queried how many horses would be at the site over concerns that the land could be over-commercialised. The agent has since stated that the proposal would provide accommodation for 2 horses. If at any stage complaints are received, or an issue arose, regarding additional horses being brought onto the site, this would have to be re-assessed to determine whether it would constitute a material change of use.

A common theme in the objections was that this proposal was the beginning of more significant development in the near future. Potential future applications cannot be a material consideration in the determination of this application. However it is worth noting that, if approved, the site would fall under the use class of Sui Generis and this particular use class benefits from significantly less permitted development rights than agricultural land meaning that most future development would require further planning applications which would be assessed as appropriate. As using the stable for residential accommodation would be a breach of planning control, restricting this through condition, as suggested, is not considered reasonable.

In summary, it is considered the proposal would have minimal impact on the area of landscape setting or the Topsham Conservation Area and accords with the development plan in that the proposed use is reasonably necessary for outdoor recreation, the stable is modest and essential to the viability of the proposal and, in turn, would preserve the areas character and appearance. Accordingly it is recommended the planning application is approved subject to the conditions set out below.

### **DELEGATION BRIEFING**

09 September 2019 – Members agreed that the principle of the application complied with the Development Plan but required more detail on the number of horses that will be kept on the site as there was concern it could be overly-commercialised if not specified upfront. As there had been 55 objections, the application was recommended for planning committee and Councillors would undertake a site visit before that date.

### **RECOMMENDATION**

**APPROVE** with the following conditions:

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1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 08 July 2019 (including dwgs. LOCATION PLAN 19-013 1-0001 REVISION C and PROPOSED 19-013 0-0001 REVISION A) and 10 September 2019 as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3) The development hereby approved shall be carried out and managed strictly in accordance with the approved measures and provisions of the Ecological Report

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area in compliance with Policy LS4.