

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	18 January 2022
<b>Site Location:</b>	Land To The East Of High Beeches Snowhill
<b>Application No:</b>	21/01243/FUL
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Snowhill
<b>Proposal:</b>	Retention of a stable with tack room.
<b>Report by:</b>	Gemma Smith
<b>Appendices:</b>	Site location plan Block Plan Elevations
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 High Beeches is a modern replacement dwelling, permitted in 1984, built in a generically Cotswold style on the eastern edge of Snowhill. The main dwelling falls within the 1971 Snowhill conservation area boundary, although this no longer coincides with the site's present boundary on the ground. The Applicant for the retention of the stables resides at the main dwelling.

The application site is located to the rear of this curtilage, on a triangular paddock that rises east in topography out of the valley where the village of Snowhill is located.

The application site is within the Area of Outstanding Natural Beauty (AONB).

**A decision on the application was deferred at the December 2021 Planning Committee to enable a Planning Committee site visit to be undertaken in order to assess the impact of the proposal on the Area of Outstanding Natural Beauty.**

### The Proposal

1.2 Planning permission is sought for the retention of a stable with tack room.

The stable block measures approx. 3.0m to maximum ridge height with eaves set at 2.2m, the width approx. 5.4m and breadth 4.7m. 15 degree roof pitch.

The stable is constructed out of timber cladding, under onduline roof sheeting.

To the south of the site between the drystone wall and stable is proposed a beech hedge.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
84/00564/OUT	Outline application for the erection of a detached dwelling and private car garage. Alteration to existing vehicular and pedestrian access.	PER	08.06.1984
84/00565/APP	Erection of a detached dwelling house. Alteration of existing vehicular and pedestrian access.	APPROV	26.11.1984
85/00587/FUL	Erection of a triple private car garage.	PER	16.08.1985
88/00295/FUL	Erection of a drystone wall with stone pillars and ball finials to existing drive and pedestrian access.	PER	05.02.1988
17/00398/FUL	Replacement of existing single glazed windows with steel double glazed units with exact same appearance. Windows will be supplied and fitted by Mike Honour Windows Ltd.	NOTREQ	11.04.2017
17/00838/FUL	Demolition of existing single storey extension and erection of two storey extension with new garage link to existing garage. New timber green house.	PER	22.09.2017
18/00160/FUL	Demolition of existing single storey extension and erection of two storey extension with new garage link to existing garage. (Revised scheme altering the roof design to incorporate rear balcony.)	PER	18.04.2018
18/00019/MINOR	Non material minor amendment for planning 17/00838/FUL	GRANT	11.04.2018

## 3.0 RELEVANT POLICY

The following planning guidance and policies are relevant to the consideration of this application:

### **3.1 National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### **3.2 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017**

- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)

### **3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)**

- Policy LND1 (Area of Outstanding Natural Beauty)

### **3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)**

- Policy LAN1 (Special Landscape Areas)
- Policy AGR1 (Agricultural Development)
- Policy RCN4 (Equine Facilities)
- Policy TRAC9 (Parking Provision)

### **3.5 Neighbourhood Plan**

None

### **3.6 Other relevant policies/legislation**

- Code of Practice for the welfare of horses, ponies, donkeys, and their hybrids, 2017 DEFRA
- Cotswold AONB Management Plan (2018-2030)
- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

### **4.1 Snowhill Parish Council – Objection**

- The proposal fails to conserve and enhance the landscape within the AONB
- Visibility of the stable being close to the road.
- The proposed planting between the stable and wall is not considered sufficient.
- Not considered appropriate in the highly visible location on the edge of the village
- Agree the beech hedge would help but would be insufficient to screen the stable from other viewpoints

## **5.0 PUBLICITY AND REPRESENTATIONS**

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

**5.1** The application has been publicised through the posting of a site notice for a period of 21 days.

**5.2** 15 representations received in response, 1 in support of the proposal and 14 objecting the proposal for the following reasons, as summarised:

- Highly visible from the rear of the all the adjacent houses along Broadway Road.
- Is highly visible above the dry stone boundary wall.
- Proximity and visibility of the structure from the road is too prominent and detracts from the beauty of the area.
- Spoils the natural beauty of the village.
- The materials result in its prominence.
- Take issue that the proposal is retrospective.
- Concerned with the proposed use of the stable block.
- Concerned with precedent of the proposed on the area.
- Consider opportunities for re-siting the structure to a less prominent location towards the dwelling or within the site.
- Spoils the view of Snowhill when viewed from the adjacent valley from walking routes.

## **6.0 POLICY CONTEXT**

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies (including as with modifications as published for consultation) will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **7.0 ANALYSIS**

- 7.1** The planning proposal is brought before Members of the Planning Committee for determination as the Parish Council object to the proposal which differs to the recommendation of approval from the case officer.
- 7.2** The key issues for the determination of this planning proposal would be:
- Principle of development
  - Impact on AONB
  - Impact on Neighbouring Amenity
  - Highways Implications

### ***Principle of development***

- 7.3 Saved Local Plan Policy RCN6 supports new horse-riding facilities providing they are well related to an existing group of buildings and there are no adverse impacts on landscape, residential amenity or highways.
- 7.2 Emerging Policy RCN4 of the PSTBLP applies similar consideration to the provision of new equine facilities. It is stated that new facilities must be designed and sited where they would not have an adverse effect on the rural character and landscape setting of the area, and must be well related to existing buildings or, where this is not possible, a hedgerow or other landscape feature which affords substantial screening.
- 7.3 The proposal seeks for the retention of stable for the use of the Applicant's own horses. As such the principle of the proposal is considered acceptable subject to the impact on the landscape, residential amenity and highways as discussed below.

### **Impact on the Landscape and Cotswolds Area of Outstanding Natural Beauty**

- 7.4 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at Paragraph 176, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty.
- 7.5 Policy SD6 considers development will consider the landscape and visual sensitivity of the area in which they are located or affect. This is reflected in Saved Policy LND1 of the TBLP, Policy SD7 of the JCS and emerging Policy LAN1 of the PSTBLP which sets out that developments are required to conserve and, where appropriate, enhance the landscape, scenic beauty, cultural heritage and other special qualities in an AONB.
- 7.6 The Cotswold AONB Management Plan (CMP) is also a material planning consideration which sets out core values for the protection and future enhancement of the AONB with relevant emphasis placed on local distinctiveness. In particular Policy CE1 (Landscape) seeks for proposals have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB are conserved and enhanced.
- 7.7 Owing to the topographical constraints of the site, the stable block is sited adjacent to the drystone wall bounding the south of the site approx. 68m from the rear of High Beeches. In this location, it is considered that the stable block is logically sited. The stable block cannot be sited towards the dwellinghouse, given the topographical constraints and nature of use.
- 7.8 Whilst it is acknowledged that this is prominent in relation to the views obtained from Snowhill within the valley to the west of the site, given the nature of the building it is not considered to result in a detrimental impact on the character in this part of the AONB. The stable block is small in scale and constructed out of a palette of materials that are rural in aesthetic.
- 7.9 Whilst it is intended for the timber cladding to remain untreated and weather naturally to blend into the landscape, the Applicant has offered to treat the timber in a dark brown stain to assimilate the stable block into the landscape.
- 7.10 Furthermore, a beech hedge is proposed to the rear of the stable block between the drystone wall to help blend the stable block into the landscape when viewed from the road.

**7.11** Overall, it is not considered that the proposal would be overtly prominent within the landscape nor would be of significant detrimental impact on the landscape and Cotswolds AONB to warrant a refusal.

#### **Impact on Residential Amenity**

**7.12** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. The stable block is approx. 68m in proximity from the main dwellinghouse. It is not considered that the proposal would give rise to any detrimental impacts on amenity of neighbouring residents.

#### **Impact on Highways**

**7.13** Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means. Emerging Policy TRAC9 of the PSTBP states that proposals need to make provision for appropriate parking and access arrangements.

**7.14** Access is afforded from an existing field access to the northeast of the site. It is not considered that there would be any impact on the highway as a result of the proposal.

### **8.0 CONCLUSION AND RECOMMENDATION**

**8.1** Overall, it is considered that the retention of the stable block in situ would comply on balance with the relevant policies as outlined above. For these reasons the proposal is recommended APPROVAL subject to the following conditions:

#### **CONDITIONS:**

1. The development hereby permitted shall be retained in accordance with the following documents received by the Local Planning Authority dated 18<sup>th</sup> October 2021:
  - Site Location Plan
  - Block Plan
  - Elevation Plan

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

2. Within 6 months of the date of this decision, the stable will be treated and stained in a dark brown colour.

Reason: To ensure that the proposal assimilates into the landscape.

3. The planting of the beech hedgerow as indicated on the approved plans, shall be carried out in the first planting season following the date of this decision. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: To ensure adequate provision for trees, in the interests of visual amenity and the character and appearance of the area.

**INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.